

**CITY OF SHERWOOD  
HEARINGS OFFICER STAFF REPORT  
June 11, 2026**



*Home of the Tualatin River National Wildlife Refuge*

**PINOT GLEN  
39-LOT RESIDENTIAL SUBDIVISION  
LU 2025-012 SUB**

**To: Joe Turner, City of Sherwood Hearings Officer**

**From: Arthur Graves, Associate Planner**

Pre-App Meeting: October 10, 2024  
App. Submitted: October 24, 2025  
App. Complete: April 22, 2026  
Hearing Date: June 11, 2026  
120-Day Deadline: August 20, 2026

**PROPOSAL:** This is an application for a Type III, Subdivision Review and Type II Transportation Facility Modifications. The request is to develop three tax lots (2S130CC00400, 2S130CC00600, and 2S130CC00700) for a 39-lot subdivision. Tax lots 600 and 700 are zoned Medium Density Residential Low (MDRL), and tax lot 400 is split zoned between Medium Density Residential Low (MDRL) and Medium Density Residential High (MDRH). The applicant has elected to defer Development Review submittal and is not proposing specific floor plans or building elevations at this time.

**STAFF RECOMMENDATION:** Staff recommends approval of LU 2025-012 SUB, PINOT GLEN, subject to the findings and Conditions of Approval described in this report. The recommendation is based on review of the applicable code standards and approval criteria, the applicant's submittal, agency comments, and public testimony.

**I. BACKGROUND**

A. Applicant: Riverside Homes  
15350 SW Sequoia Parkway, Suite 320  
Portland, OR 97224

Owner: Alan Schendel  
12599 SW Bridgeview Court  
Tigard, OR 97223

- B. Site Address: 21710, 21760 & 21820 SW Elwert Rd (Tax Lots 2S130CC00400, 2S130CC00600, and 2S130CC00700)
- C. Zoning:
1. Tax Lots 600 and 700: Medium Density Residential Low (MDRL)
  2. Tax Lot 400: Split zoned between Medium Density Residential Low (MDRL) and Medium Density Residential High (MDRH).
- D. Review Type: Type III Subdivision – between 11 and 50 lots, Type II Transportation Facility Modifications
- E. Public Notice: Notice of the application was provided in accordance with § 16.72.020 of the Sherwood Zoning and Development Code (SZDC) as follows: notice was distributed in five locations throughout the City, posted on the property, and mailed to property owners within 1,000 feet of the site on or before May 22, 2026. Notice of the application was also published in a local newspaper (Tigard Times) on May 29, 2026 and June 05, 2026.
- F. Review Criteria: SZCDC Chapter 16.12 Residential Land Use Districts Chapter 16.58 Vision Clearance and Fence Standards; Chapter 16.60 Yard Requirements; Chapter 16.72 Procedures for Processing Development Permits; Chapter 16.92 Landscaping; Chapter 16.94 Off-Street Parking and Loading; Chapter 16.96 On-Site Circulation; Chapter 16.104 General Provisions; Chapter 16.106 Transportation Facilities; Chapter 16.108 Improvement Plan Review; Chapter 16.110 Sanitary Sewers; Chapter 16.112 Water Supply; Chapter 16.114 Storm Water; Chapter 16.116 Fire Protection; Chapter 16.118 Public and Private Utilities; Chapter 16.120 Subdivisions; Chapter 16.128 Land Division Design Standards; Chapter 16.134 Floodplain Overlay; Chapter 16.142 Parks, Trees, and Open Spaces; Chapter 16.144 Wetland, Habitat, Natural Areas; Chapter 16.156 Energy Conservation
- G. History and Background: The roughly 7.26 acre site is comprised of three tax lots surrounded by SW Copper Terrace to the east, the Daybreak residential subdivision to the north, SW Elwert Road to the west, and SW Cereghino Lane to the south.

North of the site is the Daybreak Subdivision, a 34-lot subdivision constructed in 2014.

South of the site, across SW Cereghino Lane, is the Copper Meadows a 45-lot subdivision, constructed in 2005. At the southwest corner of the site is tax lot 2S130CC00800, which is currently developed with a single family

residence and out-buildings that predate the surrounding subdivision's development.

The west edge of the site abuts SW Elwert Road and the city boundaries.

H. Existing Conditions: Of the three lots: The north lot, tax lot 400, is undeveloped with a grove of existing established conifers; the middle lot, tax lot 600, includes a single story residence with frontage on SW Elwert Rd and an out building located in the middle of the lot; the southern "L" lot, tax lot 700, includes a 1.5 story residential building, multiple out buildings and structures and is also accessed from Elwert to the west.

I. Surrounding Land Uses:

- West: The site abuts SW Elwert Rd which defines the City boundary
- South: SW Cereghino Lane, lots approximately 7500 sq ft in size in LDR zone, and a single 1.26 acre lot zoned MDRL at the south-west corner of the site
- East: SW Copper Terrace, residential lots in MDRL zoning, and the Ridges Elementary School, in the IP zone
- North: The Daybreak Subdivision, a 65-lot subdivision approved in 2002 (SUB 07-02), MDRH, MDRL, OS zoning

## II. **AFFECTED AGENCY AND PUBLIC COMMENTS**

A. Notice of the application was sent to affected agencies via email both before and after completeness, on October 24, 2025 and April 23, 2026.

The following responses were received:

- a. **Pride Disposal and Recycling Company**: Provided comments on October 27, 2025, stating that they will be able to service the lots as shown. (Exhibit B1).
- b. **Tualatin Valley Fire & Rescue (TVF&R)** – TVF&R has issued a Service Provider for the proposed development (Exhibit B2). The Deputy Fire Marshal, Jason Arn, responded on April 07, 2026, with no additional comments.
- c. **City of Sherwood Building Department**: Responded on April 23, 2026, with no comments (Exhibit B3).
- d. **Clean Water Services** - Provided a memorandum dated May 08, 2026 (Exhibit B4). CWS also issued a Service Provider Letter dated August 18, 2025.
- e. **City of Sherwood Engineering Department**: Provided comments dated May 15, 2026, (Exhibit B5).
- f. **Washington County Land Use and Transportation** – Washington County provided comments on June 03, 2026 (Exhibit B6).

B. Public Comments: None received.

### III. APPLICABLE CODE PROVISIONS

#### Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

##### 16.72.010 – Generally

###### A. Classifications

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

###### 3. Type III

The following quasi-judicial actions shall be subject to a Type III review process:

###### c. Subdivisions between 11—50 lots.

**FINDINGS:** The proposal is for a 39-lot subdivision and the application is subject to the City’s Type III land use review process. The application has been processed according to the Type III noticing and review procedures as required under SZCDC § 16.72.

#### Chapter 16.12 RESIDENTIAL LAND USE DISTRICTS

##### 16.12.010 - Purpose and Density Requirements

###### C. Medium Density Residential (MDRL)

The MDRL zoning district provides for single-family and two-family housing, manufactured housing and other related uses with a density of 5.6 to 8 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirements.

###### D. Medium Density Residential High (MDRH)

The MDRH zoning district provides for a variety of medium density housing, including single-family, duplex housing, manufactured housing, multi-family housing, and other related uses with a density of 5.5 to 11 dwelling units per acre. Minor land partitions are exempt from the minimum density requirement.

**FINDINGS:** The applicant is proposing a 39-lot single-family detached residential subdivision at a density of approximately 8 dwelling units per acre.

Gross site area:	316,246 SF (7.26-acres)
Vegetated Corridor:	-5,465 SF
Storm water facility:	-8,413 SF
<u>Right-of-way dedication:</u>	<u>-97,790 SF</u>

Net site area: 204,578 SF (4.69-acres\*)

39 units / 4.69 acres = Density of 8 units per acre

The proposal is for 39 lots which is between the permitted density of for both the MDRL and MDRH zones.

*\*SZCDC § 16.10 defines density as the “number of dwelling units per net buildable acre”. Net buildable acre means an area measuring 43,560 SF after excluding present and future rights-of- way and environmentally constrained areas. Environmentally Constrained Land is defined as “Any portion of land located within the floodway, one hundred-year floodplain, wetlands and/or vegetated corridor as defined by Clean Water Services.”*

**16.12.020 - Allowed Residential Land Uses**

**A. Residential Land Uses**

The table below identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and defined in Chapter 16.10.

Uses (Residential)	MDRL	MDRH
Single-Family Attached or Detached Dwellings	P	P

Whereas P = Permitted

**FINDINGS:** The application proposes 39-lots for the construction of single-family detached dwellings.

**16.12.030 – Residential Land Use Development Standards**

**A. Generally**

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Variance and Adjustments)

**B. Development Standards**

Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas) Chapter

**16.44 (Townhomes), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.**

**C. Development Standards per Residential Zone**

<b>Development Standards by Residential District</b>	<b>MDRL</b>	<b>MDRH</b>	<b>Lot Averaging §16.120.020.E</b>
<b>Minimum Lot area (in square feet) Single-Family Detached</b>	<b>5,000</b>	<b>5,000</b>	<b>4,500 min / 5,500 max</b>
<b>Minimum Lot width at front property line</b>	<b>25 feet</b>	<b>25 feet</b>	<b>-</b>
<b>Minimum Lot width at building line; Single-</b>	<b>50 feet</b>	<b>50 feet</b>	<b>-</b>
<b>Lot Depth</b>	<b>80 feet</b>	<b>80 feet</b>	<b>-</b>
<b>Maximum Height (in feet)</b>	<b>30 or 2</b>	<b>35 or 2.5</b>	<b>-</b>
<b>Front yard</b>	<b>14 feet</b>	<b>14 feet</b>	<b>-</b>
<b>Face of garage</b>	<b>20 feet</b>	<b>20 feet</b>	<b>-</b>
<b>Interior side yard; Single-Family Detached</b>	<b>5 feet</b>	<b>5 feet</b>	<b>-</b>
<b>Corner lot street side; Single Family or</b>	<b>15 feet</b>	<b>15 feet</b>	<b>-</b>
<b>Rear yard:</b>	<b>20 feet</b>	<b>20 feet</b>	<b>-</b>

**FINDINGS:** The property is zoned MDRL and MDRH and is subject to the development standards shown in the table above. The project is taking advantage of the allowances of SMC 16.120.020.E which allows lot averaging – see additional information in the Findings for 16.12.020.E of this document. As shown on the preliminary plat, all lots meet the development standards in the above table.

**16.12.040 - Community Design**

**For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII, IX.**

**FINDINGS:** The application meets or is conditioned to meet all applicable community design standards as described in this report.

**16.12.050 - Flood Plain**

**16.12.060 – Amateur Radio Tower /Facilities**

**FINDINGS:** The site is not in flood plain and does not include the construction of a radio tower /facility.

**16.58.010 Clear Vision Areas**

- A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.
- B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.
- C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2½) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.

The following requirements shall govern clear vision areas:

- 1. In all zones, the minimum distance shall be twenty (20) feet.
- 2. In all zones, the minimum distance from corner curb to any driveway shall be twenty-five (25) feet.
- 3. Where no setbacks are required, buildings may be constructed within the clear vision area.

**FINDINGS:** Submitted drawings do not show vision clearance standards on plans. The applicant states, *“Adequate clear vision areas will be provided for all lots within the proposed subdivision, consistent with City standards. As shown on plans submitted with the application, driveways and street trees have been located to keep clear vision areas unobstructed, as required.”* A Condition of Approval has been included for vision clearance standards to be shown on drawings submitted prior to Final Plat approval.

**CONDITION OF APPROVAL B1:** Prior to Final Plat approval, revise the landscape plans to include clear vision areas pursuant to SZCDC § 16.58.010.

**16.58.020 Fences, Walls and Hedges**

- A. Purpose:

The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of the property by providing attractive landscape materials. The negative effect of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.

- B. **Applicability:** The following standards apply to walls, fences, hedges, lattice, mounds, and decorative toppers. These standards do not apply to sound walls and landscape features that are not hedges.
- C. **Fences, Walls, and Hedges in Residential Zones:**

**FINDINGS:** Retaining walls are currently proposed at the storm water facility and in the interiors of the blocks created by the subdivision. The proposed interior block retaining walls are to manage slopes and changing grades. The proposed retaining walls are shown in rear and side yards only and appear to comply with the standards of this code. A fence is currently proposed along the rear of the lots abutting SW Elwert. Because details for the proposed fence have not been submitted a *Condition of Approval* has been included for details confirming conformance with this code standard.

**CONDITION OF APPROVAL B2:** To ensure the proposed fence along SW Elwert Rd meets the Sherwood Municipal Code standards, details including plans and elevation drawings are to be submitted prior to Final Plat approval.

## **Chapter 16.60 - YARD REQUIREMENTS**

### **16.60.010 - Through Lots**

**On a through lot the front yard requirements of the zone in which such a lot is located shall apply to the street frontage where the lot receives vehicle access; except where access is from an alley, the front yard requirements shall apply to the street opposite the alley.**

**FINDINGS:** Through lots are proposed for lots 10 – 17 (located between SW Elwert Road and SW Derby Terrace), and lot 31 (located between SW Oxford Terrace and SW Copper Terrace). The frontage for lots 10 – 17 is SW Derby Terrace. The frontage for lot 31 is SW Oxford Terrace.

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**16.70.010 - Pre-Application Conference**

**16.70.020 - Neighborhood Meeting**

**FINDINGS:** A Pre-Application was held on October 10, 2024. The applicant submittal includes documentation (notes and a sign in sheet) of a meeting held at the Marjorie Stewart Community Center at 6:00pm on August 27, 2025.

**Chapter 16.120 - SUBDIVISIONS**

**16.120.010 - Purpose**

Subdivision regulations are intended to promote the public health, safety and general welfare; lessen traffic congestion; provide adequate light and air; prevent overcrowding of land; and facilitate adequate water supply, sewage and drainage.

**16.120.020 – General Subdivision Provisions**

- A. Approval of a subdivision occurs through a two-step process: the preliminary plat and the final plat.**
  - 1. The preliminary plat shall be approved by the Approval Authority before the final plat can be submitted for approval consideration; and**
  - 2. The final plat shall reflect all conditions of approval of the preliminary plat.**

**FINDINGS:** The applicant has submitted a preliminary plat application which is the subject of this review. The applicant states, *“This application fulfills the requirement for the approval of the preliminary plat step of the two-step process. Following approval of the preliminary plat application and subsequent engineering approvals as applicable, the applicant will submit a separate application for final plat approval that will demonstrate compliance with the conditions of approval from the preliminary plat approval.”*

**CONDITION OF APPROVAL A4:** The preliminary plat approval is valid for two years from the date of the Notice of Decision. The final plat shall be approved by the City within two years of Notice of Decision, unless an extension is granted by the City prior to the two-year deadline.

- B. All subdivision proposals shall conform to all state regulations set forth in ORS Chapter 92, Subdivisions and Partitions.**

**FINDINGS:** State regulations set forth in ORS Chapter 92 are implemented through the City Municipal Code. The application meets or is conditioned to meet all applicable sections of the code as described in this report.

