



Home of the Tualatin River National Wildlife Refuge

Planning Commission Meeting Packet

FOR

June 12, 2018

at 7 PM

**Sherwood Police Department
20495 SW Borchers Drive
Sherwood, Oregon**



**City of Sherwood
PLANNING COMMISSION
Sherwood Police Department
20495 SW Borchers Drive
Sherwood, OR 97140
June 12, 2018**

Regular Meeting – 7:00 PM

- 1. Call to Order**
- 2. Council Liaison Announcements (Sean Garland)**
- 3. Staff Announcements**
- 4. Community Comments**
- 5. New Business**
 - a) Public Hearing – PUD 17-01/SUB 17-01 Final Development Plan (Joy Chang)**

The City Council approved the Denali Lane Planned Unit Development (PUD) on March 6, 2018. The applicant now proposes a Final Development Plan and Final Subdivision Plat for the PUD. The Final Development/Subdivision Plat proposes a seven-lot planned unit development subdivision with several areas of open space. The proposal extends SW Denali Lane northward from Sherwood View Estates. The 3.71 acre lot is zoned Very Low Density Residential Planned Unit Development (PUD). With the PUD the applicant is allowed a minimum lot size of 10,000 square feet.

- 6. Planning Commissioner Announcements**
- 7. Adjourn**

Meeting documents are found on the City of Sherwood website at www.sherwoodoregon.gov/meetings or by contacting the Planning Staff at 503-925-2308. Information about the land use applications can be found at www.sherwoodoregon.gov/projects.

CITY OF SHERWOOD
Staff Report

June 5, 2018

Denali Lane PUD 17-01
Final Development Plan

To: Planning Commission

Application Submitted: April 6, 2018
Application Complete: May 16, 2018
120-Day Deadline: November 12, 2018
Public Hearing: June 12, 2018

From:


Joy Chang
Associate Planner

Proposal: On March 6, 2018, City Council adopted Ordinance 2018-004 approving a Planned Unit Development (PUD 17-01) and seven-lot Subdivision (SUB 17-01) on a 3.71-acre parcel. The site is located just east of SW Murdock Road and north of SW Denali Lane with a zoning designation of Very Low Density Residential Planned Unit Development (VLDR-PUD). The lots range in size from 10,000 to 19,442 square feet. The approval included several open space tracts along with construction of a local street through the center of the site to connect SW Ironwood Lane to the north and SW Denali Lane to the south.

Pursuant to the Development Code, Section 16.40.30 the Planning Commission reviews Final Development Plans for PUDs for compliance with the preliminary approval. Furthermore, if the PUD involves the subdivision of land, a final plat must be prepared and submitted for final approval, pursuant to Chapter 16.120.

The applicant's materials for Final Development Approval include a narrative, detailed final development plan, landscape plans, preliminary plat, proposed Covenants, Conditions, and Restrictions (CC&Rs), and an Architectural Pattern Book. During this phase of the project, the Planning Commission reviews the specific conditions of approval ordered at the preliminary phase of the project to ensure that it meets the intention of the preliminary approval.

I. BACKGROUND

A. Applicant/Owner:

Tim Roth, J.T. Roth Construction
12600 SW 72nd #200
Portland OR 97223

Applicant's Representative:

Steve Miller, Emerio Design
6445 SW Fallbrook Pl, Suite 100
Beaverton OR 97008
541-318-7487 or
stevem@emeriodesign.com

- B. **Location:** Off of SW Murdock Road, north of Sherwood View Estates and south of SW Ironwood in SE Sherwood
- C. **Parcel Size:** The site is comprised of 3.71 acres.
- D. **Existing Development and Site Characteristics:** The site slopes steeply upward from north to the south. There is no development on the site. There are eight fir trees approximately 8-10” in diameter on the site that will remain in the southwest corner of the site. There are blackberry bushes in several places on the site that will be removed. A segment of the site, approximately 710 feet long and 25 feet wide follows along SW Ironwood Lane and has a line of trees bordering the street.
- E. **Site History:** In 2012, the site was previously approved for a six lot planned unit development/subdivision. As stated in the applicant’s narrative, the property owner at the time was unable to develop prior to expiration of the preliminary approval received as part of Ordinance 2012-004.

The site is part of the SE Sherwood Master Plan, which was approved in concept by the Planning Commission via resolution in 2006. Although not formally adopted and incorporated into the Comprehensive Plan nor adopted by the City Council, it does provide guidance for development and the intention of the community and surrounding property owners for the area. A piece of the SE Sherwood Master Plan was incorporated into the Sherwood Zoning and Community Development Plan, specifically Section 16.12.010.A.3 that addresses SE Sherwood Master Planned Unit Development.

Additionally, the site was part of the “Ken Foster Farm” site, originally about 40 acres and was used for farming. It was subdivided approximately twenty years ago a portion of which is this 3.71 acre parcel. The site has remained vacant with no buildings. It is known that portions of the larger Ken Foster Farm site had been used for discarding animal hides and carcasses that were remnants from the local tannery operation in the city. As part of the Department of Environmental Quality (DEQ) investigation of the Tannery site on SW Oregon Street, it was discovered that the soil on the Ken Foster Farm site was contaminated. The property to the northeast, Ironwood Subdivision, was in development when the issue became known which required significant soil removal and oversight from the Department of Environmental Quality (DEQ).

An excerpt from the Department of Environmental Quality Technical Memorandum dated July 13, 2005 describes that from 1962 to 1971, tannery wastes from the Frontier Leather Company were applied by Mr. Foster to several areas of pasture land. Liquid sludge from tannery’s primary wastewater settling tanks was also distributed on the site.

DEQ entered the Ken Foster Farm site into the Environmental Cleanup Site Information Database in 2000, and completed a Preliminary Assessment (PA) in 2004, funded by cooperative grant funds from the Environmental Protection Agency (EPA) Region 10. (DEQ Technical Memorandum) The results of the soil sampling completed for this site listed concentrations of antimony, chromium, lead and mercury above expected background concentrations. In addition, sediment samples from the wetland areas on

the site were found to contain elevated concentrations of chromium copper, mercury and zinc on a nearby parcel. They found that the human health risk based upon the soil results from the EPA Impervious Area results and data from property-owner site investigations on two of the properties within the former Farm acreage was relatively low, according to the report. Since valid soil sample tests of the subject site indicate that hexavalent chromium was not present in soils, and that the prevalent form of chromium in soils is trivalent chromium. The other concentrations do not present an unacceptable human health risk on an individual contaminant basis. The DEQ concluded that the chance of significant exposure to residents living around these areas is low under current conditions.

Per applicant, the owner is actively working with DEQ to finalize the cleanup of the contamination. All approvals from DEQ shall be received prior to the applicant proceeding with any development of the subject property.

A Revised Remedial Action Work Plan dated December 15, 2017 was reviewed and approved by Mark Pugh of DEQ. A grading permit for the contamination cleanup has been issued.

The City Council approved a Planned Unit Development (PUD 17-01) and a seven lot Subdivision (SUB 17-01) on March 6, 2018 under Ordinance 2018-004.

- F. **Zoning Classification and Comprehensive Plan Designation:** Very Low Density Residential Planned Unit Development (VLDR-PUD) for residential use and single family homes.
- G. **Adjacent Zoning and Land Use:** The surrounding properties to the north and south are zoned VLDR and the properties to west and across SW Murdock Road are zoned Low Density Residential. The land use is residential.
- H. **Review Type:** According to § 16.40.030, upon approval of the PUD overlay zoning district and preliminary development plan by the Council, the applicant is required to prepare a detailed Final Development Plan as per this Chapter, for review and approval by the Commission. The Final Development Plan shall comply with all conditions of approval as per Section 16.40.020. In addition, if the PUD involves the subdivision of land, a final plat must be prepared and submitted for final approval, pursuant to Chapter 16.120.
- I. **Neighborhood Meeting:** A neighborhood meeting is not required for Final Development Plan Applications.
- J. **Public Notice:** Notice of this land use application was posted at the site on May 23, 2018 and in five public locations throughout the City on May 23, 2018. Notice was also mailed to property owners within 1,000 feet of the site and any other party who expressed an interest in receiving mailed notice on May 23, 2018 in accordance with Section 16.72.020 of the Sherwood Zoning and Community Development Code (SZCDC). Notice was also published in the Tigard Times newspaper on May 24 and June 7, 2018.

K. Review Criteria: SZCDC§16.40 Planned Unit Development and §16.120 Subdivisions

II. PUBLIC COMMENTS

Notice was sent to property owners within 1,000 feet of the proposal. Staff received one comment letter from the community expressing concerns on the preservation of their view corridor as conditioned and clear definition of finished floor elevation, **Exhibit E**. These concerns will be addressed as part of this report. Additional comments are welcome up to the close of the public hearing.

III. AGENCY/DEPARTMENTAL COMMENTS

Staff sent e-notice to affected agencies on May 23, 2018. All original documents are contained in the planning file and are a part of the official record on this case. The following information briefly summarizes those comments:

Sherwood Engineering Department: Staff has reviewed the proposal and recommended that all of the preliminary conditions of approval with the Denali Lane PUD would remain in place through this project. No new conditions were recommended on behalf of the Engineering Department. Final Subdivision Plat Review will be finalized once public improvements plans are approved (**Exhibit C**).

Tualatin Valley Fire & Rescue: Tom Mooney, Deputy Fire Marshall, provided comments dated May 24, 2018. Many of the required conditions have been met or can be satisfied at time of development. Furthermore, address signage will need to be added at the end of the private drive to assist emergency responders in locating the addresses on the private drive (**Exhibit D**). This requirement will be a new condition of approval that must be satisfied prior to any final building occupancy for Lots 2, 3, and 4.

IV. REQUIRED FINDINGS

16.40.020 - Preliminary Development Plan

A. Generally

A PUD Preliminary Development Plan shall be submitted for the review and approval in accordance with Chapter 16.72. PUDs shall be considered: a.) on sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of: natural features such as floodplains, wetlands, and extreme topography, or man-made features, such as parcel configuration and surrounding development; b.) on parcels of land within the Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or c.) in other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion.

STAFF ANALYSIS: The applicant received approval of the PUD on March 6, 2018 (ORD. 2018-004).

16.40.030 - Final Development Plan

A. Generally

Upon approval of the PUD overlay zoning district and preliminary development plan by the Council, the applicant shall prepare a detailed Final Development Plan as per this Chapter, for review and approval of the Commission. The Final Development Plan shall comply with all conditions of approval as per Section 16.40.020. In addition, the applicant shall prepare and submit a detailed site plan for any non-single-family structure or use not addressed under Section 16.40.020(B)(6), for review and approval, pursuant to the provisions of Chapter 16.90. The site plan shall be processed concurrently with the Final Development Plan.

B. Final Subdivision Plat

If the PUD involves the subdivision of land, a final plat must be prepared and submitted for final approval, pursuant to Chapter 16.120.

STAFF ANALYSIS: Site designs may change a little between approval at the entitlement stage and construction level documents. Some wiggle room is built into the system to accommodate these kinds of small changes. Planning regularly reviews building permits to assure they are consistent with the approved entitlements. The review of a Final PUD should find that the approved project, and the project as proposed are substantially in conformance with each other. The same is true for the Final Subdivision Plat review, which is similar to the PUD Final Development Plan. More specifically this means that any of the proposed changes between the approved version of the project and the final version should continue to satisfy the original criteria used to support the project.

The submittal materials show that changes from the Preliminary Development Plans to the Final Development Plans are minor. Through additional surveys, the proposed square footage and lot dimensions of the lots are more accurate. The Very Low Density – PUD development standards are still satisfied as shown below.