- C. Future re-division**  
 When subdividing tracts into large lots, the Approval Authority shall require that the lots be of such size and shape as to facilitate future re-division in accordance with the requirements of the zoning district and this Division.
- D. Future Partitioning**  
 When subdividing tracts into large lots which may be resubdivided, the City shall require that the lots be of a size and shape, and apply additional building site restrictions, to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.

**FINDINGS:** The applicant states, "The proposed subdivision is for single family residential homes. There are no tracts that will be subdivided to create large lots."

- E. Lot averaging**  
 Lot size may be averaged to allow lots less than the minimum lot size allowed in the underlying zoning district subject to the following regulations:
1. The average lot area for all lots is not less than allowed by the underlying zoning district.
  2. No lot created under this provision shall be less than 90 % of the minimum lot size allowed in the underlying zoning district.
  3. The maximum lot size cannot be greater than 10 % of the minimum lot size.

**FINDINGS:** The proposed subdivision utilizes lot averaging to allow lot areas that are less than the minimum lot size allowed in the MDRL zoning district. The minimum lot size for the MDRL zoning district is 5,000 square feet.

The 39 lots = 195,018 square feet  
 195,018 square feet / 39 lots = 5,000.46 square feet = Average Lot Area  
 The average lot area of the proposed lots is 5,000.46 square feet.

90% x 5,000 square feet = 4,500 square feet  
 The minimum proposed lot size is 4,680 square feet.

10% x 5,000 square feet = 500 square feet  
 Maximum Lot Size = 5,000 square feet + 500 square feet = 5,500 square feet  
 The largest proposed lots are numbers 12 and 18, both of which are 5,491 square

feet. This area is less than 10% greater than the 5,000 square foot lot size as shown by the calculation above and in the table below.

**F. Required Setbacks**

**All required building setback lines as established by this Code, shall be shown in the preliminary subdivision plat.**

**FINDINGS:** The applicant has submitted a Conceptual Building Setback Plan (Exhibit A5 -w) that shows the proposed building setbacks for each home. Setbacks for the MDRL and MDRH zones are provided in SZCDC § 16.12.030(C). The front, side, and rear lot lines are defined in SZCDC § 16.10. The setbacks conform to the requirements of the zone.

**G. Property Sales**

**No property shall be disposed of, transferred, or sold until required subdivision approvals are obtained, pursuant to this Code.**

**FINDINGS:** The applicant states, “The applicant will comply with the above restriction”.

**16.120.030 – Approval Procedure – Preliminary Plat**

**A. Approval Authority**

- 1. The approving authority for preliminary and final plats of subdivisions shall be in accordance with Section 16.72.010 of this Code.**
  - a. A subdivision application for 4-10 lots will follow a Type II review process.**
  - b. A subdivision application for 11-50 lots will follow a Type III review process.**
  - c. A subdivision application for over 50 lots will follow a Type IV review process.**
- 2. Approval of subdivisions is required in accordance with this Code before a plat for any such subdivision may be filed or recorded with County. Appeals to a decision may be filed pursuant to Chapter 16.76.**

**FINDINGS:** The proposal is for a 39-lot subdivision and is being processed as a Type III application as required above. The applicant’s narrative acknowledges approval from the City is required prior to recording the plat with Washington County.

**B. Phased Development**

- 1. The Approval Authority may approve a time schedule for**

**developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without reapplying for a preliminary plat.**

- 2. The criteria for approving a phased subdivision review proposal are:**
  - a. The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;**
  - b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:**
    - (1) For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard; and**
    - (2) The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat.**
- 3. The application for phased development approval shall be reviewed concurrently with the preliminary plat application**

**and the decision may be appealed in the same manner as the preliminary plat.**

**FINDINGS: The applicant states: “The proposed subdivision shall be developed in a single phase.”**

**CONDITION OF APPROVAL A5:** The construction time period of public improvements for each phase shall be no greater than two years without reapplying for a preliminary plat. The construction time period begins when an engineering compliance agreement is issued from the City’s Engineering Department.

**CONDITION OF APPROVAL E2:** Prior to Issuance of Building Permits, substantial completion of the public improvements by the Sherwood Engineering Department is required unless otherwise approved by the Sherwood Engineering Department in the case of a model home.

**CONDITION OF APPROVAL F2:** Prior to Acceptance of Public Improvements, the developer shall construct all required public improvements meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL G4:** Prior to Occupancy, final acceptance of the constructed public improvements shall be obtained from the City of Sherwood Engineering Department unless otherwise approved by the city.

**16.120.040 – Approval Criteria: Preliminary Plat No preliminary plat shall be approved unless:**

- A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.**

**FINDINGS:** The streets conform to the plats approved for adjoining properties. The proposed subdivision will extend SW Locksley Lane, SW Oxford Terrace, and SW Derby Terrace (north of SW Locksley Lane). These streets will maintain the previously required 52' right-of-way width. Street A, SW Derby Terrace (south of SW Locksley Lane), and SW Cereghino Lane will be developed to the 60' right-of-way width requirement per Ordinance 2022-005.

- B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.**

**FINDINGS:** There are no private streets or roads being proposed.

- C. The plat complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX. The subdivision complies with Chapter 16.128 (Land Division Design Standards).**

**FINDINGS:** As described in this report, the proposal complies or is conditioned to comply with all applicable standards and provisions of the Sherwood Zoning and Community Development Code including Division II Land Use & Development, Division IV Planning Procedures, Division VI Public Infrastructure, and Division VIII Environmental Resources. The property does not contain historic resources and is not subject to Division IX Historic Resources.

- D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.**

**FINDINGS:** See City of Sherwood Engineering comments (Exhibit B5) regarding adequate water, sanitary sewer, and other public facilities to support the use of land

proposed in the plat.

- E. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.**

**FINDINGS:** The proposal represents full platting of the subject site. Development of adjacent properties is not restricted.

- F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.**

**FINDINGS:** The proposed development does not restrict future development of adjoining land.

- G. Tree and woodland inventories have been submitted and approved as per Section 16.142.060.**

**FINDINGS:** The applicant has provided a Preliminary Tree Preservation and Removal Plan (Exhibit A5-w) from a Certified Arborist. All existing trees on site are proposed to be removed.

Note: The submitted Preliminary Tree Preservation and Removal Plan includes a numbering system to identify trees, however, the numbers do not align/correspond with the Preliminary Tree Preservation Notes and Tree Table (Exhibit a5-w).

*Note –Section 16.142.060 is a typo. The correct section that relates to tree and woodland inventories is Section 16.140.070.*

- H. The plat clearly shows the proposed lot numbers, setbacks, dedications and easements.**

**FINDINGS:** The Preliminary Plat (Exhibit A5–w) shows the proposed lot numbers, setbacks, dedications, and easements.

- I. A minimum of five percent (5%) open space has been provided per Section 16.44.010.B.8 (Townhome-Standards) or Section 16.142.030 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.**

**FINDINGS:** The minimum 5% open space requirement for single-family residential subdivisions has been proposed in the submittals, as addressed in

SZCDC § 16.102.030.

*Note –Section 16.142.030 is a typo. The correct section that relates to open space is Section 16.140.030.*

**16.120.060 – Improvement Agreement**

**A. Subdivision Agreement**

The subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision pursuant to the Division VI, or execute and file with the City an agreement specifying the period within which all required improvements and repairs shall be completed, and providing that if such work is not completed within the period specified, the City may complete the same and recover the full cost and expense thereof from the subdivider. Such agreement may also provide for the construction of the improvements in stages.

**B. Performance Security**

The subdivider is required to provide monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of the improvements.

**16.120.070 – Bond**

**A. Performance guarantee required. As required by Section**

**16.120.060**, the subdivider shall file with the agreement an assurance of performance supported by one of the following:

1. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated or cash.
2. Determination of sum. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.
3. Itemized improvement estimate. The subdivider shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance assurance.
4. When subdivider fails to perform. In the event the subdivider fails to carry out all provisions of the

agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit for reimbursement.

5. Termination of performance guarantee. The subdivider shall not cause termination of nor allow expiration of said guarantee without having first secured written authorization from the City.

**FINDINGS:** The applicant states: “The subdivider will provide a subdivision agreement after Preliminary Land Use Approval. This criterion will be met”; “The applicant acknowledges the responsibility to provide monetary assurance in the form of a bond, cash or other security to the City as required above. This criterion will be met.”; “The provider shall file an assurance of performance after Preliminary Land Use Approval, and will follow the applicable administrative procedures and requirements listed above. This criterion will be met.”.

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## **Chapter 16.128 - LAND DIVISION DESIGN STANDARDS**

### **16.128.010 - Blocks**

#### **A. Connectivity**

##### **1. Block Size**

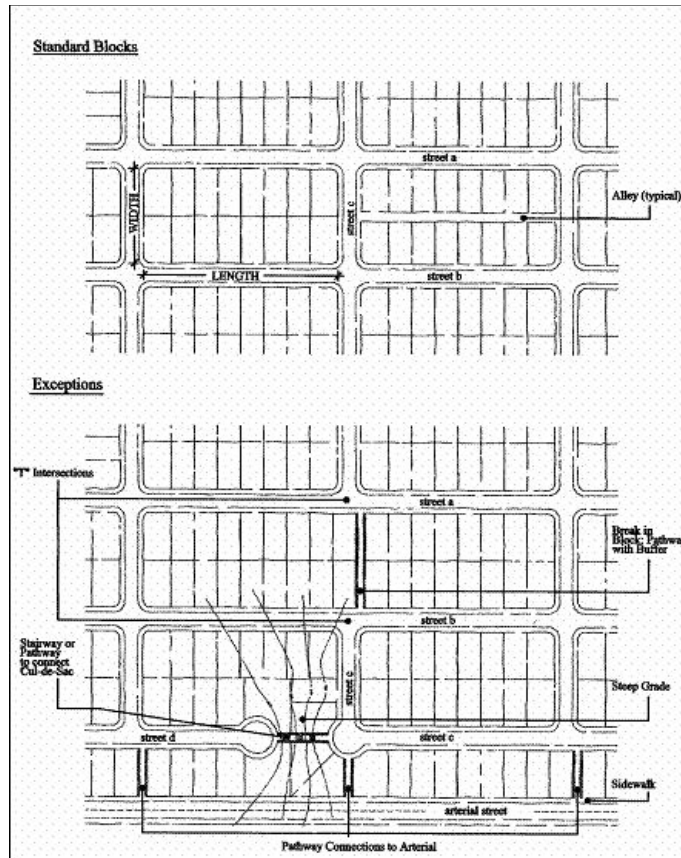
The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.

##### **2. Block Length**

Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.

3. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.

**Figure 7.401 — Block Connectivity**



**FINDINGS:** Lots 22-30 will be served by additions to existing streets, SW Derby Terrace, SW Locksley Lane, and SW Oxford Terrace, and with the new “Street A”, creating a new block consistent with required block size and length. However, the proposed block defined by SW Derby Terrace to the west, SW Copper Terrace to the east, Street A to the north, and SE Cereghino Lane to the south, exceeds the five-hundred thirty (530) feet block length standard. The applicant has requested a Modification to this standard addressed in 16.106.020.E.

**CONDITION OF APPROVAL B3:** Prior to Final Plat Approval a revised plan shall be submitted including revised street widths and bicycle and pedestrian connection on what is currently lot 10.

- B. Utilities Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.**

**FINDINGS:** The applicant states, “All necessary utility easements are shown on the Preliminary Plat (Sheet P1.0).”

**C. Drainages**

**Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.**

**FINDINGS:** The proposed subdivision is not traversed by a watercourse, drainage way.

**16.128.020 - Pedestrian and Bicycle Ways**

**Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.**

**FINDINGS:** The proposed block defined by SW Derby Terrace to the west, and SE Cereghino Lane to the south, exceeds the five-hundred thirty (530) foot block length standard. In addition, the distance between intersections on SW Elwert also exceeds the 530-foot requirement with the nearest intersection being SW Handley to the south, and SW Simon Terrace to the north, for a distance of approximately 1700 feet.

Due to the unusually long block length and lack of pedestrian and bicycle connectivity throughout the site a multi-use path for pedestrians and bicyclists is required from SW Elwert Road to SW Derby Terrace, in the lower portion of what is currently proposed as lot #10. To provide safe and accessible access the "Feeder Trail", Figure 16F in the Transportation System Plan (TSP), is the required width and dimensions, see Attachment D3. The path will be required to be concrete so that it is consistent with the sidewalk materials on SW Elwert Road to SW Derby Terrace. To further ensure that the connection is safe and accessible, an additional Condition of Approval is required to provide either overhead or bollard lighting along the path.

Including this connection will increase connectivity for pedestrians and bicyclists that is a result of the unusually long block lengths.

**CONDITION OF APPROVAL B4:** Prior to Final Plat, revise plans to include the required bicycle and pedestrian trail: A "Feeder Trail", per the TSP, Figure 16F, of concrete construction, with lighting, and landscaping.

**CONDITION OF APPROVAL B5:** Prior to Final Plat, the required bicycle and pedestrian trail from SW Derby Terrace, through lot 10, to SW Elwert Road, to be located in a separate tract and not in an easement. Ownership and maintenance of the trail to be by the HOA. Plat and CCRs should reflect ownership and maintenance.

**16.128.030 - Lots**

**A. Size and Shape**

Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision or partition, and shall comply with applicable zoning district requirements, with the following exception:

1. Lots in areas not served by public sewer or water supply shall conform to any special County Health Department standards.

**FINDINGS:** All of the proposed lots are served by public sewer and water supply.

**B. Access**

All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68.

**FINDINGS:** All 39 lots in the proposed subdivision abut a public street.

**C. Double Frontage**

Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.

**FINDINGS:** Double frontage lots are proposed for lots 10-17 between SW Elwert Road and SW Derby Terrace and for lot 31 which is between SW Oxford Terrace and SW Copper Terrace.

**D. Side Lot Lines Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.**

**FINDING:** The proposed subdivision has been designed with side lot lines running at right angles to the street the lot faces per the above standard.

**E. Grading**

Grading of building sites shall conform to the following standards, except when topography of physical conditions warrants special exceptions:

1. Cut slopes shall not exceed one (1) and one-half (1 1/2)

- feet horizontally to one (1) foot vertically.
2. **Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.**

**FINDINGS:** Grading of the subject site conforms to the above standards. See Exhibit A5-w for the Preliminary Grading and Erosion Control Plan.

## **Chapter 16.92 – LANDSCAPING**

### **16.92.010-Landscaping Plan Required**

**All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan that meets the standards of this Chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan.**

**FINDINGS:** The proposal is for a residential subdivision, which does not require Site Plan review pursuant to SZCDC § 16.90.020. The sections of this chapter which pertain to Site Plan review are omitted. The sections applicable to subdivisions (e.g. open space landscaping) are addressed below.

### **16.92.020 Landscaping Material**

#### **A. Type of Landscaping**

**Required landscaped areas shall include an appropriate combination of native evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of this Chapter. Plants may be selected from the City's "Suggested Plant Lists for Required Landscaping Manual" or suitable for the Pacific Northwest climate and verified by a landscape architect or certified landscape professional.**

##### **1. Ground Cover Plants**

- a. **All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch is not a substitute for ground cover, but is allowed in addition to the ground cover plants.**
- b. **Ground cover plants other than grasses must be at least the four-inch pot size and spaced at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three (3) years from the time of planting.**

##### **2. Shrubs**

- a. **All shrubs must be of sufficient size and number to be at full growth within three (3) years of planting.**



## **16.92.040 Installation and Maintenance Standards**

### **A. Installation**

All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Clean Water Services storm water management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.

### **B. Maintenance and Mitigation of Landscaped Areas**

1. Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.
2. All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan.
3. Any required landscaping trees removed must be replanted consistent with the approved landscaping plan and comply with § 16.142, (Parks, Trees and Open Space).

### **C. Irrigation**

The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All landscaped areas must provide an irrigation system, as stated in Option 1, 2, or 3.

1. Option 1: A permanent built-in irrigation system with an automatic controller installed.
2. Option 2: An irrigation system designed and certified by a licensed landscape architect or other qualified professional as part of the landscape plan, which provides sufficient water to ensure that the plants become established. The system does not have to be permanent if the plants chosen can survive independently once established.
3. Option 3: Irrigation by hand. If the applicant chooses this option, an inspection will be required one (1) year after final inspection to ensure that the landscaping has become established.

**FINDINGS:** The landscape plans include installation and maintenance requirements for the street and site planting area landscaping in accordance with the standards above. An automatic irrigation system is proposed.

## **Chapter 16.94 OFF-STREET PARKING AND LOADING**

**16.94.010 General Requirements**

**A. Off-Street Parking Required**

No site shall be used for the parking of vehicles until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or structures that reduces the current off-street parking and loading spaces provided on site, or that increases the need for off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off- street parking or loading areas are provided in accordance with Section 16.94.020, or unless a variance from the minimum or maximum parking standards is approved in accordance with Chapter 16.84 Variances.

**FINDINGS:** The proposed development will provide off-street parking in the form of a driveway and garage for each single-family detached home.

**B. Deferral of Improvements**

Off-street parking and loading spaces shall be completed prior to the issuance of occupancy permits, unless the City determines that weather conditions, lack of available surfacing materials, or other circumstances beyond the control of the applicant make completion impossible. In such circumstances, security equal to one hundred twenty five (125) percent of the cost of the parking and loading area is provided the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the parking or loading area is not completed within one (1) year, the security may be used by the City to complete the installation.

**FINDINGS:** Off-street parking as provided by garages and driveways will be completed prior to the issuance of occupancy permits. The applicant does not anticipate deferral of parking spaces.

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**E. Location**

**1. Residential off-street parking spaces:**

- a. Shall be located on the same lot or development as the residential use.
- b. Shall not include garages or enclosed buildings with the exception of a parking structure in multifamily developments where three (3) or more spaces are not individually enclosed. (Example: Underground or

- multi- level parking structures).
2. For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within five hundred (500) feet of the use. The distance from the parking, area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.
  3. Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible.
    - a. All new development with forty (40) employees or more shall include preferential spaces for carpool/vanpool designation. Carpool and vanpool parking spaces shall be located closer to the main employee entrance than all other parking spaces with the exception of ADA parking spaces. Carpool/vanpool spaces shall be clearly marked as reserved for carpool/vanpool only.
    - b. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.

**FINDINGS:** The proposed development is for a residential subdivision for single-family homes which will have garages and driveways. The garages and driveways will count as off-street parking.

\*\*\*

#### **16.94.020 Off-Street Parking Standards**

##### **A. Generally**

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors,

during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off - street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.

**Table 1: Minimum and Maximum Parking Standards**  
(Metro spaces are based on 1 per 1,000 sq ft of gross leasable area)

Use	Minimum Parking Standard	Maximum Permitted Parking Zone A <sup>1</sup>	Maximum Permitted Parking Zone B <sup>2</sup>
Single, two-family and manufactured home on lot <sup>3</sup>	1 per dwelling unit	None	None

<sup>3</sup> If the street on which the house has direct access does not permit on-street parking or is less than twenty-eight (28) feet wide, two (2) off-street parking spaces are required per single-family residential unit. (includes single-family detached or attached, two-family dwelling or a manufactured home on an individual lot) If the abutting street is twenty- eight (28) feet or wider, one (1) standard (9 ft. x 20 ft.) parking space is required.

**B. Dimensional and General Configuration Standards**

1. **Dimensions** For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.

**FINDINGS:** The proposed subdivision will support single-family detached homes. Each proposed lot will have a driveway and garage to provide off street parking of greater than 1 space per dwelling unit.

**CONDITION OF APPROVAL E1:** Prior to issuance of building permits, one off-street parking space per dwelling unit shall be provided. Garages cannot be counted as parking stalls. Each stall shall be a minimum of 20 ft. deep x 9 ft. wide.

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**Chapter 16.96 - ONSITE CIRCULATION**

**16.96.010 – On Site Pedestrian and Bicycle Circulation**

**A. Purpose**

**On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family developments, planned unit developments, shopping centers and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one-half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single- family detached housing), shall provide a continuous system of private pathways/sidewalks.**

**FINDINGS:** Mandatory sidewalks are proposed.

**B. Maintenance**

**No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.**

**FINDINGS:** All proposed and approved circulation areas will be maintained in accordance with the requirements of this Section. The applicant has elected to defer Development Review submittal and is not proposing specific floor plans or building elevations at this time.

**C. Joint Access**

**Two (2) or more uses, structures, or parcels of land may utilize the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfied the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use.**

**FINDINGS:** The proposed subdivision will support single-family detached homes. No shared uses or joint access locations are proposed.

**D. Connection to Streets**

**1. Except for joint access per this Section, all ingress and egress to a use or parcel shall connect directly to a public**

- street, excepting alleyways with paved sidewalk.
2. **Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.**

**FINDINGS:** This standard is met. The proposed development provides public sidewalks throughout the subject site, along the proposed streets. Each dwelling will have continuous paved pedestrian access between the public sidewalk and the front door of the dwelling, by way of continuous paved driveways and patios or porches.

#### **16.96.020 Minimum residential Pedestrian Circulation Standards**

**Minimum standards for private, on-site circulation improvements in residential developments:**

**A. Driveways**

1. **Single-Family: One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.**
2. **Two-Family: One (1) shared driveway improved with hard surface pavement with a minimum width of twenty (20) feet; or two (2) driveways improved with hard surface pavement with a minimum width of ten (10) feet each. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.**

**FINDINGS:** The proposed development is for single family detached homes on individual residential lots. On-site sidewalks and curbs are provided.

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#### **16.96.040 On-Site Vehicle Circulation**

**A. Maintenance**

**No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.**

**FINDINGS:** The applicant has elected to defer Development Review submittal and is not proposing specific floor plans or building elevations at this time. On-site circulation

will meet the requirements of this section as described within, and per the submitted Design Modifications

- B. Joint Access [See also Chapter 16.108]**  
**Two (2) or more uses, structures, or parcels of land are strongly encouraged to utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfy the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use. In some cases, the City may require a joint access to improve safety, vision clearance, site distance, and comply with access spacing standards for the applicable street classification.**
  
- C. Connection to Streets**
  - 1. Except for joint access per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.**
  - 2. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.**

**FINDINGS:** The proposed development connects directly into the public streets that abut the site including SW Locksley Lane, SW Copper Terrace and SW Derby Terrace, and extends the public street network throughout the development. Future stub street access is provided to Tax Lot 800. All new lots within the development will have direct individual access to the existing or new street network.

- D. Maintenance of Required Improvements**  
**Required ingress, egress and circulation improvements shall be kept clean and in good repair.**
- E. Service Drives**  
**Service drives shall be provided pursuant to Section 16.94.030.**

**FINDINGS:** All vehicular circulation areas will be located either within public right-of-way and will be maintained by the City through its public works programs or will be located on individual lots and be subject to maintenance by individual future property owners. The proposed development does not include service drives.

**Chapter 16.134 - FLOODPLAIN (FP)**

## **OVERLAY**

### **16.134.010 - Generally**

Special resource zones are established to provide for preservation, protection, and management of unique natural and environmental resources in the City that are deemed to require additional standards beyond those contained elsewhere in this Code. Special resource zones may be implemented as underlying or overlay zones depending on patterns of property ownership and the nature of the resource. A property or properties may be within more than one resource zone. In addition, the City may identify special resource areas and apply a PUD overlay zone in advance of any development in order to further protect said resources.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for Washington County, Oregon and Incorporated Areas," (flood insurance study) dated October 19, 2018, with accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file with the Sherwood City Engineer at Sherwood City Hall.

### **16.134.20 - Purpose**

The purpose of this ordinance is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by complying with the provisions of this chapter.

- A. The FP zoning district is an overlay district that controls and regulates flood hazard areas in order to protect the public health, safety and general welfare; to reduce potential flood damage losses; and to protect floodways and natural drainageways from encroachment by uses which may adversely affect water quality and water flow and subsequent upstream or downstream flood levels. The FP zone shall be applied to all areas within the base flood, and shall supplement the regulations of the underlying zoning district.**
- B. FP zoning districts are areas within the base flood as identified by the Federal Emergency Management Agency (FEMA) in a Flood Insurance Study (FIS) and in Flood Insurance Rate Maps (FIRM) published for the City and surrounding areas, or as otherwise identified in accordance with Section 16.134.020C. These FEMA documents are adopted by reference as part of this Code, and are on file at the City.**
- C. When base flood elevation data is not available from the FIS or FIRM, the City shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or**

other source, and standards developed by the FEMA, in order to administer the provisions of this Code.

- D. In areas where a regulatory floodway has not been designated, and where the Flood Insurance Study indicates that it is possible to calculate a floodway, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

**FINDINGS:** The subject site is not located within the floodplain (FP) Overlay zone.

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## **Chapter 16.140 Parks, Trees and Open Space**

### **16.140.010 - Purpose**

This Chapter is intended to assure the provision of a system of public and private recreation and open space areas and facilities consistent with this Code and applicable portions of the City's adopted Comprehensive Plan. The standards of this section do not supersede the open space requirements of a Planned Unit Development, found in [Chapter 16.40](#) - Planned Unit Development (PUD).

### **16.140.030 All Residential Subdivisions**

- A. A minimum of five percent (5%) of the net buildable site (after exclusion of public right-of-way and environmentally constrained areas) shall be maintained as "open space". Open space must include usable areas such as public parks, swimming and wading pools, grass areas for picnics and recreational play, walking paths, and other like space. Cottage cluster development is subject to the open space requirements of 16.14.40 and not to the requirements of this section. The following may not be used to calculate open space:
1. Required yards or setbacks.
  2. Required visual corridors.
  3. Required sensitive areas and buffers.
  4. Any area required to meet a standard found elsewhere in this code.

**FINDINGS:** The net buildable area of the site is approximately 211,024 square

feet when right-of way areas and the stormwater facility (public use) are excluded, which would result in a required open space area of 10,551 sf. The proposed areas listed as meeting this requirement include Tract C (8,080 sf) and Tract D (2,496 sf) for a total of 10,576 sf, or 5% of the net buildable site ( $10,576/211,024 = 0.05014 = 5\%$ ).

While the areas proposed to meet the open space requirement appear to meet the standard, staff recommends that the applicant consider locating the open space areas where lots 20 and 21 are proposed. Locating the open space in lots 20 and 21 would allow the a more meaningful and substantive area that would be more aligned with the size and scale suggested in the code requirement.

As a point of reference staff points to the *Sherwood Parks and Recreation Master Plan* which defines Pocket Parks as being typical minimum size of a half-acre (21,780 sq ft), including recreational features and site furnishings, and basic amenities such as little receptacles, water fountains, and small shelters.

In addition to the lack of usable areas, there is also concern with the safety of the proposed spaces. Both of the proposed open space tracts front multiple streets, are narrow (Tract D is approximately 95' wide and 27' in depth, Tract C is approximately 188' wide and 43' in depth), and are landscaped to further push users closer toward the adjacent streets. Tract D also is isolated from the rest of the development and so uses are forced to cross a street, or streets, to access the space.

To meet the open space requirement staff recommends lots 20 and 21 be designated for meeting the open space standard. This would ensure that there is sufficient size and area for a meaningful open space that could better accommodate a park environment with amenities that can allow users space for recreational play and relaxation. In addition, providing lots 20 and 21 for open space would situate the open space of this subdivision next to the open space area of the Daybreak subdivision, tax lot 2S130CC09400. Collectively this would provide a significant usable space for the community that would also increase neighborhood connectivity. Lastly, the retention of lot 20 and 21 for open space would allow for the existing established trees in those lot to be maintained, further enhancing the open space amenity for the community.

**CONDITION OF APPROVAL B6:** Prior to Final Plat, an open space plan to be developed and provided to staff. Plan to include landscaping, paths, benches, trash receptacles, lighting, and be fully irrigated with a below grade automatic system.

- B. Enhanced streetscapes such as "boulevard treatments" in excess of the minimum public street requirements may count toward a maximum of 10,000 square feet of the open space requirement.**

**FINDINGS:** The proposed development does not include any enhanced

streetscapes.

- C. The open space shall be conveyed in accordance with one of the following methods:**
- 1. By dedication to the City as public open space (if acceptable to the City). Open space proposed for dedication to the City must be acceptable to the City Manager or the Manager's designee with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities;**
  - 2. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association or other legal entity, with the City retaining the development rights to the open space. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.**

**FINDINGS:** The applicant states that the proposed open space tracts will be owned and maintained by a homeowners' association, or other appropriate legal entity in accordance with Subsection C.1. above.

- D. The density of a residential subdivision shall be calculated based on the net buildable site prior to exclusion of open space per this Section.**
- 1. Example: a 40,000 square foot net buildable site would be required to maintain 2,000 square feet (5%) of open space but would calculate density based on 40,000 square feet.**

**FINDINGS:** The density of the residential subdivision was calculated based on the net buildable site area which included the proposed open space tracts, as required.

- E. If a proposed residential subdivision contains or is adjacent to a site identified as open space or park and recreation area in a Concept Plan or Parks and Recreation Master Plan, or has been identified for acquisition by the Sherwood Parks and Recreation Board, establishment of open space shall occur in the designated areas if the subdivision contains the park site, or immediately adjacent to the parks site if the subdivision is adjacent to it.**

**FINDINGS:** The proposed subdivision does not contain and is not adjacent to a site identified as open space or park and recreation area in a Concept Plan or Parks and Recreation Master Plan.