Lot Area - minimum of 10,000 square ft.	Preliminary Sq. Ft.	Final Development Plan Sq. ft.	Difference
Lot 1	15,675 sq. ft.	15,669 sq. ft.	+ 6 sq. ft.
Lot 2	19,442 sq. ft.	19,483 sq. ft.	+ 41 sq. ft.
Lot 3	10,678 sq. ft.	10,738 sq. ft.	+ 60 sq. ft.
Lot 4	10,000 sq. ft.	10,005 sq. ft.	+ 5 sq. ft.
Lot 5	10,746 sq. ft.	10,679 sq. ft.	- 67 sq. ft.
Lot 6	10,692 sq. ft.	10,652 sq. ft.	- 40 sq. ft.
Lot 7	11,598 sq. ft.	11,508 sq. ft.	- 90 sq. ft.
Total Lots	88,831 sq. ft.	88,734 sq. ft.	- 85 sq. ft.

The applicant has prepared and submitted a final plat for final approval, pursuant to Chapter 16.120. As stated above, the plat is consistent with the preliminary plans (e.g. number of lots, open space tracts, right-of-way dedication, etc.). Per City Engineering (Exhibit C), public improvements plans are in for review and minor changes to the final plat (easements) maybe required due to the engineered public improvement plans.

Potential changes to the plat, based on the review of public improvement plans, will not alter the project in a way that jeopardizes any of the criteria used for the original approval.

Regarding the requirement that the project comply with conditions of approval, conditions are divided into thresholds, or 'triggers.' These include triggers such as 'prior to building permit' or 'prior to occupancy of a structure.' It is important to walk through which conditions apply at this stage, and which conditions are required to be satisfied prior to this approval. The "General Conditions" are intended to be informational, such as listing expiration dates and such. These generally act more like notifications to the applicant. Other milestones are triggered by specific events. Most of these events come *after* a Final Plan is approved. Therefore they cannot apply at this stage. For example, the applicant cannot proceed with any site disturbance until the Final Development Plan and the Final Engineering Public Improvement Plans are approved. Therefore, only conditions listed in the Conditions of Approval for PUD 17-01/SUB 17-03 subsection B (Prior to Final Development Plan and Subdivision Plat) are required to be satisfied in order to comply with the requirements of the code section listed above (16.40.030).

Written communications from Roger and Lisa Walker, Exhibit E, was received and expressed concerns relating to General Condition – subsection A (conditions A13 and A15) preservation of visual corridor, as reflected below.

13. No part of any structure on Lot 2 shall exceed the finished floor elevation of the existing structure to the west.

15. The applicant shall submit revised Covenants, Conditions and Restrictions (CCRs) to restrict the tree height on Lots 2, 3, 4 and 5 to a maximum of 15 feet in height.

Both of these conditions are General Conditions and remains in effect. Condition A13 will be implemented during the building plot plan review for Lot 2. It was also requested that "finished floor elevation" be defined as the measurement of the foundation of the lower level of the existing home to the west.

Staff was informed that the home to the west has a habitable daylight basement, ultimately having the finished floor elevation at the foundation of the lower level. Staff agrees with this assessment.

Concerns raised in Exhibit E relating to modifying Condition A15 to include Lot 1 as part of the tree height restriction is not necessary. The lot lines of Lot 1 and Lot 2 have not significantly changed. There is a six (6) square feet of difference on Lot 1 based on the preliminary plans to the final development plans. The building envelope shown on both preliminary and final development plans are not permanently set. The building envelope on Lot 1 as shown on the final development plan is set back an additional 10 feet from the preliminary plan. This additional 10 feet moves the building footprint downslope which preserves more of the view to the east, from the neighboring property to the west (Roger

and Lisa Walker's property at 23500 SW Murdock Road). Planning requirements (building height, setbacks, and other related conditions of approval) will be reviewed at time of building plot plan review.

FINDING: Based on the discussion above and below, the applicant meets this criterion.

Based on the Notice of Decision, the applicant must demonstrate compliance with the following general and specific PUD Detailed Final Development Plan and Subdivision Plat requirements:

B. Prior to Approval of PUD Final Development Plan and Subdivision Plat

1. Prior to recording the final plat, comply with the conditions as set forth in the CWS Amended Service Provider Letter No. 17-000639, dated June 29, 2017.

STAFF ANALYSIS: The applicant has submitted public improvement plans and they will be required to execute a City's Compliance Agreement for the construction of all the public improvements. City Engineering are currently reviewing the public improvement plans and will grant approval prior to issuance of any building permit. City Engineering are reviewing compliance to the requirements of CWS Amended Service Provider Letter No. 17-00639. When the public improvement plans are finalized and approved, compliance with the conditions of the CWS Amended Service Provider Letter will then be satisfied.

FINDING: Based on the discussion, the applicant meets this condition.

2. Prior to recording the final plat, provide an easement over the vegetated corridor conveying storm and surface water management to CWS that would prevent the owner of the vegetated corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein.

STAFF ANALYSIS: The applicant has submitted public improvement plans and a final subdivision plat. City Engineering are currently reviewing the final subdivision plat against the public improvement plans. When the public improvement plans are finalized and approved, compliance with easements over the vegetated corridor will then be satisfied.

FINDING: Based on the discussion, the applicant meets this condition.

3. Prior to recording the final plat, provide detailed plans showing the sensitive area and corridor delineated, along with restoration and enhancement of the corridor.

STAFF ANALYSIS: The submitted plans reflect the Vegetated Corridor Mitigation and Enhancement areas as approved under the CWS File No. 17-000639.

FINDING: Based on the discussion, the applicant meets this condition.

4. Prior to the final development plan approval, provide Covenant, Conditions & Restriction for Denali Lane PUD documenting how the open spaces (Tracts A, C, D, and E) will be maintained by the neighborhood association.

STAFF ANALYSIS: The CC&R's, part of Exhibit A, reflect Tracts A, C, D, and E will be owned and maintained by the neighborhood association.

FINDING: Based on the discussion, the applicant meets this condition.

5. Prior to approval of the final plat, construct all public improvements in the delineated timeline as required by the City's Compliance Agreement.