- F. If the proposed residential subdivision does not contain or is not adjacent to a site identified as open space or parks and recreation area in a Concept Plan or Parks and Recreation Master Plan,**

**otherwise identified for acquisition by the Parks and Recreation Board, the applicant may elect to convey off-site park/open space.**

**FINDINGS:** The proposed residential subdivision does not contain and is not adjacent to a site identified as open space or parks and recreation area. The applicant does not elect to convey offsite park/open space.

- G. This standard does not apply to a residential partition provided that a development may not use phasing or series partitions to avoid the minimum open space requirement. A partition of land that was part of an approved partition within the previous five (5) years shall be required to provide the minimum five percent (5%) open space in accordance with subsection (A) above.**

**FINDINGS:** The development of the proposed subdivision will not use phasing or series partitions.

- H. The value of the open space conveyed under Subsection (A) above may be eligible for Parks System Development Charges (SDCs) credits based on the methodology identified in the most current *Parks and Recreation System Development Charges Methodology Report*.**

**FINDINGS:** The open space as calculated will be located within open space tracts that will be owned and maintained by the homeowner’s association. Therefore, they will not be eligible for Parks System Development Charges as they will not be included in the City Parks and Recreation system.

**16.140.040 - Visual Corridors**

**A. Corridors Required**

**New developments located outside of the Old Town Overlay with frontage on Highway 99W, or arterial or collector streets designated on Figure 8-1 of the Transportation System Plan shall be required to establish a landscaped visual corridor according to the following standards:**

	<u>Category</u>	<u>Width</u>
1.	Highway 99W	25 feet
2.	Arterial	15 feet
3.	Collector	10 feet

**In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk. In all other developments, the visual corridor shall be on private property**

**adjacent to the right-of-way.**

**FINDINGS:** The site fronts SW Elwert Road (an Arterial per the TSP) to the west. As required, a 15-foot landscaped visual corridor easement is shown on the Preliminary Plat and this area shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between SW Elwert Road and the proposed residential lots.

The required visual corridor is measured from the edge of the sidewalk to the proposed fence within the rear yards of lots 10-17. The visual corridor is comprised of both right-of-way and from rear yards of the properties along SW Elwert. The majority of the visual corridor is from the right-of-way, with approximately 10-30% being from the abutting properties, depending on the lot. The proposed fence is located between 1 and 5 feet within the proposed lots, as allowed, leaving a minimum of 15 feet between the rear of the dwellings and the fence.

**B. Landscape Materials**

**The required visual corridor areas shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 16.142.060, shall be planted in the corridor by the developer. The improvements shall be included in the compliance agreement. In no case shall trees be removed from the required visual corridor.**

**FINDINGS:** The visual corridor along SW Elwert Road will be planted in accordance with the above Section and Section 16.140.060. The visual corridor will be planted with a mix of trees and shrubs as shown Sheet L1.0 of the submitted plan set.

**C. Establishment and Maintenance**

**Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Chapter 16.92. To assure continuous maintenance of the visual corridors, the review authority may require that the development rights to the corridor areas be dedicated to the City or that restrictive covenants be recorded prior to the issuance of a building permit.**

**FINDINGS:** The designated visual corridor will be considered part of the lots with frontage along SW Elwert Road (Lots 10 through 17). Maintenance will be the responsibility of the property owner (or the City once the area is dedicated).

**CONDITION OF APPROVAL B7:** The visual corridor is to be located in a permanent easement on plat, no fences are allowed in the visual corridor, maintenance of the visual corridor is the responsibility of the HOA.

**D. Required Yard**

**Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited within the required visual corridor, with the exception of front porches on townhomes, as permitted in Section 16.44.010(E)(4)(c).**

**FINDINGS:** The required 15-foot visual corridor along SW Elwert Road is located along the rear side of Lots 10 through 17. The visual corridor is measured from the edge of the sidewalk to the proposed fence within the rear yards of lots 10-17. The proposed fence is located between 1 and 5 feet within the proposed lots, as allowed, with easements provided for the visual corridor where it is located on private property. See the Preliminary Plat (Sheet P1.0) for corridor location and easements.

**16.140.050 - Park Reservation**

**Areas designated on the Natural Resources and Recreation Plan Map, in Chapter 5 of the Community Development Plan, which have not been dedicated pursuant to Section 16.142.030 or 16.134.020, may be required to be reserved upon the recommendation of the City Parks Board, for purchase by the City within a period of time not to exceed three (3) years.**

**FINDINGS:** The applicant does not intend to submit a park reservation request to the City.

**16.140.060 – Street Trees**

**A. Installation of Street Trees on New or Redeveloped Property.**

**Trees are required to be planted to the following specifications along public streets abutting or within any new development or re-development. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.**

- 1. Location: Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be**

planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.

2. **Size:** Trees shall have a minimum trunk diameter of two (2) caliper inches, which is measured six inches above the soil line, and a minimum height of six (6) feet when planted.
3. **Types:** Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.
1. **Required Street Trees and Spacing:**
  - a. The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in section 16.142.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.
  - b. All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.
  - c. A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:
    - (1) Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or
    - (2) There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and

- (3) The street trees are spaced as close as possible given the site limitations in (1) and (2) above.
- (4) The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.
- (5) For arterial and collector streets, the City may require planted medians in lieu of paved twelve- foot wide center turning lanes, planted with trees to the specifications of this subsection.

**FINDINGS:** The proposed street trees have been selected and placed in accordance with the above section. See the Landscaping Plan (Sheet L1.0) for tree locations and details.

#### **16.140.070 – Trees on Property Subject to Certain Land Use Applications**

##### **A. Generally**

The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of trees and woodlands within the City. This Section is intended to help protect the scenic beauty of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time.

##### **B. Applicability**

All applications including a Type II - IV land use review, shall be required to preserve trees or woodlands, as defined by this Section to the maximum extent feasible within the context of the proposed land use plan and relative to other codes, policies, and standards of the City Comprehensive Plan.

**FINDINGS:** The existing trees on the subject site are proposed to be removed for site development and grading. This application is subject to a Type III land use review with Type II design modifications. Due to the street layout of the site and the locations of the existing trees, along with density and public facility requirements, the applicant states that it is not feasible to preserve any trees or

woodland areas. It is further noted that in accordance with the arborists report submitted with the application (page 2 of 7), of the 335 on-site trees, 265 are evergreen trees planted for commercial agricultural purposes on Tax Lots 400 and 700. Another 26 trees on tax lot 700 are nut and fruit trees which may also have been planted for commercial agricultural purposes. The other 44 on-site trees include a mix of landscape trees and unmaintained natural regeneration.

**C. Inventory**

- 1. To assist the City in making its determinations on the retention of trees and woodlands, land use applications including Type II - IV development shall include a tree and woodland inventory and report. The report shall be prepared by a qualified professional and must contain the following information:**
  - a. Tree size (in DBH and canopy area)**
  - b. Tree species**
  - c. The condition of the tree with notes as applicable explaining the assessment**
  - d. The location of the tree on the site**
  - e. The location of the tree relative to the planned improvements**
  - f. Assessment of whether the tree must be removed to accommodate the development**
  - g. Recommendations on measures that must be taken to preserve trees during the construction that are not proposed to be removed.**
- 2. In addition to the general requirements of this Section, the tree and woodland inventory's mapping and report shall also include, but is not limited to, the specific information outlined in the appropriate land use application materials packet.**
- 3. Definitions for the inventory purposes of this Section**
  - a. A tree is a living woody plant having a trunk diameter as specified below at Diameter at Breast Height (DBH). Trees planted for commercial agricultural purposes, and/or those subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition and from regulation under this Section, as are any living woody plants under six (6) inches at DBH. All trees six (6) inches or greater shall be inventoried.**
  - b. A woodland is a biological community dominated by**

trees covering a land area of 20,000 square feet or greater at a density of at least fifty (50) trees per every 20,000 square feet with at least fifty percent (50%) of those trees of any species having a six (6) inches or greater at DBH. Woodlands planted for commercial agricultural purposes and/or subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under this Section.

- c. A large stature tree is over 20 feet tall and wide with a minimum trunk diameter of 30 inches at DBH.

**FINDINGS:** This applicant has provided a tree report by Morgan Holen & Associates dated October 10, 2025, which is included in the submittal packet. This report contains the required information as listed above. The Plan Set also includes a Preliminary Tree Preservation and Removal Plan (Sheet P2.1).

**D. Retention requirements**

1. Trees may be considered for removal to accommodate the development including buildings, parking, walkways, grading etc., provided the development satisfies of D.2 or D.3, below.

**FINDINGS:** A Preliminary Tree Preservation and Removal Plan is provided in the Plan Set (Sheet P2.1). The applicant states that all trees proposed for removal are necessary for the proposed development and satisfy D.2 below.

2. **Required Tree Canopy - Residential Developments (Single Family Attached, Single Family Detached and Two - Family)** Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation  $\pi r^2$  to calculate the expected square footage of canopy for each tree. The expected mature canopy is counted for each tree regardless of an overlap of multiple tree canopies. The canopy requirement can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist or other qualified professional shall provide the estimated tree canopy of the proposed trees to the planning department for review.

**FINDINGS:** A tree report was provided by Morgan Holen & Associates dated October 10, 2025, Revised February 27, 2026, which is included in the submittal packet. As stated in the report: proposed tree species and locations were determined by the Landscape Architect. Sheet L1.0 lists the mature canopy area for each proposed tree species along with a tree canopy area calculation for the proposed planted trees. The total proposed tree canopy is 102,139 square feet. Therefore, the minimum required tree canopy is satisfied ( $102,139 / 211,052 = 48\%$ ).

<b>Residential (single family &amp; two family developments)</b>	
<b>Canopy Requirement</b>	<b>40%</b>
<b>Counted Toward the Canopy Requirement</b>	
<b>Street trees included in canopy requirement</b>	<b>Yes</b>
<b>Landscaping requirements included in canopy requirement</b>	<b>N/A</b>
<b>Existing trees onsite</b>	<b>Yes x2</b>
<b>Planting new trees onsite</b>	<b>Yes</b>

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**Chapter 16.106 - TRANSPORTATION FACILITIES**

**16.106.010 – Generally**

**A. Creation**

Public streets shall be created in accordance with provisions of this Chapter. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional street classification, as shown on the Transportation System Plan (TSP) Map (Figure 17) and other applicable City standards. The following table depicts the guidelines for the street characteristics.

Type of Street	ROW Width	Number of Lanes	Minimum Land Width	On Street Parking Width	Bike Lane Width	Sidewalk Width	Landscape Strip (exclusive of curb)	Median Width
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<b>Local</b>	<b>52'</b>	<b>2</b>	<b>14'</b>	<b>8' on one side only</b>	<b>None</b>	<b>6'</b>	<b>5' with 1' buffer</b>	<b>None</b>
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**FINDINGS:** The following streets are proposed to be extended or created in the development: SW Derby Terrace, SW Locksley Lane, SW Oxford Terrace, Street A, SW Cereghino Lane. Half street improvements are proposed for SW Copper Terrace.

All of the streets created by the proposed development are designated as local streets and conform to City’s standards as shown on the Preliminary Street Plan (Sheet P4.0) and Typical Street Sections (Sheet P4.1). It is noted that where development is extending or widening a street built using earlier City standards, the existing street section has been extended to the nearest intersection to enable a smooth transition between the varying standards.

The following four Modifications to road widths have been requested:

1. SW Derby Terrace north of SW Locksley Lane: From 60’ required right of way width to 52’- for approximately 110 linear feet:
2. SW Locksley Lane: From 60’ required right-of-way width to 52’ - for approximately 210 linear feet:
3. SW Oxford Terrace: From 60’ required right-of-way width to 52’ - for approximately 90 linear feet:
4. SW Cereghino Lane: From 60’ required right-of-way width to 46 - for approximately 430 linear feet:

**B. Street Naming**

1. **All streets created by subdivision or partition will be named prior to submission of the final plat.**
2. **Any street created by a public dedication shall be named prior to or upon acceptance of the deed of dedication.**
3. **An action to name an unnamed street in the City may be initiated by the Council or by a person filing a petition as described in this Section.**
4. **All streets named shall conform to the general requirements as outlined in this Section.**
5. **At the request of the owner(s), the City may approve a private street name and address. Private streets are subject to the same street name standards as are public streets. All private street signs will be provided at the owner(s) expense.**

**C. Street Name Standards**

1. All streets named or renamed shall comply with the following criteria:
  - a. Major streets and highways shall maintain a common name or number for the entire alignment.
  - b. Whenever practicable, names as specified in this Section shall be utilized or retained.
  - c. Hyphenated or exceptionally long names shall be avoided.
  - d. Similar names such as Farview and Fairview or Salzman and Saltzman shall be avoided.
  - e. Consideration shall be given to the continuation of the name of a street in another jurisdiction when it is extended into the City.
2. The following classifications (suffixes) shall be utilized in the assignment of all street names:
  - a. Boulevards: North/south arterials providing through traffic movement across the community.
  - b. Roads: East/west arterials providing through traffic movement across the community.
  - c. Avenues: Continuous, north/south collectors or extensions thereof.
  - d. Streets: Continuous, east-west collectors or extensions thereof.
  - e. Drives: Curvilinear collectors (less than 180 degrees) at least 1,000 feet in length or more.
  - f. Lanes: Short east/west local streets under 1,000 feet in length.
  - g. Terraces: short north/south local streets under 1,000 feet in length.
  - h. Court: All east/west cul-de-sacs.
  - i. Place: All north/south cul-de-sacs.
  - j. Ways: All looped local streets (exceeding 180 degrees).
  - k. Parkway: A broad landscaped collector or arterial.
3. Except as provided for by this section, no street shall be given a name that is the same as, similar to, or pronounced the same as any other street in the City unless that street is an extension of an already-named street.
4. All proposed street names shall be approved, prior to use, by the City.

**D. Preferred Street Names**

Whenever practicable, historical names will be considered in the naming or renaming of public roads. Historical factors to be considered shall include, but not be limited to the following:

1. Original holders of Donation Land Claims in Sherwood.
2. Early homesteaders or settlers of Sherwood.
3. Heirs of original settlers or long-time (50 or more years)

- residents of Sherwood.
- 4. Explorers of or having to do with Sherwood.
- 5. Indian tribes of Washington County.
- 6. Early leaders and pioneers of eminence.
- 7. Names related to Sherwood's flora and fauna.
- 8. Names associated with the Robin Hood legend.

**FINDINGS:** All proposed streets are public streets. The proposed street names will be approved after preliminary Land Use Approval per the request of the City.

**16.106.020 – Required Improvements**

**A. Generally**

**Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits. Right-of-way requirements are based on functional classification of the street network as established in the Transportation System Plan, Figure 17.**

**FINDINGS:** The new local streets are designed according to City standards and will be extended to be consistent with the applicable local street standards, as modified by the submitted design exception requests.