STAFF ANALYSIS: Per City Engineering, Exhibit C, the applicant has submitted construction plans that are currently being reviewed by City Engineering. The applicant will also be required to execute a City's Compliance Agreement for the construction of all the public improvements.

FINDING: Based on the discussion, the applicant meets this condition.

6. Prior to approval of the Final Plat, submit a revised tree plan demonstrating compliance with the Clear Vision requirements of Section.16.58 of the Sherwood Zoning and Community Development Code.

STAFF ANALYSIS: The Landscape Plan, Sheet 9 of Exhibit A, and the Preliminary Utility Plan/Clear Vision Requirements, Sheet 07 of Exhibit A, identify three Clear Vision triangles. Two street trees are within two of the clear vision triangles (Lot 2 and Tract B). Per applicant's narrative, these street trees will comply with the clear vision standard and all branches will be limbed up to the minimum height of seven feet above the ground on the sidewalk side and ten feet on the street side.

FINDING: Based on the discussion, the applicant meets this condition.

7. Prior to Final Development Plan approval, submit a final landscape plan that has been verified by a landscape professional.

FINDING: Troy A. Mears of Mears Design Group is a registered landscape architect and has stamped the Open Space Landscape Plans (Sheets 8-13). This condition is met.

8. Prior to Final Development Plan approval, submit a final landscape plan that addresses the installation and maintenance standards of Section 16.92.040.

FINDING: Final landscape plans, Sheets 8-13 of Exhibit A, have been submitted and addresses installation and maintenance. This condition is met.

9. Prior to final plat approval, shared access easement on Lot 2 shall be shown on the subdivision plat.

FINDING: The shared access easement on Lot 2 is shown on the plat. This condition is met.

10. Prior to final plat approval, fire access turnaround easement on Lots 1-3 shall be shown on the subdivision plat.

FINDING: The fire access turnaround easement on Lots 1-3 is shown on the plat. This condition is met.

11. Prior to final Plat Approval, a 1-foot wide right-of-way dedication along SW Ironwood Lane site frontage shall be shown on the plat.

FINDING: The 1-foot wide right-of-way dedication along SW Ironwood Lane is shown on the plat. This condition is met.

12. Prior to final Plat Approval, a 52-foot wide right-of-way dedication and extension of SW Denali Lane shall be shown on the plat.

FINDING: The 52-foot wide right-of-way dedication and extension of SW Denali Lane is shown on the plat. This condition is met.

13. A Detailed Final Development Plan shall be submitted for review and approval, by the Planning Commission, within one (1) year of the preliminary PUD approval.

FINDING: A detailed Final Development Plan was submitted April 6, 2018 for review. This condition is met.

V. RECOMMENDATION

Based on a review of the applicable code provisions, agency comments, and staff review, staff finds that the Final Development plan meets the applicable review criteria. Therefore, Staff recommends that the Planning Commission **APPROVE** The Denali Lane PUD Final Development Plan and Final Subdivision Plat (**PUD 17-01 Final Development Plan and Final Subdivision Plat SUB 17-01**).

VI. EXHIBITS

- A. Applicant's materials submitted on May 8, 2018 (Binder)
- B. On-going Conditions of Approval
- C. City of Sherwood Engineering comments dated June 1, 2018
- D. Tualatin Valley Fire & Rescue comments dated May 24, 2018
- E. Roger and Lisa Walker written testimony dated June 3, 2018

Exhibit A

Exhibit A consists of the applicant's submittal with narrative and supporting documents.

www.sherwoodoregon.gov/planning/project/denali-lane-pud

EXHIBIT B
PUD 17-01 / SUB 17-01 On-Going Conditions of Approval

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. This land use approval shall substantially comply with the submitted preliminary site plans and narrative dated November 10, 2017 and prepared by Emerio Design, except as indicated in the following conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.
3. The developer/owner/applicant is responsible for all costs associated with private/public facility improvements.
4. This approval is valid for a period of two (2) years from the date of the decision notice. Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
6. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.
7. Prior to commencement of the design, the developer shall attend a predesign meeting with the Sherwood Engineering Department.
8. The applicant shall comply with the conditions as set forth in the Clean Water Services Service Provider Letter No. 17-000639, amended June 29, 2017.
9. Tracts "A", "C", "D" and "E" shall be owned and maintained by the homeowners' association.
10. All residents will need to bring their solid waste and recycling receptacles to the nearest public road, SW Denali Lane.
11. Per City of Sherwood standards, all new utilities shall be placed underground.
12. There shall be no parking along the private drive (benefiting Lots 1, 2, and 3) and in the fire department turnaround.
13. No part of any structure on Lot 2 shall exceed the finished floor elevation of the existing structure to the west.
14. Lots 3 and 4 cannot be contemporary or modern architectural elevation styles, and at least three different architectural elevation styles as shown in the Architectural Pattern Book shall be used.
15. The applicant shall submit revised Covenants, Conditions and Restrictions (CCRs) to restrict the tree height on Lots 2, 3, 4 and 5 to a maximum of 15 feet in height.

C. Prior to Issuance of a Grading Permit:

1. Prior to issuance of a grading or erosion control permit, provide DSL and Corps of Engineers permits for any work in the wetlands or creek.

D. Prior to Engineering Approval of the Public Improvement Plans:

1. Prior to approval of the public improvements, submit plans that identify the buffer and mitigation areas and related mitigation measures and notes delineated in the SPL shall be incorporated into the grading and ESC plan sheets of the planning and construction plans submittals.