**CONDITION OF APPROVAL F1:** Prior to Acceptance of Constructed Public Improvements, applicant will comply with all the requirements and conditions of the WACO letter dated June 03, 2022.

**B. Existing Streets**

**Except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located between the centerline of the right-of- way and the property line of the lot proposed for development. In no event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet.**

**FINDINGS:** All abutting existing streets are local streets which were designed to meet the previous City standards for local streets.

SW Copper Terrace has a total right-of-way width of 53 feet, with 26.5 feet to the existing centerline on both sides. A dedication of 11' is required for SW Copper Terrace to create 64 total feet of right-of-way, 37.5 feet of which will be located along the site frontage. The pavement width is also requested to be widened by 11 feet, creating a total of 38 feet from curb face to curb face, with 24 feet of pavement to centerline along the site frontage.

As mentioned previously, the applicant is requesting Design Modifications for the curb-to-curb width of the extensions to the remaining existing streets and street stubs. The request is for the following streets to maintain 14' wide travel lanes: SW Derby Terrace (south to the intersection with SW Locksley Lane), SW Locksley Lane, SW Oxford Terrace, and SW Cereghino Lane.

Street A and SW Derby Terrace south of SW Locksley Lane will meet the 60' wide right-of-way standard per Ordinance 2022-005 which increased the widths of local streets from 14' to 18' to allow increased on-street parking, additional ease for emergency vehicles, and greater efficient travel for vehicles.

**C. Proposed Streets**

1. **Except as otherwise provided, when a development includes or abuts a proposed street, in no event shall the required street improvement exceed a pavement width of forty (40) feet.**
2. **Half Streets: When a half street is created, a minimum of 22 feet of driving surface shall be provided by the developer.**

**FINDINGS:** The proposed development includes one new proposed entirely new street, "Street A". The required street has a pavement width of 36 feet.

**D. Extent of Improvements**

1. **Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards. Streets shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicant may be required to dedicate land for required public improvements only when the exaction is directly related to and roughly proportional to the impact of the development, pursuant to Section 16.106.090.**
2. **If the applicant is required to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist, as determined by the City:**
  - a. **A partial improvement is not feasible due to the inability to achieve proper design standards;**
  - b. **A partial improvement may create a potential safety hazard to motorists or pedestrians.**
  - c. **Due to the nature of existing development on**

- adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;
- d. The improvement would be in conflict with an adopted capital improvement plan;
  - e. The improvement is associated with an approved land partition on property zoned residential use and the proposed land partition does not create any new streets; or
  - f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project that would contribute only a minor portion of the anticipated future traffic on the street.

**FINDINGS:** Proposed right-of-way dedication and street improvements are shown within the submitted plan set, see Exhibit A5-w and include curbs, sidewalks behind planter strips, drainage, streetlights and street trees. See Section 16.106.020 for Design Modifications to street widths for four streets (SW Derby Terrace (south to the intersection with SW Locksley Lane), SW Locksley Lane, SW Oxford Terrace, and SW Cereghino Lane.), to intersection spacing (on Street A between SW Oxford Terrace and SW Copper Terrace.), and to block length (SW Derby Terrace / SW Cereghino Lane exceeds the 530' requirement. The current block length is approximately 730' in length).

The applicant has stated that they will provide fee-in-lieu or physical improvements as required by the City engineer.

**E. Transportation Facilities Modifications**

1. A modification to a standard contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted TSP may be granted in accordance with the procedures and criteria set out in this section.
2. A modification request concerns a deviation from the general design standards for public facilities, in this Chapter, Section 16.58.010, or Chapter 8 in the adopted Transportation System Plan. The standards that may be modified include but are not limited to:
  - a. Reduced sight distances.
  - b. Vertical alignment.
  - c. Horizontal alignment.

- d. **Geometric design (length, width, bulb radius, etc.).**
  - e. **Design speed.**
  - f. **Crossroads.**
  - g. **Access policy.**
  - h. **A proposed alternative design which provides a plan superior to these standards.**
  - i. **Low impact development.**
  - j. **Access Management Plans**
- 3. Modification Procedure**
- a. **A modification shall be proposed with the application for land use approval.**
  - b. **A modification is processed as a Type II application. Modification requests shall be processed in conjunction with the underlying development proposal.**
  - c. **When a modification is requested to provide a green street element that is not included in the Engineering Design Manual, the modification process will apply, but the modification fee will be waived.**
- 4. Criteria for Modification: Modifications may be granted when criterion 4a and any one of criteria 4b through 4e are met:**
- a. **Consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.**
  - b. **Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.**
  - c. **A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.**
  - d. **An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.**
  - e. **Application of the standards of this chapter to the**

**development would be grossly disproportional to the impacts created.**

**FINDINGS:** The applicant is requesting six Transportation Facilities Modifications. Four of the modifications are to street/right-of-way width, one request is to intersection spacing, and one modification request is to block length.

Specifically, the required modifications are for:

1. Street Width: SW Derby Terrace north of SW Locksley Lane: From 60' required right of way width to 52'- for approximately 110 linear feet.
2. Street Width: SW Locksley Lane: From 60' required right-of-way width to 52' - for approximately 210 linear feet.
3. Street Width: SW Oxford Terrace: From 60' required right-of-way width to 52' - for approximately 90 linear feet.
4. Street Width: SW Cereghino Lane: From 60' required right-of-way width to 46 - for approximately 430 linear feet.
5. Intersection Spacing: For Street A, between SW Oxford Terrace and SW Copper Terrace.
6. Block Length: SW Derby Terrace / SW Cereghino Lane exceeds the 530' requirement. The current block length is approximately 730' in length.

**FINDINGS:** While a number of the required modifications may ultimately be approvable by staff it is the applicant's responsibility to address the approval criteria clearly and thoroughly for each modification. This has not been done. Due to a deficiency in addressing the approval criteria for each modification staff is not able to approve any of the six modifications at this time. A Condition of Approval has been added to revise the plat plan prior to final plat approval.

**CONDITION OF APPROVAL:** Prior to Final Plat Approval revise plans to conform to the adopted street section.

#### **16.106.030 - Location**

##### **A. Generally**

**The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Chapter 16.156, and topographical considerations.**

**FINDINGS:** The proposed development and associated street improvements have been designed and located to provide City standard access to each of the planned lots; to meet local street standards; and to extend existing street stubs through the site in a logical manner. The existing streets (SW Locksley Lane, SW Oxford Terrace and SW Derby Terrace) dictate to a large degree the circulation system within the site, including intersection angles, grades, tangents and curves and therefore lot orientation. Adequate, convenient and safe pedestrian circulation is provided through public sidewalks.

**B. Street Connectivity and Future Street Systems**

- 1. Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 16).**

**FINDINGS:** The Local Street Connectivity Map (Figure 18) of the City of Sherwood Transportation System Plan shows conceptual street connections to the site from SW Elwert Road and SW Copper Terrace. The proposal has provided additional access, per the TSP, from the development to SW Copper Terrace. The connection shown from the proposed subdivision to SW Elwert and has been determined to not be required after discussions between Washington County and City of Sherwood staff. The development of SW Derby Terrace and SW Cereghino Lane provide connectivity to tax lot 800 for future development.

- 2. Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP.**
  - a. A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints; it shall provide an alternate connection approved by the decision-maker.**
  - b. Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future.**

- c. **Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property line (i.e., by building more than 3/4 width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.**
- d. **Driveways that are more than 24 feet in width shall align with existing streets or planned streets as shown in the Local Street Connectivity Map in the adopted Transportation System Plan (Figure 17), except where prevented by topography, rail lines, freeways, pre-existing development, or leases, easements, or covenants.**

**FINDINGS:** Street connectivity is maintained throughout the site by connecting into the existing street stubs that abut the property. See Section 16.106.020 for a discussion of the conceptual street connections to SW Elwert Road north of SW Handley Lane, as shown on Figure 18 of the Transportation System Plan.

- 3. **Block Length. For new streets except arterials, block length shall not exceed 530 feet. The length of blocks adjacent to arterials shall not exceed 1,800 feet.**

**FINDINGS:** The proposed development creates 2 new interior blocks: One is the north side of SW Cereghino Lane between SW Copper Terrace and SW Derby Terrace; the other is Street A between SW Oxford Terrace and SW Derby Terrace. While the northern block meets the block length requirement, the southern block exceeds the 530 feet block length requirement. Because block length is measured from intersection to intersection and because SW Cereghino Lane and SW Derby Terrace do not intersect, the block length is measured from the SW Cereghino Lane/SW Copper Terrace intersection to the SW Derby/Street A intersection, totally approximately 750 feet. Because the block length exceeds the 530 feet standard a modification is required.

- 4. **Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.**

**FINDINGS:** This development does not include a street crossing over water features.

- 5. **Where full street connections over water features identified**

**in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.**

**FINDINGS:** No water features are identified in Title 3 of the UGMFP located on the subject site.

- 6. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways consistent with cross section standards in Figure 8-6 of the TSP shall be provided on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted TSP.**

**FINDING:** The “Conceptual Street Connection” shown in Figure 18 of the Transportation System Plan connects the proposed subdivision to SW Elwert and has been determined to not be required after discussions between Washington County and City of Sherwood staff. This provides a net reduction in required right-of-way, and a net gain of developable land to the subdivision. Due to the unusually great distance between intersections along SW Elwert Road and the need for connectivity into the site a required bicycle and pedestrian path in the location of lot #10 has been required. This requirement is further addressed in staff’s response to 16.128.020 *Pedestrian and Bicycle Ways*.

- 7. Exceptions. Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:**
  - a. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.**
  - b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or**

- c. **Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.**

**FINDINGS:** There are no applicable exceptions.

**C. Underground Utilities**

**All public and private underground utilities, including sanitary sewers and storm water drains, shall be constructed prior to the surfacing of streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.**

**FINDINGS:** Public and private utilities are proposed to be located underground with the construction of streets and accessways through the site. See Exhibit A5-w.

**D. Additional Setbacks**

**Generally additional setbacks apply when the width of a street right- of-way abutting a development is less than the standard width under the functional classifications in Section VI of the Community Development Plan. Additional setbacks are intended to provide unobstructed area for future street right-of-way dedication and improvements, in conformance with Section VI. Additional setbacks shall be measured at right angles from the centerline of the street.**

	<b>Classification</b>	<b>Additional Setback</b>
<b>1.</b>	<b>Principle Arterial (99W)</b>	<b>61 feet</b>
<b>2.</b>	<b>Arterial</b>	<b>37 feet</b>
<b>3.</b>	<b>Collector</b>	<b>32 feet</b>
<b>4.</b>	<b>Neighborhood Route</b>	<b>32 feet</b>
<b>5.</b>	<b>Local</b>	<b>26 feet</b>

**FINDINGS:** All of the new and abutting local streets meet the standard width under the functional classification in Section VI of the Community Development Plan. Per Washington County comments:

*“SW Elwert Road is classified as a 2-3 lane Arterial in the TSP; the County's adopted RDCS specifies the required Arterial cross-section, implemented in WCCO 15.08.130.040 (Width) and WCCO 15.08.130.030 (Half-street improvements). Accordingly, this development is required to dedicate additional right-of-way to provide 45 feet from the monumented centerline of SW Elwert Road, construct a half-street improvement to the RDCS Arterial cross-section along the full SW Elwert Road frontage of the three subject tax lots, close all existing driveways to SW Elwert Road, and record a non-access reservation along the SW Elwert Road frontage. The right-of-way dedication shall be made in accordance with WCCO 15.12.010 and recorded on the final plat. The component design requirements for the half-street improvement are itemized under the Facility Permit Requirements below.”*

**16.106.040 - Design**

**Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood's Engineering Design Manual.**

**A. Reserve Strips**

**Reserve strips or street plugs controlling access or extensions to streets are not allowed unless necessary for the protection of the public welfare or of substantial property rights. All reserve strips shall be dedicated to the appropriate jurisdiction that maintains the street.**

**FINDINGS:** No reserve strips or street plugs are proposed.

**B. Alignment**

**All proposed streets shall, as far as practicable, be in alignment with existing streets. In no case shall the staggering of streets create a "T" intersection or a dangerous condition. Street offsets of less than one hundred (100) feet are not allowed.**

**FINDINGS:** As shown on the submitted plan set, there are no public street off-sets or staggering. Three new “T” intersections occur as a result and limitation of locations and connections to existing streets.

**C. Future Extension**

**Where necessary to access or permit future subdivision or development of adjoining land, streets must extend to the boundary of the proposed development and provide the required roadway width. Dead-end streets less than 100' in length must comply with the Engineering Design Manual.**

**A durable sign must be installed at the applicant's expense. The sign is required to notify the public of the intent to construct future streets. The sign must read as follows: "This road will be extended**

**with future development. For more information contact the City of Sherwood Engineering Department."**

**FINDINGS:** The subject site provides future access to adjoining properties. Specifically, street stubs are provided to the abutting Tax Lot 800 in the southwestern corner. SW Derby Terrace and SW Cereghino Lane extend to the boundary of the proposed development and provide the required roadway width for a local street.

**D. Intersection Angles**

**Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In all cases, the applicant shall comply with the Engineering Design Manual.**

**FINDINGS:** SW Derby Terrace, SW Locksley Lane and SW Oxford Terrace are extended from existing street stubs. All of the proposed roadways intersect at approximately ninety degrees.

**E. Cul-de-sacs**

- 1. All cul-de-sacs shall be used only when exceptional topographical constraints, existing development patterns, or compliance with other standards in this code preclude a street extension and circulation. A cul-de-sac shall not be more than two hundred (200) feet in length and shall not provide access to more than 25 dwelling units.**
- 2. All cul-de-sacs shall terminate with a turnaround in accordance with the specifications in the Engineering Design Manual. The radius of circular turnarounds may be larger when they contain a landscaped island, parking bay in their center, Tualatin Valley Fire and Rescue submits a written request, or an industrial use requires a larger turnaround for truck access.**
- 3. Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle access ways at least 6 feet wide where a cul-de-sac or dead-end street is planned, to connect the ends of the streets together, connect to other streets, or connect to other existing or planned developments in accordance with the standards of this Chapter, the TSP, the Engineering Design Manual or other provisions identified in this Code for the preservation of trees.**

**FINDINGS:** The proposed subdivision does not include any cul-de-sacs.

**F. Grades and Curves**

**Grades shall be evaluated by the City Engineer and comply with the Engineering Design Manual.**

**FINDINGS:** All street grades within the development have been designed in accordance with the applicable City standards. The City's engineering department will review the grades and curves of the site during approval of the final engineering plans.

**G. Streets Adjacent to Railroads**

**Streets adjacent to railroads shall run approximately parallel to the railroad and be separated by a distance suitable to allow landscaping and buffering between the street and railroad. Due consideration shall be given at cross streets for the minimum distance required for future grade separations and to provide sufficient depth to allow screening of the railroad.**

**FINDINGS:** No streets associated with the development are adjacent to a railroad.

**H. Buffering of Major Streets**

**Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties must be provided, through and local traffic be separated, and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.040, and all applicable access provisions of Chapter 16.96, are to be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.**

**FINDINGS:** The subject site abuts SW Elwert Road, a county arterial street. All lots within the development are buffered from SW Elwert Road by the 15-foot landscaped visual corridor required along SW Elwert Road, and no additional buffering is required.

**I. Median Islands**

**As illustrated in the adopted Transportation System Plan, Chapter 8, median islands may be required on arterial or collector streets for the purpose of controlling access, providing pedestrian safety or for aesthetic purposes.**

**FINDINGS:** Frontage improvements along SW Elwert Road are not proposed to include a median, and County staff have not indicated that a median island would be required as part of this development.

**J. Transit Facilities**

**Development along an existing or proposed transit route, as illustrated in Figure 7-2 in the TSP, is required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities to Tri-Met specifications. Transit facilities shall also meet the following requirements:**

- 1. Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.**
- 2. Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.**
- 3. Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).**
- 4. Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.**
- 5. Provide lighting at a transit stop (if not already existing to transit agency standards).**

**FINDINGS:** None of the roads within or abutting the subject site are identified as existing or proposed transit routes with either the City of Sherwood or Washington County.

**K. Traffic Controls**

- 1. Pursuant to Section 16.106.080, or as otherwise required by the City Engineer, an application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.**
- 2. For all other proposed developments including commercial, industrial or institutional uses with over an estimated 400 ADT, or as otherwise required by the City Engineer, the application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.**

**FINDINGS:** No traffic controls are proposed.

**L. Traffic Calming**

1. The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:
  - a. Curb extensions (bulb-outs).
  - b. Traffic diverters/circles.
  - c. Alternative paving and painting patterns.
  - d. Raised crosswalks, speed humps, and pedestrian refuges.
  - e. Other methods demonstrated as effective through peer reviewed Engineering studies.
2. With approval of the City Engineer, traffic calming measures such as speed humps and additional stop signs can be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street construction unless approved by the City Engineer and Tualatin Valley Fire & Rescue.

**FINDINGS:** Per comments from the City Engineer (Exhibit B5), a “bulb-out” shall be constructed on the west side of SW Copper Terrace at its intersection with SW Cereghino Lane.

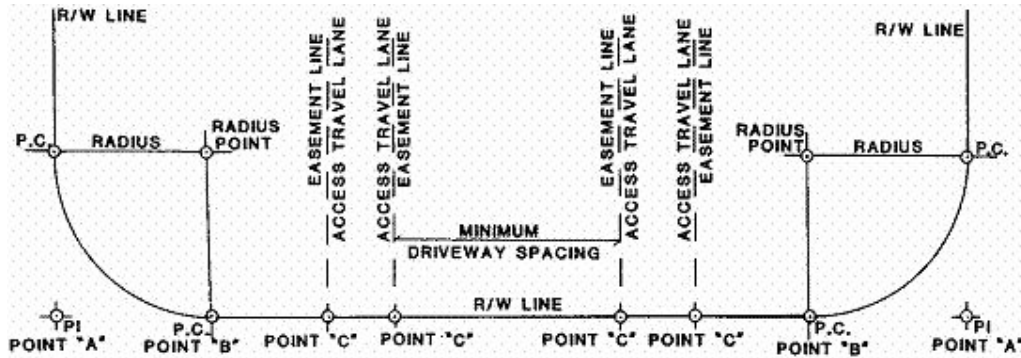
**M. Vehicular Access Management**

All developments shall have legal access to a public road. Access onto public streets shall be permitted upon demonstration of compliance with the provisions of adopted street standards in the Engineering Design Manual.

1. **Measurement:** See the following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.
  - a. Minimum right-of-way radius at intersections shall conform to City standards.
  - b. All minimum distances stated in the following sections shall be governed by sight distance requirements according to the Engineering Design Manual.
  - c. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.
  - d. All minimum distances between accesses shall be

measured from existing or approved accesses on both sides of the road.

- e. Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:



## 2. Roadway Access

No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.

- a. Local Streets:

Minimum right-of-way radius is fifteen (15) feet. Access will not be permitted within ten (10) feet of Point "B," if no radius exists, access will not be permitted within twenty-five (25) feet of Point "A." Access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than ten (10) feet.

- d. Arterials and Highway 99W - Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Figure 1 of the Community Development Plan, Part II, shall be limited as follows:

- (1) Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be

granted permanent driveway ingress or egress from Highway 99W or arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.

- (2) Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage roads. When alternatives do not exist, access shall comply with the following standards:

- (a) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').

- (b) The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.

- (3) All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local, neighborhood route or collector streets, including frontage or backage roads, consistent with the Transportation Plan Map and Chapter 6 of the Community Development Plan.

- 3. Exceptions to Access Criteria for City-Owned Streets
  - a. Alternate points of access may be allowed if an access management plan which maintains the

classified function and integrity of the applicable facility is submitted to and approved by the City Engineer as the access management plan must be included as part of the land use submittal or an application for modification as described in § 16.106.020 E. (Transportation Facilities Modifications).

- b. **Access in the Old Town (OT) Overlay Zone**  
Access points in the OT Overlay Zone shown in an adopted plan such as the Transportation System Plan, are not subject to the access spacing standards and do not need a variance. However, the applicant shall submit a partial access management plan for approval by the City Engineer. The approved plan shall be implemented as a condition of development approval.

**FINDINGS:** Access for new local residential streets is regulated by the City of Sherwood. The proposed local streets meet the City's design and access policy as described in the findings above. While the majority of the proposal is compliant with the access standards, six modifications to the City's engineering design manual have been identified: one for intersection spacing, one for block length, and four for road width. The modifications are currently not approvable by staff and have been addressed on page 47 of this document.

**N. Private Streets**

- 1. **The construction of a private street serving a single-family residential development is prohibited unless it provides principal access to two or fewer residential lots or parcels (i.e. flag lots).**
- 2. **Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan.**
- 3. **A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records.**
- 4. **A private street shall also be signed differently from public streets and include the words "Private Street".**

**FINDINGS:** No private streets are proposed.

**16.106.060 - Sidewalks**

**A. Required Improvements**

1. **Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.**
2. **For Highway 99W, arterials, or in special industrial districts, the City Manager or designee may approve a development without sidewalks if alternative pedestrian routes are available.**
3. **In the case of approved cul-de-sacs serving less than fifteen (15) dwelling units, sidewalks on one side only may be approved by the City Manager or designee.**

**FINDINGS:** Sidewalks meeting city local and neighborhood street standards are provided along all of the roads within the subject site. Additionally, an 8-foot sidewalk will be provided along the subject site's frontage of SW Elwert Road and SW Copper Terrace.

**B. Design Standards**

1. **Arterial and Collector Streets**  
**Arterial and collector streets shall have minimum six (6) or eight (8) foot wide sidewalks/multi-use paths, located as required by this Code. Residential areas shall have a minimum of a six (6) foot wide sidewalk and commercial industrial areas shall have a minimum of an eight (8) foot wide sidewalk.**
2. **Local Streets**  
**Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.**
3. **Handicapped Ramps**  
**Sidewalk handicapped ramps shall be provided at all intersections.**

**FINDINGS:** SW Elwert Road is classified as a Arterial street. An 8-foot paved sidewalk is proposed along the subject site's frontage on SW Elwert Road with six-foot sidewalks provided along all local streets per the City standards. SW Copper Terrace is classified as a neighborhood street with a proposed 8-foot paved sidewalk to meet City standards and to match the existing conditions at both ends of the site. Handicapped ramps will be provided as required by code.

**C. Pedestrian and Bicycle Paths**

**Provide bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 330 feet except where prevented by topography, barriers such as railroads or**

**highways, or environmental constraints such as rivers and streams.**

**FINDINGS:** Required sidewalks will provide pedestrian and bicycle circulation throughout the subdivision. Additional bicycle and pedestrian connectivity from SW Derby Terrace to SW Elwert Road has been required due to the unusually long block on Elwert Road and the block defined by SW Derby Terrace to the west and SW Cereghino Lane to the south, per 16.128.020.

#### **16.106.070 - Bike Lanes**

**If shown in Figure 13 of the Transportation System Plan, bicycle lanes shall be installed in public rights-of-way, in accordance with City specifications. Bike lanes shall be installed on both sides of designated roads, should be separated from the road by a twelve-inch stripe or other means approved by Engineering Staff, and should be a minimum of five (5) feet wide.**

**FINDINGS:** Figure 13 of the City of Sherwood Transportation System Plan (TSP), identifies that a bicycle lane is are required along SW Elwert Road. A 6 foot wide bicycle lane is proposed.

#### **16.106.090 – Rough Proportionality**

##### **A. Purpose**

**The purpose of this section is to ensure that required transportation facility improvements are roughly proportional to the potential impacts of the proposed development. The rough proportionality requirements of this section apply to both frontage and non-frontage improvements. A proportionality analysis will be conducted by the City Engineer for any proposed development that triggers transportation facility improvements pursuant to this chapter. The**

**City Engineer will take into consideration any benefits that are estimated to accrue to the development property as a result of any required transportation facility improvements. A proportionality determination can be appealed pursuant to Chapter 16.76. The following general provisions apply whenever a proportionality analysis is conducted.**

- ##### **B. Mitigation of impacts due to increased demand for transportation facilities associated with the proposed development shall be provided in rough proportion to the transportation impacts of the proposed development. When applicable, anticipated impacts will be determined by the TIA in accordance with Section 16.106.080. When no TIA is required, anticipated impacts will be determined by the City Engineer.**

- C. The following shall be considered when determining proportional improvements:
1. Condition and capacity of existing facilities within the impact area in relation to City standards. The impact area is generally defined as the area within a one-half-mile radius of the proposed development. If a TIA is required, the impact area is the TIA study area.
  2. Existing vehicle, bicycle, pedestrian, and transit use within the impact area.
  3. The effect of increased demand on transportation facilities and other approved, but not yet constructed, development projects within the impact area that is associated with the proposed development.
  4. Applicable TSP goals, policies, and plans.
  5. Whether any route affected by increased transportation demand within the impact area is listed in any City program including school trip safety; neighborhood traffic management; capital improvement; system development improvement, or others.
  6. Accident history within the impact area.
  7. Potential increased safety risks to transportation facility users, including pedestrians and cyclists.
  8. Potential benefit the development property will receive as a result of the construction of any required transportation facility improvements.
  9. Other considerations as may be identified in the review process pursuant to Chapter 16.72.

**FINDINGS:** Local streets serving the new lots are essential to the development and will only be used by the residents of the lots. SW Elwert Road is a County arterial and the applicant is required to complete half-street improvements to City and County standards.

The subdivision will introduce 39 new dwelling units that will rely on SW Elwert Road as a primary access route for residents, visitors, service vehicles, and emergency responders. The development fronts SW Elwert Road and is required to have pedestrian connections between the subdivision and Elwert Road, resulting in increased bicycle and pedestrian activity along the corridor.

The improvements will enhance safety for all roadway users, including pedestrians and cyclists including Sherwood High School students, by providing facilities consistent with City and County standards and reducing potential conflicts between vehicles and non-motorized users.

The development will receive a direct and substantial benefit from the required improvements because the improvements will serve the frontage of the property, provide access to the subdivision, improve pedestrian connectivity, and support safe ingress and egress for future residents. The improvements are therefore reasonably related to and roughly proportional to the transportation impacts generated by the proposed 39-lot subdivision and are consistent with applicable Transportation System Plan policies and City transportation standards.

Finally, the City and County code provide for Transportation System Development Charge Credits on qualified improvements, a system designed to reimburse developers for improvements made above and beyond what is required to serve their specific project. Importantly, the recommended conditions of approval do not require any off-site traffic impact fees or improvements to off-site development.

## **Chapter 16.108 – IMPROVEMENT PLAN REVIEW**

### **16.108.010 – Preparation and Submission**

**An improvement plan shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of the plan shall be submitted to the City for review. An improvements plan shall be accompanied by a review fee as per this Section.**

#### **A. Review Fee**

**Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business Fees" adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.**

#### **B. Engineering Agreement**

**A copy of an agreement or contract between the applicant and Registered Civil Engineer for:**

- 1. Surveying sufficient to prepare construction plans.**
- 2. Preparation of construction plans and specifications.**
- 3. Construction staking, and adequate inspection.**
- 4. Construction notes sufficient to develop accurate as-built plans.**
- 5. Drawing of accurate as-built plans and submission of reproducible mylars for finals to the City.**
- 6. Certificate stating that construction was completed in accordance with required plans and**

specifications.

**16.108.010 – Acceptance of Improvements**

**A. Final Inspection**

At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection.

**B. Notification of Acceptance**

The City shall give written notice of acceptance of the improvements upon finding that the applicant has met the requirements of this Chapter and the specifications of all approved plans.

**C. Maintenance Bond**

Prior to City acceptance of public improvements, the applicant shall provide the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, for the purpose of correcting any defective work or maintenance that becomes apparent or arises within two (2) years after final acceptance of the public improvements.

**FINDINGS:** The development will require new public infrastructure and an Engineering Public Improvement Plan is required.

**CONDITION OF APPROVAL F7:** Prior to Acceptance of Public Improvements, the developer shall construct all required public improvements meeting the approval of the Sherwood Engineering Department.

**Chapter 16.110 – SANITARY SEWERS**

**16.110.010 - Required Improvements**

Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Provided, however, that when impractical to immediately connect to a trunk sewer system, the use of septic tanks may be approved, if sealed sewer laterals are installed for future connection and the temporary system meets all other applicable City, Clean Water Services, Washington County and State sewage disposal standards.

**16.110.020 – Design Standards**

**A. Capacity**

Sanitary sewers shall be constructed, located, sized, and installed at standards consistent with this Code, the Sanitary Sewer Service Plan Map in the Sanitary Sewer Master Plan, and other applicable

Clean Water Services and City standards, in order to adequately serve the proposed development and allow for future extensions.

**B. Over-Sizing**

1. When sewer facilities will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.
2. Reimbursement shall be in an amount estimated by the City to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the development, for a period of ten (10) years from the time of installation of the sewers. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.

**16.110.030 - Service Availability**

Approval of construction plans for new facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing sewer systems shall include certification by the City that existing or proposed sewer facilities are adequate to serve the development.