2. Prior to Sherwood Engineering Department approval of the public improvement plans, applicant shall submit letter from DEQ, which states that plans conform to stated DEQ requirements for the development.
3. Prior to Sherwood Engineering Department approval of the public improvement plans, the developer shall obtain a DEQ NPDES 1200CN permit.
4. Prior to final engineering plan approval, the proposed development shall design for the extension of the public street system creating a looped street system between the current street dead ends at each end of the subject property and provide street lighting along the new street in accordance with Sherwood Engineering standards.
5. Prior to Sherwood Engineering Department approval of engineering plans, based on findings from the sight distance analysis for the Murdock Road/Ironwood Lane intersection, applicant shall provide mitigation to the maximum extent practical, as approved by the Engineering Department.
6. Prior to Approval of Engineering Plans, the slope of SW Denali Lane shall be designed to not exceed 12% (the length that exceeds 10% is 330 feet).
7. Prior to Approval of Engineering Plans, the applicant shall include street lighting along SW Denali Lane and SW Ironwood Lane in accordance with Sherwood Engineering standards.
8. Prior to Final Engineering Plan Approval, the applicant shall submit a photometric street lighting plan that shows how street lighting standards are met on SW Denali Lane and SW Ironwood Lane.
9. Prior to final engineering plan approval, the proposed development shall design for the extension of the public sanitary sewer system as necessary and provide service to all proposed lots in accordance with Sherwood Engineering standards.
10. Prior to final engineering plan approval, the proposed development shall design for the extension of the public water system creating a looped water system between the current dead end water lines at each end of the subject property and provide service to all proposed lots in accordance with Sherwood Engineering standards.
11. Prior to final engineering plan approval, the proposed development shall design for the extension of the public storm sewer system as necessary for public streets and to provide service to all proposed lots in accordance with Sherwood Engineering standards.
12. Prior to final engineering plan approval, the proposed development shall design for adequate water quality treatment for the new/redeveloped impervious area that will be constructed as part of this development unless otherwise approved by the City Engineer and Clean Water Services. Water quality facilities shall be designed in accordance with Sherwood Engineering standards.
13. Prior to final engineering plan approval, the proposed development shall submit a storm water report in accordance with Sherwood Engineering standards.
14. Prior to approval of the public improvement plans, submit plans demonstrating compliance with the Fire Marshall's letter dated November 20, 2017.
15. Prior to Sherwood Engineering Department final acceptance of the constructed public improvements, the developer shall dedicate a minimum 8-foot wide PUE along all street frontages unless otherwise approved by the City Engineer.
16. Prior to Sherwood Engineering Department approval of the public improvement plans, provide street trees in graded tree wells in the public sidewalk consistent with the requirements of Section 16.142.060 where adequate tree to sidewalk clearance is not available.

E. Prior to Issuance of Building Permits:

1. Prior to Issuance of a Building Permit, the applicant shall submit construction documents that provide additional information on the proposed plantings and maintenance of the plants to ensure that the landscaping will be appropriately maintained. The construction plans shall include specifications for the adequate preparation of the soils.
2. Prior to the issuance of building permits, each lot shall provide for one off-street parking space.
3. Prior to the issuance of building permits, the appropriate permit applications and details regarding the design of each driveway will be submitted to the City of Sherwood for review and approval.

F. Prior to Acceptance of Public Improvements:

1. Prior to Sherwood Engineering Department final acceptance of the constructed public improvements, any septic system within the subject property shall be abandoned/removed in accordance with all applicable regulations.
2. Prior to Sherwood Engineering Department final acceptance of the constructed public improvements, any public sanitary sewer located on private property shall have a recorded public sanitary sewer easement encompassing the related public sanitary sewer improvements meeting Sherwood Engineering standards.
3. Prior to Sherwood Engineering Department final acceptance of the constructed public improvements, any public storm sewer located on private property shall have a recorded public storm sewer easement encompassing the related public storm sewer improvements meeting Sherwood Engineering standards.
4. Prior to Sherwood Engineering Department acceptance of constructed public improvements, applicant shall submit a copy of the DEQ "No Further Action" confirmation letter, to the Engineering Department.

G. Prior to Receiving Occupancy

1. Prior to obtaining the Certificate of Final Occupancy, construct and install the pathway and other Tract A open space amenities.
2. Prior to final occupancy of structures, install the landscaping according to the landscape plans or pay a security bond for 125% of the cost of the landscaping payable to the City. If the landscaping is not completed within six months, the security may be used by the City to complete the installation.
3. Prior to final occupancy, any private sanitary piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
4. Prior to Grant of Occupancy, any private water piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
5. Prior to Grant of Occupancy, any private storm piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
6. Prior to Granting of Final Occupancy for any buildings, Sherwood Broadband utilities (vaults and conduits) shall be installed along the subject property's frontage per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074.

7. **NEW** Prior to Granting Final Occupancy for any buildings on Lots 1-3, address signage shall be added at the end of the private drive to assist emergency responders.

Joy Chang

From: Craig Christensen
Sent: Monday, June 4, 2018 8:38 AM
To: Joy Chang
Subject: Denali Lane

Joy,

I just received the revised engineering plans on Thursday afternoon, May 31. I am in process of reviewing the plans and will be able to get you plat comments once the engineering plans have been reviewed. As for the site plan please note the following:

The site plan shall adhere to the conditions of the Service Provider Letter.
The water quality facility shall be constructed and planted in compliance with CWS standards.

Thank you.

Craig Christensen, P.E.
Engineering Associate II
christensenc@sherwoodoregon.gov
Ph. (503) 925-2301



May 24, 2018

Joy Chang
Associate Planner
City of Sherwood
22560 SW Pine Street
Sherwood, Oregon 97140

Re: Denali Lane
Tax Lot I.D: 2S133CB01000

Dear Joy,

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. These notes are provided in regards to the plans received May 24, 2018. There may be more or less requirements needed based upon the final project design, however, Tualatin Valley Fire & Rescue will endorse this proposal predicated on the following criteria and conditions of approval.

FIRE APPARATUS ACCESS:

1. **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDINGS AND FACILITIES:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1)

This requirement is met.

2. **DEAD END ROADS AND TURNAROUNDS:** Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. Diagrams can be found in the corresponding guide. <http://www.tvfr.com/DocumentCenter/View/1438> (OFC 503.2.5 & D103.1)

This requirement is met.

3. **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (OFC 503.2.1)

This requirement is met for the private drive.