**FINDINGS:** The City of Sherwood Engineering comments state:

*Currently there are 8-inch diameter public sanitary sewer mains existing within SW Derby Terrace, SW Locksley Lane and SW Oxford Terrace that are stubbed to the subject property within the dead end streets. There also exists an 8-inch diameter public sanitary sewer main within SW Cereghino Drive along the entirety of the subject property frontage. There is also an existing 8-inch diameter public sanitary sewer main within SW Copper Terrace along the northern 120 feet of subject property street frontage. SW Elwert Road has no sanitary sewer main along the subject property frontage, however there is a sanitary sewer manhole connected to a 15-inch diameter public sanitary sewer main located about 110 feet north of the northwestern corner of the subject property.*

*The subject development will need to construct a public sanitary sewer system within the new public streets to provide sanitary sewer service to each lot of the subject development.*

*As noted above, there is no sanitary sewer along the subject property frontage of SW Elwert Road. However, there is a 15-inch diameter sanitary sewer main stubbed out into SW Elwert Road from the subdivision to the north of the subject property. This stub can be used by future Sherwood west (urban growth area) development by extending as necessary to a future intersection from Sherwood west to SW Elwert Road. This 15-inch diameter sanitary sewer can be extended*

*into Sherwood west via a local street system to provide sanitary sewer to future developments. Therefore, no extension of the public sanitary sewer system within SW Elwert Road will be required.*

*As noted above, there is only a public sanitary sewer within SW Copper Terrace along the northern portion of the subject property frontage. There is a vacant parcel of property on the east side of SW Copper Terrace that currently does not have property frontage to this sanitary sewer. Therefore, extension of the public sanitary sewer should be provided to the northern property line of the vacant parcel. However, since this would result in the installation of a very short section of sewer pipe, it is not practical to require this installation as part of the subject development. Therefore, instead of installing this public sanitary sewer, a fee-in-lieu payment in the amount of 125 percent of an engineer's estimate shall be made.*

*The existing homes appear to be on private septic systems. Any private sanitary sewer system will need to be abandoned/removed in compliance with all regulations. This will need to be done prior to recording of the subdivision plat.*

**CONDITION OF APPROVAL C1:** Prior to Approval of Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the subject development shall design to extend the public sanitary sewer to provide public sanitary sewer service to all proposed lots through new public streets meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL C2:** Prior to Approval of Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the subject developer shall make a fee-in-lieu payment for the future extension of an 8-inch diameter sanitary sewer line from its current location within SW Copper Terrace to the extension of the northern property line of the vacant parcel east of the subject property. This fee-in-lieu will be in the amount of 125 percent of an engineer's estimate meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL B9:** Prior to Final Plat, any septic system within the subject property shall be abandoned/removed in accordance with all applicable regulations.

**CONDITION OF APPROVAL G2:** Prior to Grant of Occupancy, any private sanitary piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

## **Chapter 16.112– WATER SUPPLY**

### **16.112.010 Required Improvements**

**Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains or shall construct new mains appropriately sized and located in accordance with the Water System**

**Master Plan.**

**16.112.20 - Design Standards**

**A. Capacity**

Water lines providing potable water supply shall be sized, constructed, located and installed at standards consistent with this Code, the Water System Master Plan, the City's Design and Construction Manual, and with other applicable City standards and specifications, in order to adequately serve the proposed development and allow for future extensions.

**B. Fire Protection**

All new development shall comply with the fire protection requirements of Chapter 16.116, the applicable portions of Chapter 7 of the Community Development Plan, and the Fire District.

**C. Over-Sizing**

1. When water mains will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.
2. Reimbursement shall be in an amount estimated by the City to be the proportionate share of the cost of each connection made to the water mains by property owners outside the development, for a period of ten (10) years from the time of installation of the mains. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.
3. When over-sizing is required in accordance with the Water System Master Plan, it shall be installed per the Water System Master Plan. Compensation for over-sizing may be provided through direct reimbursement, from the City, after mainlines have been accepted. Reimbursement of this nature would be utilized when the cost of over-sizing is for system wide improvements.

**16.112.030 - Service Availability**

Approval of construction plans for new water facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing water systems shall include certification by the City that existing or proposed water systems are adequate to serve the development.

**FINDINGS:** The City of Sherwood Engineering comments states:

*Currently there are 8-inch diameter public water mains existing within SW Derby Terrace, SW Locksley Lane and SW Oxford Terrace that are stubbed to the subject property within the dead end streets. There also exists an 8-inch diameter public water main within SW Cereghino Drive along the entirety of the subject property frontage.*

*There is also an existing 16-inch diameter public water main within SW Copper Terrace along the entirety of subject property street frontage. SW Elwert Road has no water main along the subject property frontage, however there is a 12-inch diameter public water main stubbed to the extension of the northern property line of the subject property.*

*The subject development will need to construct a public water system within the new public streets to provide water service and fire protection to each lot of the subject development and to extend the public water line within SW Derby Terrace to the southern end of the subject property to provide for future looping to the water line within SW Cereghino Lane.*

*The subject development will need to construct a public water line along the entire subject property frontage of SW Elwert Road.*

*The existing homes appear to be on private wells. Any private sanitary sewer system will need to be abandoned/removed in compliance with all regulations. This will need to be done prior to recording of the subdivision plat.*

*Water meters shall not be located in hardscape areas.*

**CONDITION OF APPROVAL F3:** Prior to Approval of Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the subject development shall design to extend the public water system to provide water service and fire protection to all proposed lots meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL F4:** Prior to Approval of Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the subject development shall design to extend a public water line to the south property line of the subject property within SW Derby Terrace meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL F5:** Prior to Approval of Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the subject development shall design to extend the 12-inch diameter public water line within SW Elwert Road to the extension of the southern property line of the subject property meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL B10:** Prior to Final Plat, any well within the subject property shall be abandoned/removed in accordance with all applicable regulations.

**CONDITION OF APPROVAL G3:** Prior to Grant of Occupancy, any private water piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

## **Chapter 16.114 – STORM WATER**

### **16.114.010 - Required Improvements**

**Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of the Clean Water Services water quality regulations contained in their Design and Construction Standards R&O 04-9, or its replacement**

**(Note: Section 16.114.015, Street Systems Improvement Fees (SIF) was repealed by Ordinance 91-922 § 19) to be removed from the SZCDC and permanently located in the Municipal Code).**

### **16.114.020 – Design Standards**

#### **A. Capacity**

**Storm water drainage systems shall be sized, constructed, located, and installed at standards consistent with this Code, the Storm Drainage Master Plan Map, attached as Exhibit E, Chapter 7 of the Community Development Plan, other applicable City standards, the Clean Water Services Design and Construction standards R&O 04-9 or its replacement, and hydrologic data and improvement plans submitted by the developer.**

#### **B. On-Site Source Control**

**Storm water detention and groundwater recharge improvements, including but not limited to such facilities as dry wells, detention ponds, and roof top ponds shall be constructed according to Clean Water Services Design and Construction Standards.**

#### **C. Conveyance System**

**The size, capacity and location of storm water sewers and other storm water conveyance improvements shall be adequate to serve the development and accommodate upstream and downstream flow. If an upstream area discharges through the property proposed for development, the drainage system shall provide capacity to the receive storm water discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in storm water caused by new development, provisions shall be made by the developer to increase the**

downstream capacity or to provide detention such that the new development will not increase the storm water caused by the new development.

**16.114.030 – Service Availability**

Approval of construction plans for new storm water drainage facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing storm water drainage systems shall include certification by the City that existing or proposed drainage facilities are adequate to serve the development.

**FINDINGS:** The City of Sherwood Engineering comments state:

*Currently there are 12-inch diameter public storm sewer existing within SW Derby Terrace, SW Locksley Lane and SW Oxford Terrace that are stubbed to the subject property within the dead end streets. There also exists a 12-inch diameter public storm sewer within SW Cereghino Drive along the entirety of the subject property frontage. There is also an existing 12-inch diameter public storm sewer within SW Copper Terrace along the northern 15 feet of subject property street frontage. There is an existing 12-inch diameter public storm sewer within SW Elwert Road along the southern 380 feet of subject property street frontage. This storm sewer is treated via a storm cartridge manhole before discharging to a roadside ditch.*

*The subject development will need to construct a public storm sewer system within the new public streets to provide storm sewer service to each lot of the subject development and for street drainage of new streets and street widenings. Public storm sewer may be within private property within a public easement with the approval of the Sherwood Engineering Department.*

*The subject development is required to provide storm water quality treatment and hydro-modification for all new/modified impervious area unless otherwise approved by the City of Sherwood and Clean Water Services (CWS). The water quality treatment and hydro-modification facilities shall be in a separate tract of land dedicated to the City of Sherwood.*

*There exists a regional storm water runoff water quality treatment swale that was sized for providing treatment for the subject property. However, this existing facility does not provide for hydro-modification and there is no high flow bypass for the swale resulting in erosion issues at the outlet end of the swale. The subject development has submitted a preliminary plan*

*that provides for storm water runoff water quality treatment and hydro-modification via a proposed extended dry basin at the northwest corner of the subject development. This proposed extended dry basin will flow to a storm sewer within SW Elwert Road eventually discharging to a tributary approximately 300 feet north of the subject property. Upsizing of storm sewer within SW Elwert Road is proposed to account for this storm conveyance.*

*By not conveying the storm water runoff from the subject development to the existing water quality swale, this project avoids exasperating the existing issues at the existing regional storm water runoff water quality swale.*

*A storm report in compliance with CWS standards is required.*

**CONDITION OF APPROVAL C4:** Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the subject development shall design to extend the public storm sewer to provide public storm sewer service to all proposed lots, new streets and new street widenings meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL C5:** Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the proposed development shall design to provide on-site water quality treatment/hydro-modification facilities with maintenance access to all facility structures in accordance with city and Clean Water Services standards unless otherwise approved by the city and Clean Water Services. These facilities shall be designed meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL C6:** Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the proposed development shall provide a storm report in compliance with CWS standards meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL C7:** Prior to Acceptance of the Public Improvements, any public storm sewer located on private property shall have a dedicated public storm sewer easement encompassing the related public storm sewer improvements meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL F8:** Prior to Acceptance of the Public Improvements, the tract of land containing the public water quality facilities

shall be dedicated to the city meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL F9:** Prior to Acceptance of the Public Improvements, a wall covenant designating the homeowner's association as the responsible party for the storm water facilities wall maintenance shall be recorded meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL G5:** Prior to Grant of Occupancy, any private storm piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

## **Chapter 16.116 - FIRE PROTECTION**

### **16.116.010 – Required Improvements**

**When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (500) feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.**

**A. Capacity**

**All fire protection facilities shall be approved by and meet the specifications of the Fire District, and shall be sized, constructed, located, and installed consistent with this Code, Chapter 7 of the Community Development Plan, and other applicable City standards, in order to adequately protect life and property in the proposed development.**

**B. Fire Flow**

**Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty (20) pounds per square inch residual pressure.**

**Water supply for fire protection purposes shall be restricted to the available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists.**

**C. Access to Facilities**

**Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress**

shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.

**D. Hydrants**

Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.

**16.116.30 - Miscellaneous Requirements**

**A. Timing of Installation**

When fire protection facilities are required, such facilities shall be installed and made serviceable prior to or at the time any combustible construction begins on the land unless, in the opinion of the Fire District, the nature or circumstances of said construction makes immediate installation impractical.

**B. Maintenance of Facilities**

All on-site fire protection facilities, shall be maintained in good working order. The Fire District may conduct periodic tests and inspection of fire protection and may order the necessary repairs or changes be made within ten (10) days.

**C. Modification of Facilities**

On-site fire protection facilities, may be altered or repaired with the consent of the Fire District; provided that such alteration or repairs shall be carried out in conformity with the provisions of this Chapter.

**FINDINGS:** The proposal is for a residential subdivision and the applicant is required to install fire protection facilities that meet the standards of Tualatin Valley Fire & Rescue (TVF&R). TVF&R has issued a Service Provider Letter for the proposal included as Exhibit D5.

**CONDITION OF APPROVAL A6:** The applicant shall comply with the TVF&R Service Provider Letter and all applicable fire code regulations, as determined by service provider.

## **Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES**

### **16.118.010 Purpose**

**Public telecommunication conduits as well as conduits for franchise utilities including, but not limited to, electric power, telephone, natural gas, lighting, and cable television shall be installed to serve all newly created lots and developments in Sherwood.**

### **16.118.20 Standard**

- A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.**
- B. Public utility easements shall be a minimum of eight (8) feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.**
- C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties,  
public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).**
- D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.**
- E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.**
- F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.**

### **16.118.030 - Underground Facilities**

**Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground, unless specifically authorized for above ground installation, because the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the City.**

### **16.118.040 - Exceptions**

**Surface-mounted transformers, surface-mounted connection boxes and meter**

**cabinets, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at fifty thousand (50,000) volts or more may be located above ground. The City reserves the right to approve location of all surface-mounted transformers.**

**FINDINGS:** All utilities are required to be placed underground in accordance with the standard above. Sherwood Broadband utilities are required to be installed along the subject properties frontage per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074.

**CONDITION OF APPROVAL A3:** Per City of Sherwood standards, all new utilities shall be placed underground.

**CONDITION OF APPROVAL F6:** Prior to Final Acceptance of Constructed Public Improvements, Sherwood Broadband utilities (vaults and conduit) shall be installed along all subject properties street frontages per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074 unless a fee-in-lieu is accepted.

#### **16.118.050 - Private Streets**

**The construction of new private streets, serving single-family residential developments shall be prohibited unless it provides principal access to two or fewer residential lots or parcels i.e. flag lots. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records. A private street shall also be signed differently from public streets and include the words "Private Street".**

**FINDINGS:** The submittal does not include any private streets.

#### **IV. STAFF RECOMMENDATION AND CONDITIONS OF APPROVAL**

**STAFF RECOMMENDATION:** Staff recommends approval of LU 2025-012 SUB PINOT GLEN, subject to the findings and Conditions of Approval described in this report. The recommendation is based on review of the applicable code standards and approval criteria, the applicant's submittal, agency comments, and public testimony.

#### **A. General Conditions**

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. The proposed development shall comply with the conditions of the CWS Service Provider Letter.
3. Per City of Sherwood standards, all new utilities shall be placed underground.
4. The preliminary plat approval is valid for two years from the date of the Notice of Decision. The final plat shall be approved by the City within two years of Notice of Decision, unless an extension is granted by the City prior to the two-year deadline.
5. The construction time period of public improvements for each phase shall be no greater than two years without reapplying for a preliminary plat. The construction time period begins when an engineering compliance agreement is issued from the City's Engineering Department.
6. The applicant shall comply with the TVF&R Service Provider Letter and all applicable fire code regulations, as determined by service provider.

**B. Prior to Final Plat Approval**

1. Prior to Final Plat approval, revise the landscape plans to include clear vision areas pursuant to SZCDC § 16.58.010.
2. To ensure the proposed fence along SW Elwert Rd meets the Sherwood Municipal Code standards, details including plans and elevation drawings are to be submitted prior to Final Plat approval.
3. Prior to Final Plat Approval a revised plan shall be submitted including revised street widths and bicycle and pedestrian connection on what is currently lot 10.
4. Prior to Final Plat, revise plans to include the required bicycle and pedestrian trail: A "Feeder Trail", per the TSP, Figure 16F, of concrete construction, with lighting, and landscaping.
5. The required bicycle and pedestrian trail from SW Derby Terrace, through lot 10, to SW Elwert Road, to be located in a separate tract and not in an easement. Ownership and maintenance of the trail to be by the HOA. Plat and CCRs should reflect ownership and maintenance.
6. Prior to Final Plat, an open space plan to be developed and provided to staff. Plan to

include landscaping, paths, benches, trash receptacles, lighting, and be fully irrigated with a below grade automatic system.

7. The visual corridor is to be located in a permanent easement on plat, no fences are allowed in the visual corridor, maintenance of the visual corridor is the responsibility of the HOA.
8. Prior to Final Plat Approval revise plans to conform to the adopted street section.
9. Prior to Final Plat, any septic system within the subject property shall be abandoned/removed in accordance with all applicable regulations.
10. Prior to Final Plat, any well within the subject property shall be abandoned/removed in accordance with all applicable regulations.
11. Obtain a Washington County Facility Permit per ORS 374.305 / 374.309 and WCCO 15.08.210, including (i) Engineering Plan Review approval of the construction plans
12. submitted under I.A.4, and (ii) execution of a Public Improvement Contract with financial assurance for the improvements.
13. Submit to Washington County Land Development Services, Public Assurance Staff (503-846-3843):
  - a. Completed Facility Permit Information Form and Design and Inspection Option Form.
  - b. \$28,000 Administration Deposit (payable by credit card at 503-846-3843, or by check via U.S. Mail or in person).

***NOTE: The Administration Deposit funds Washington County's costs for plan approval, field inspections, and contract administration. Any portion of the deposit not used by the County will be returned to the applicant at project closeout. If at any time during the project the County's costs exceed the amount deposited, Washington County will bill the applicant for the additional amount needed to cover its costs.***
  - c. Copy of the City's Land Use Approval with Conditions, signed and dated.
  - d. Engineering plans, signed and stamped by a registered professional engineer licensed in Oregon, prepared in conformance with the County's Facility Permit Submittal

Requirements (memo, 4/29/2020) and the Road Engineering Plan Submittal/Review Checklist (RDCS Appendix E, 1/12/2024), and submitted via the County's Electronic Plan Review (ProjectDox) system for County Engineering Plan Review approval. The plans shall provide the following components along the SW Elwert Road frontage of Tax Lots 2S130CC00400, 00600, and 00700:

- i. Half-street improvement to the RDCS Arterial cross-section. The plans shall include plan, profile, and cross-section views, with the following components:
  1. **Pavement.** Pavement widening to the half-width of the Arterial cross-section. Submit structural pavement design and supporting calculations per WCCO 15.08.320.020; transitions to existing pavement per WCCO 15.08.320.050.
  2. **Bike lane.** Bike lane to the Arterial cross-section, with pavement marking per the ODOT Striping Legend (TM500 series).
  3. **Street lighting.** Street lighting per the RDCS Arterial template. Luminaire supports per Standard Drawings 6810 (Luminaire Supports -  
Da  
vit Style) and 6820 (Foundations). Submit photometric calculations demonstrating compliance with the Arterial illumination criteria.
- i. **ADA-compliant pedestrian curb ramps. Curb ramps at all transitions per RDCS Standard Drawing 2130 (Sidewalk Curb Ramp at Curb Return), conforming to PROWAG and to the County's Clarification of ADA Design Standards memo (6/1/2022). ADA Ramp Inspection Forms (RDCS 7010 through 7090, as applicable to ramp type) shall accompany construction.**
  4. **Sight distance.** Sight distance at all access locations and intersections per WCCO 15.08.130.080 and the County's Sight Distance Guidelines memo (4/8/2021).

Submit a sight distance certification, signed and stamped by the

**design engineer, identifying the sight triangles on the plans and confirming that no obstruction is present within the required sight distance for the design speed of SW Elwert Road.**

5. Washington County will defer to the City of Sherwood's preferred design features for any element located beyond the back of the curb. However, the ultimate design shall be reviewed by county engineers and must conform to the county's engineering standards.
  - a. **Curb and gutter.** Concrete curb and gutter per RDCS Standard Drawing 2010 (Standard Curb and Gutter); curb-type transitions per Standard Drawing 2040.
  - b. **Sidewalk.** Concrete sidewalk per RDCS Standard Drawing 2110 (P.C. Concrete Sidewalk Detail); end-of-sidewalk transitions per Standard Drawing 2140.
  - c. **Storm drainage.** Storm drainage designed to the County design storm, with catch basins, conveyance pipe, and connection to the County drainage system. Submit hydraulic calculations per WCCO 15.08.330.010 through 15.08.330.040. Subsurface drainage per Standard Drawing 5010 (Subsurface Drain Detail), where field conditions require.
- ii. Driveway closures. All existing driveways to SW Elwert Road shall be closed and the frontage restored across each closed location to match the new half-street section. Existing access along unimproved frontage per Standard Drawing 1090 shall be terminated; restoration shall be designed using curb and gutter per Standard Drawing 2010 and sidewalk per Standard Drawing 2110, with continuity of the planter strip and street trees as specified in I.A.4.a.iv.

- iii. Design exceptions. Any designs for public improvements that cannot meet the county's standard details may be approved through the Design Exception review process, as outlined in WCCO 15.220.

14. The following shall be represented on the plat and recorded with Washington County:

- 1. Dedication of additional right-of-way to provide 45 feet from the centerline of SW Elwert Road.
- 2. Provision of a non-access reservation along the SW Elwert Road frontage.

**C. Prior to Engineering Approval of the Public Improvement Plans**

- 1. Prior to Approval of Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the subject development shall design to extend the public sanitary sewer to provide public sanitary sewer service to all proposed lots through new public streets meeting the approval of the Sherwood Engineering Department.
- 2. Prior to Approval of Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the subject developer shall make a fee-in-lieu payment for the future extension of an 8-inch diameter sanitary sewer line from its current location within SW Copper Terrace to the extension of the northern property line of the vacant parcel east of the subject property. This fee-in-lieu will be in the amount of 125 percent of an engineer's estimate meeting the approval of the Sherwood Engineering Department.
- 3. Prior to Approval of Engineering Public Improvement Plans, a CWS Storm Water Connection Permit Authorization shall be obtained.
- 4. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the subject development shall design to extend the public storm sewer to provide public storm sewer service to all proposed lots, new streets and new street widenings meeting the approval of the Sherwood Engineering Department.
- 5. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the proposed development shall design to provide on-site water quality treatment/hydro-modification facilities with maintenance access to all facility structures in accordance with city and Clean

Water Services standards unless otherwise approved by the city and Clean Water Services. These facilities shall be designed meeting the approval of the Sherwood Engineering Department.

6. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the proposed development shall provide a storm report in compliance with CWS standards meeting the approval of the Sherwood Engineering Department.
7. Prior to Acceptance of the Public Improvements, any public storm sewer located on private property shall have a dedicated public storm sewer easement encompassing the related public storm sewer improvements meeting the approval of the Sherwood Engineering Department.
8. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the developer shall design for street widening improvements (including street lighting and street trees) along the subject property frontage of SW Elwert Road to provide for a 27-foot wide half-street paved surface, a 5-foot wide landscape strip, an 8-foot wide sidewalk within a 45-foot wide half street right-of-way section meeting the approval of the Sherwood and Washington County Engineering Departments.
9. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the developer shall design for street widening improvements (including street lighting and street trees) along the subject property frontage of SW Copper Terrace to provide for a 38-foot wide curb to curb paved surface, a 5-foot wide landscape strip, an 8-foot wide sidewalk within an overall 64-foot wide street right-of-way section meeting the approval of the Sherwood Engineering Department.
10. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the developer shall design for street widening improvements (including street lighting and street trees) along the subject property frontage of SW Cereghino Lane to provide for a 36-foot wide curb to curb paved surface, a 5-foot wide landscape strip, a 6-foot wide sidewalk with right-of-way dedication to 1 foot behind sidewalk meeting the approval of the Sherwood Engineering Department.
11. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the developer shall design for a 2-inch grind and inlay of the existing asphalt to 18-feet from the new concrete curb on

the north side of SW Cereghino Lane meeting the approval of the Sherwood Engineering Department.

12. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the developer shall design for street improvements (including street lighting and street trees) for SW A Street and SW Derby Terrace (south of SW Locksley Lane) shall be constructed to current local street standards consisting of a 36-foot wide paved surface with a 5-foot landscape strip, a 6-foot wide sidewalk, and a 1-foot wide sidewalk buffer on each side within a 60-foot wide right-of-way meeting the approval of the Sherwood Engineering Department.
13. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the developer shall design for street improvements (including street lighting and street trees) for SW Locksley Lane, SW Oxford Terrace and SW Derby Terrace (north of SW Locksley Lane) shall be constructed to the following consisting of a 28-foot wide paved surface with a 5-foot landscape strip, a 6-foot wide sidewalk, and a 1-foot wide sidewalk buffer on each side within a 52-foot wide right-of-way meeting the approval of the Sherwood Engineering Department.
14. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the developer shall make a fee-in-lieu payment for any street improvements (including street trees) along the south side of Lot 9 not constructed within the new street right-of-way. The fee-in-lieu amount shall be 125% of an engineer's estimate for the improvements meeting the approval of the Sherwood Engineering Department.
15. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the developer shall design for an 8-foot wide concrete sidewalk within a 20-foot wide privately owned tract of land to connect the sidewalk to be installed along the east side of SW Elwert Road with the sidewalk to be installed along the west side of SW Derby Terrace meeting the approval of the Sherwood Engineering Department. This sidewalk shall be privately owned and maintained by the Home Owner's Association.
16. Prior to Acceptance of the Public Improvements, the 20-foot wide privately owned tract of land containing the sidewalk that interconnects SW Elwert Road to SW Derby Terrace shall have a public access easement over its entirety meeting the approval of the Sherwood Engineering Department.

17. Prior to Acceptance of Public Improvements/Issuance of an Engineering Compliance Agreement, the developer shall dedicate a minimum 8-foot wide PUE along all street frontages within/adjacent to the subject development meeting the approval of the Sherwood Engineering Department unless otherwise approved by the City Engineer.

**D. Prior to Issuance of a Grading Permit**

1. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the proposed development shall obtain a DEQ NPDES 1200-C permit.

**E. Prior to Issuance of Building Permits**

1. Prior to issuance of building permits, one off-street parking space per dwelling unit shall be provided. Garages cannot be counted as parking stalls. Each stall shall be a minimum of 20 ft. deep x 9 ft. wide.
2. Prior to Issuance of Building Permits, substantial completion of the public improvements by the Sherwood Engineering Department is required unless otherwise approved by the Sherwood Engineering Department in the case of a model home.

**F. Prior to Acceptance of Public Improvements**

1. Prior to Acceptance of Constructed Public Improvements, applicant will comply with all the requirements and conditions of the WACO letter dated June 03, 2022.
2. Prior to Acceptance of Public Improvements, the developer shall construct all required public improvements meeting the approval of the Sherwood Engineering Department.
3. Prior to Approval of Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the subject development shall design to extend the public water system to provide water service and fire protection to all proposed lots meeting the approval of the Sherwood Engineering Department.
4. Prior to Approval of Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the subject development shall design to extend a public water line to the south property line of the subject property within SW Derby Terrace meeting the approval of the Sherwood Engineering Department.
5. Prior to Approval of Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the subject development shall design to extend the 12-inch diameter public water line within SW Elwert Road to the extension of the southern property line of the subject property meeting the approval of the

Sherwood Engineering Department.

6. Prior to Acceptance of the Public Improvements, Sherwood Broadband utilities (vaults and conduits) shall be installed along the subject property frontage of all streets within/adjacent to the subject development per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074.
7. Prior to Acceptance of Public Improvements, the developer shall construct all required public improvements meeting the approval of the Sherwood Engineering Department.
8. Prior to Acceptance of the Public Improvements, the tract of land containing the public water quality facilities shall be dedicated to the city meeting the approval of the Sherwood Engineering Department.
9. Prior to Acceptance of the Public Improvements, a wall covenant designating the homeowner's association as the responsible party for the storm water facilities wall maintenance shall be recorded meeting the approval of the Sherwood Engineering Department

**G. Prior to Receiving Occupancy**

1. Prior to Issuance of occupancy, all open space landscaping not subject to CWS standards shall be installed in accordance with SZCDC § 16.92.020 and have an irrigation system.
2. Prior to Grant of Occupancy, any private sanitary piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
3. Prior to Grant of Occupancy, any private water piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
4. Prior to Occupancy, final acceptance of the constructed public improvements shall be obtained from the City of Sherwood Engineering Department unless otherwise approved by the city.
5. Prior to Grant of Occupancy, any private storm piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
6. Road improvements required in I.A.4 shall be completed, inspected, and accepted by Washington County, and the one-year minimum maintenance period under the Public Improvement Contract shall be initiated. Any obstructions within the certified sight triangles (1.A.4.a.ix) shall be removed or relocated before acceptance.

## **V. EXHIBITS**

### **A. Applicant Submittal (complete application materials available in the project file at City Hall)**

1. Incomplete Letter #1: 11.21.2025
2. Applicant Request to Keep Project Incomplete: 03.26.2026
3. Applicant Request to Keep Project Incomplete: 04.09.2026
4. Incomplete Letter #2: 04.29.2026
5. Revised Submittal: 04.22.2026
  - a. Updated Signed Land Use forms - 39 lots
  - b. Tax Map
  - c. LU 2025-012 SUB INCOMPLETE LETTER - 04.09.2026
  - d. LU 2025-012 SUB INCOMPLETE LETTER & Response – 11.21.2025
  - e. LU 2025-012 Compliance Narrative
  - f. LU 2025-012 Incomplete Response
  - g. Schendel Title Report
  - h. Alexander Title Report
  - i. Pre-App Notes 1
  - j. Pre-App Notes 2
  - k. CWS SPL
  - l. CWS Prescreen
  - m. FD Permit application 2025-0176 41 lot subdivision SW Elwert
  - n. FS1 Plan 2025-0176 41 lot Elwert subdivision
  - o. Affidavit of Mailing
  - p. Meeting Attendance Roster
  - q. Meeting Notes
  - r. Storm Report-PSDR
  - s. Arborist Report 10-10-2025
  - t. Subdivision Name
  - u. DE Min Curb to Curb Width
  - v. DE Min Intersection Spacing
  - w. Planning Set
  - x. Open Space Exhibit

### **B. Agency Comments**

1. Pride Disposal and Recycling Company
2. Tualatin Valley Fire and Rescue
3. City of Sherwood Building Department
4. Clean Water Services
5. City of Sherwood Engineering
6. Washington County Land Use & Transportation

**C. Public Testimony: None received as of June 04, 2026**

**D. Additional Information**

1. Ordinance 2022-005
2. City of Sherwood Parks and Recreation Master Plan: 2021
3. Transportation System Plan – Figure 16F – *Feeder Trail*
4. Transportation System Plan – Figure 18 – *Local Street Connectivity*
5. TVFR – Service Provider Letter