Exhibit D

Command and Business Operations Center and
North Operating Center
11945 SW 70th Avenue
Tigard, Oregon 97223-9196
503-649-8577

South Operating Center
8445 SW Elligsen Road
Wilsonville, Oregon
97070-9641
503-259-1500

Training Center
12400 SW Tonquin Road
Sherwood, Oregon
97140-9734 16
503-259-1600

4. **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, “No Parking” signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Signs shall read “NO PARKING - FIRE LANE” and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)

This requirement is met.

5. **NO PARKING:** Parking on emergency access roads shall be as follows (OFC D103.6.1-2):
1. 20-26 feet road width – no parking on either side of roadway
 2. 26-32 feet road width – parking is allowed on one side
 3. Greater than 32 feet road width – parking is not restricted
6. **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced as to provide all-weather driving capabilities. (OFC 503.2.3)
7. **TURNING RADIUS:** The inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3)

This requirement is met.

8. **ACCESS ROAD GRADE:** Fire apparatus access roadway grades shall not exceed 15%.

This requirement is met.

9. **ANGLE OF APPROACH/GRADE FOR TURNAROUNDS:** Turnarounds shall be as flat as possible and have a maximum of 5% grade with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)
10. **ANGLE OF APPROACH/GRADE FOR INTERSECTIONS:** Intersections shall be level (maximum 5%) with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)
11. **ACCESS DURING CONSTRUCTION:** Approved fire apparatus access roadways shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. Temporary address signage shall also be provided during construction. (OFC 3309 and 3310.1)
12. **TRAFFIC CALMING DEVICES:** Shall be prohibited on fire access routes unless approved by the Fire Marshal. (OFC 503.4.1). Traffic calming measures linked here: <http://www.tvfr.com/DocumentCenter/View/1578>

FIREFIGHTING WATER SUPPLIES:

13. **FIREFIGHTING WATER SUPPLY FOR INDIVIDUAL ONE- AND TWO-FAMILY DWELLINGS:** The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to OFC Appendix B. (OFC B105.2)
14. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B)

This requirement is met.

15. **WATER SUPPLY DURING CONSTRUCTION IN MUNICIPAL AREAS:** In areas with fixed and reliable water supply, approved firefighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 3312.1)

FIRE HYDRANTS:

16. **FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES:** Where the most remote portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC 507.5.1)
17. **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Table C 105.1. (OFC Appendix C)

This requirement is met.

18. **FIRE HYDRANT(S) PLACEMENT:** (OFC C104)
- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants. (OFC 507.5.1)
 - Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the Fire Marshal.
 - Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets may be considered when approved by the Fire Marshal.
 - Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the Fire Marshal.
19. **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway unless approved by the Fire Marshal. (OFC C102.1)
20. **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of blue reflective markers. They shall be located adjacent and to the side of the center line of the access roadway that the fire hydrant is located on. In the case that there is no center line, then assume a center line and place the reflectors accordingly. (OFC 507)
21. **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6 & OFC 312)
22. **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)

BUILDING ACCESS AND FIRE SERVICE FEATURES

23. **PREMISES IDENTIFICATION:** New and existing buildings shall have approved address numbers; building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property, including monument signs. These numbers shall contrast with their background. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. (OFC 505.1)

Address signage will need to be added at the end of the private drive to assist emergency responders in locating the addresses on the private drive.

If you have questions or need further clarification, or would like to discuss any alternate methods and/or materials, please feel free to contact me at 503-259-1419.

Sincerely,

Tom Mooney

Tom Mooney
Deputy Fire Marshal II

Thomas.mooney@tvfr.com

Cc: File
City of Sherwood

A full copy of the New Construction Fire Code Applications Guide for Residential Development is available at <http://www.tvfr.com/DocumentCenter/View/1438>

June 3, 2018

Planning Commission
City of Sherwood
22560 SW Pine St
Sherwood, OR 97140

To: Planning Commission – City of Sherwood

RE: Denali Subdivision (PUD 17-01 and SUB 17-01)

1. After review of the final PUD Development Plan and 2 conversations with city staff, it appears the applicant is complying with the view easement we have been working so hard to maintain. We have no issues with them moving forward with their development. **However, we would appreciate the condition be more clearly stated so there is no question upon interpretation.**
 - a. The language used states: 'no part of any structure on lot 2 shall exceed the finished floor elevation of the existing structure to the west'.
 - b. For clarity we ask the finished floor elevation (FFE) be better defined as the measurement at the foundation of the lower level of the existing home to the west.
 - i. This is the intended measurement and one we have all been using. The term foundation was verbally used in our conversation with the applicant and staff at the Planning Commission meeting during which this conditioned language was formed.
 - ii. When the applicant's representative, Steve Miller, and the surveyor visited the site to discuss the view corridor they demonstrated the proposed elevation for the home on lot 2 using a surveyor's 'elevation tool'. We used this tool from the ground level on the back side of our home while lying on the ground next to the home to mimic the foundation.
2. Due to the change in lot lines between lot 1 and lot 2, a portion of lot 1 now encroaches on the established view corridor. This will not present a problem if the home on lot 1 is situated as shown on the preliminary final subdivision plat submitted with this application which shows its placement back from the private drive (easement).
3. Additionally, this change to the lot lines between lot 1 and lot 2 requires an adjustment to the CC & R's to include lot 1 in the restricted tree height condition. Please adjust language to read '...restrict the tree height on lots 1, 2, 3, 4 and 5 to a maximum of 15 feet in height.'

Lastly, at the 6/12 mtg. we ask that our testimony be allowed to exceed 4 minutes each should further clarification or information be needed during or after the applicant's testimony. At the last Planning Commission meeting we had to remain quiet during the remainder of the public hearing although erroneous information was being used in the PC's deliberations. We had to wait until the City Council hearing to address it and this caused everyone additional delays. Since there will be no further review on this, other than City Staff, this is the last time to get it right.

Thank You,

Roger Walker
Lisa Walker
Rufauna Craigmiles
23500 SW Murdock Rd
Sherwood, OR 97140

Exhibit E

I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.

1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT

Date: 6/12/18 Agenda Item: PUD 17-01/SUB 17-01 (From Agenda)

NOTE: If you want to speak to the Commission about more than one subject, please submit a separate form for each item.

2. PLEASE MARK YOUR POSITION/INTEREST ON THE AGENDA ITEM

Applicant: _____ Proponent: _____ Opponent: _____ Other: X

3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.

Name: Lisa & Roger Walker

Address: 23500 SW Murdock Rd

City/State/Zip: Sherwood, OR 97140

Email Address: lisarogerwalker@gmail.com

I represent: **Myself** X **Other** _____

4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.

Rules for Meetings in the City of Sherwood

It is the purpose of these rules to promote common courtesy and civility in all meetings of the City of Sherwood. All who wish to speak should expect to be treated fairly and with respect. All who speak should reciprocate by focusing on the issue being considered, while respecting the opinions of those with whom they may disagree. This will enable our community to establish an environment wherein all issues and opinions may be fairly considered and decisions, though sometimes difficult, will be made in a spirit of mutual respect of all citizens, no matter their differences.

In any City forum or meeting:

- Individuals may not impugn the character of anyone else, including but not limited to members of the community, the reviewing body, the staff, the applicant, or others who testify. Complaints about staff should be placed in writing and addressed to the City Manager. If requested by the complainant, they may be included as part of the public record. Complaints about the City Manager should be placed in writing and addressed to the Mayor. If requested by the complainant, they may be included as part of the public record.
- Comment time is 4 minutes.
- The Chair of a meeting may have the ability to modify meeting procedures on a case-by-case basis when especially complicated issues arise, or when the body is involved in extraordinary dialogue, but only after receiving the advice and majority consent of the body. The Chair may also cut short debate if, in his judgment, the best interests of the City would be served.

(Note: Written comments are encouraged, and may be submitted prior to the meeting by mail, or at the meeting. There is no limit to the length of written comment that may be submitted)

Persons who violate these rules

- May be asked to stop their comments by any member of the body.
- Comments beyond the 4-minute time limit may not be included in the record of the meeting.
- Persons who impugn the character of anyone will be required to stop immediately. Their comments will not be included in the record of the meeting, and they will forfeit their remaining time.
- Any person who fails to comply with reasonable rules of conduct or who causes a disturbance may be asked or required to leave and upon failure to do so becomes a trespasser.

I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.

1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT

Date: 6/12 Agenda Item: Denial (From Agenda)

NOTE: If you want to speak to the Commission about more than one subject, please submit a separate form for each item.

2. PLEASE MARK YOUR POSITION/INTEREST ON THE AGENDA ITEM

Applicant: Proponent: Opponent: Other:

3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.

Name: Steve Miller
Address: 6445 SW Fallbrook pl., Ste 100
City/State/Zip: Beaverton, OR 97005
Email Address: SteveM@Emeriodesign.com

I represent: **Myself** **Other** -Roth Const,

4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.

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DENALI LANE PUD/SUB
FINAL DEVELOPMENT & FINAL
SUBDIVISION PLAT REVIEWS
PUD 17-01 / SUB 17-01

Planning Commission
Public Hearing
June 12, 2018



06.12.18
Date

PC.
Gov. Body

5a.
Agenda Item

1
Exhibit #

Proposal

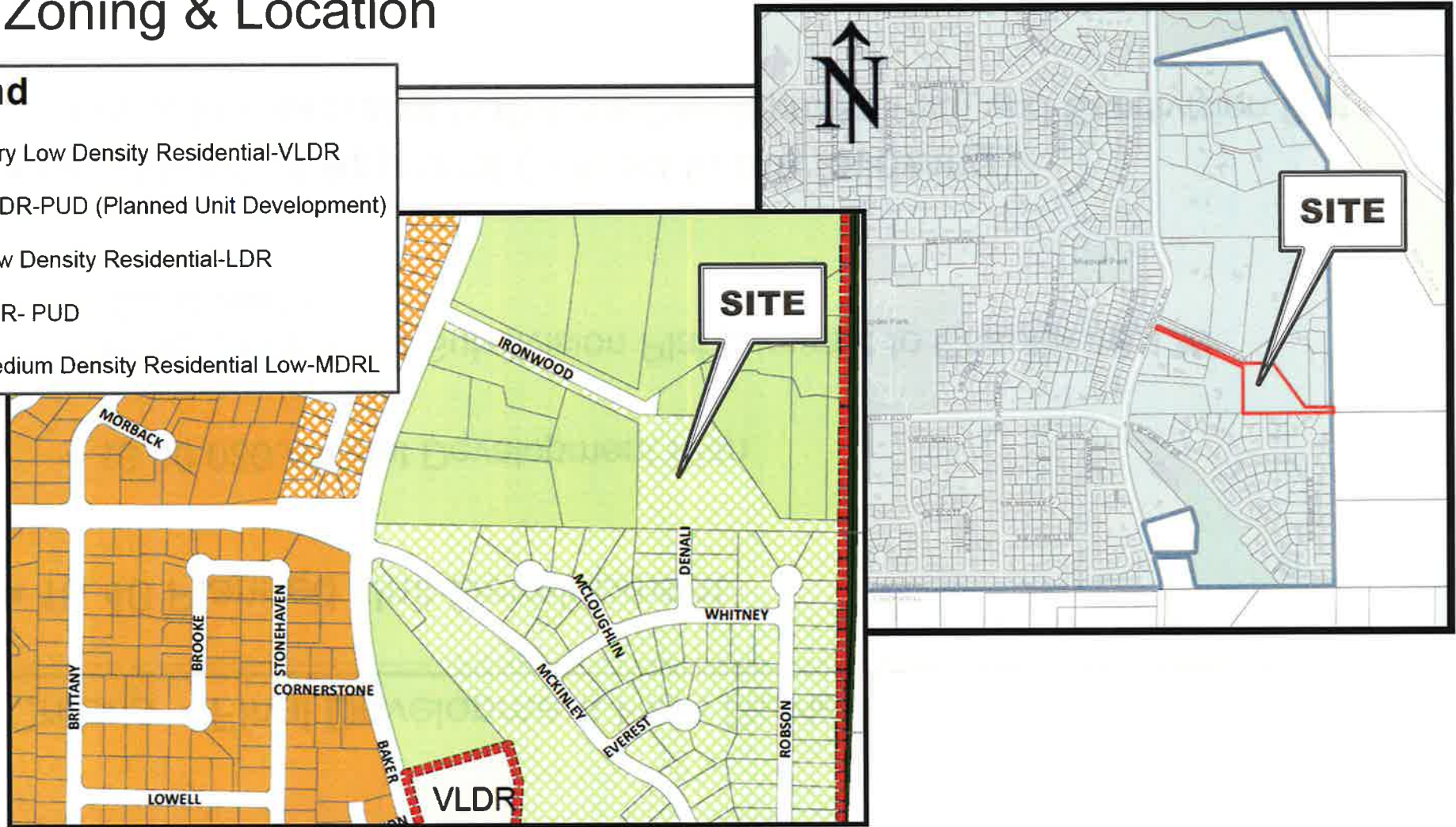
Planned Unit Development (PUD) Final Development Plan & Final Subdivision Review

- Planned Unit Development Process – Two Steps
 - Preliminary Approval of PUD and Subdivision
 - Ordinance 2018-004, City Council preliminary approval
 - Final Development Plan Review and Approval
 - Final Subdivision Plat Review

Zoning & Location

Legend

- Very Low Density Residential-VLDR
- VLDR-PUD (Planned Unit Development)
- Low Density Residential-LDR
- LDR- PUD
- Medium Density Residential Low-MDRL



Criteria – Final Development Plan Review

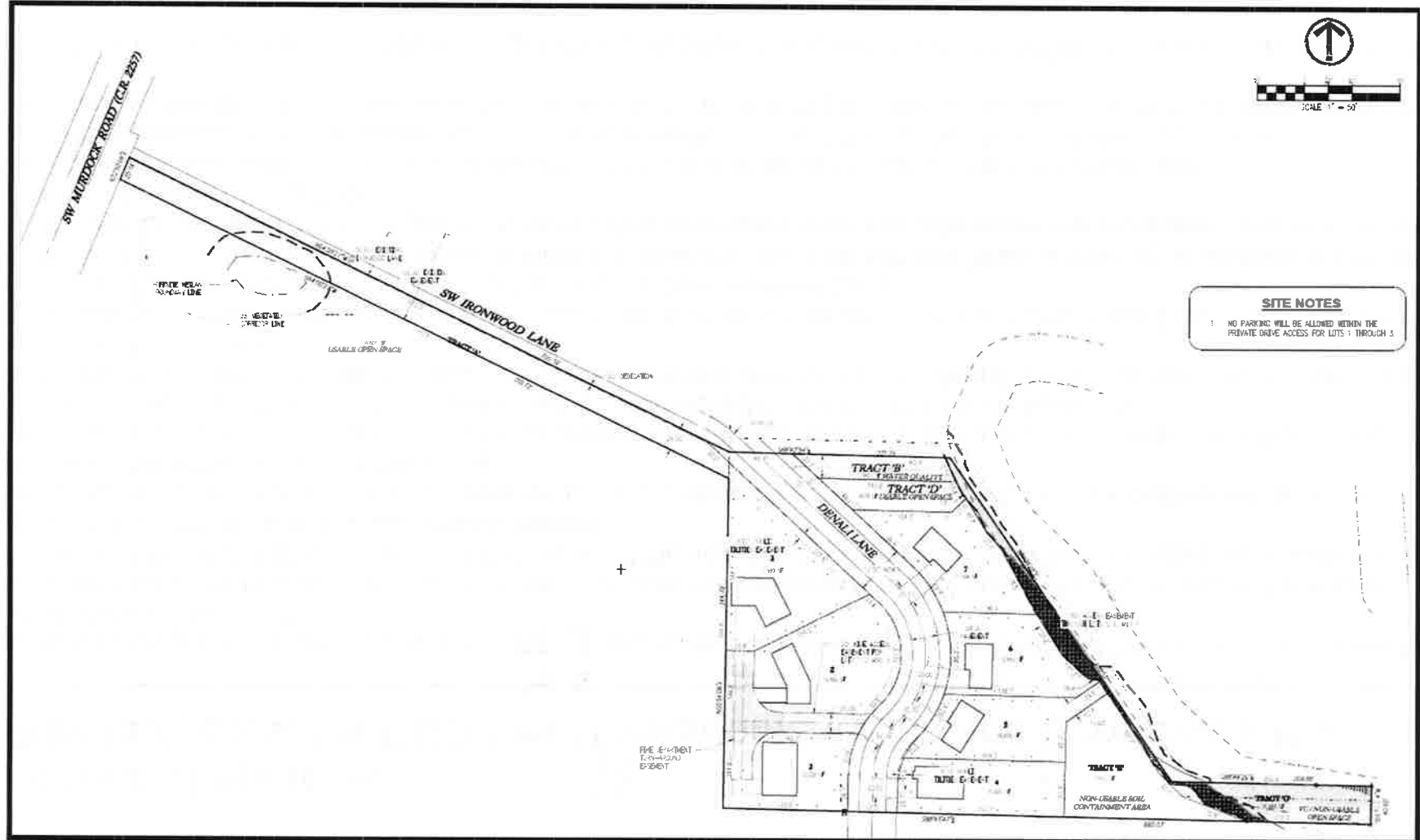
- 16.40 Planned Unit Development
 - 16.40.030.A Final Development Plan
 - 16.40.030.B Final Subdivision Plat pursuant to Chapter 16.120 (Subdivision)
- Conditions of Approval (limited to the following)
 - Prior to Approval of PUD Final Development Plan and Subdivision Plat

Conditions of Approval

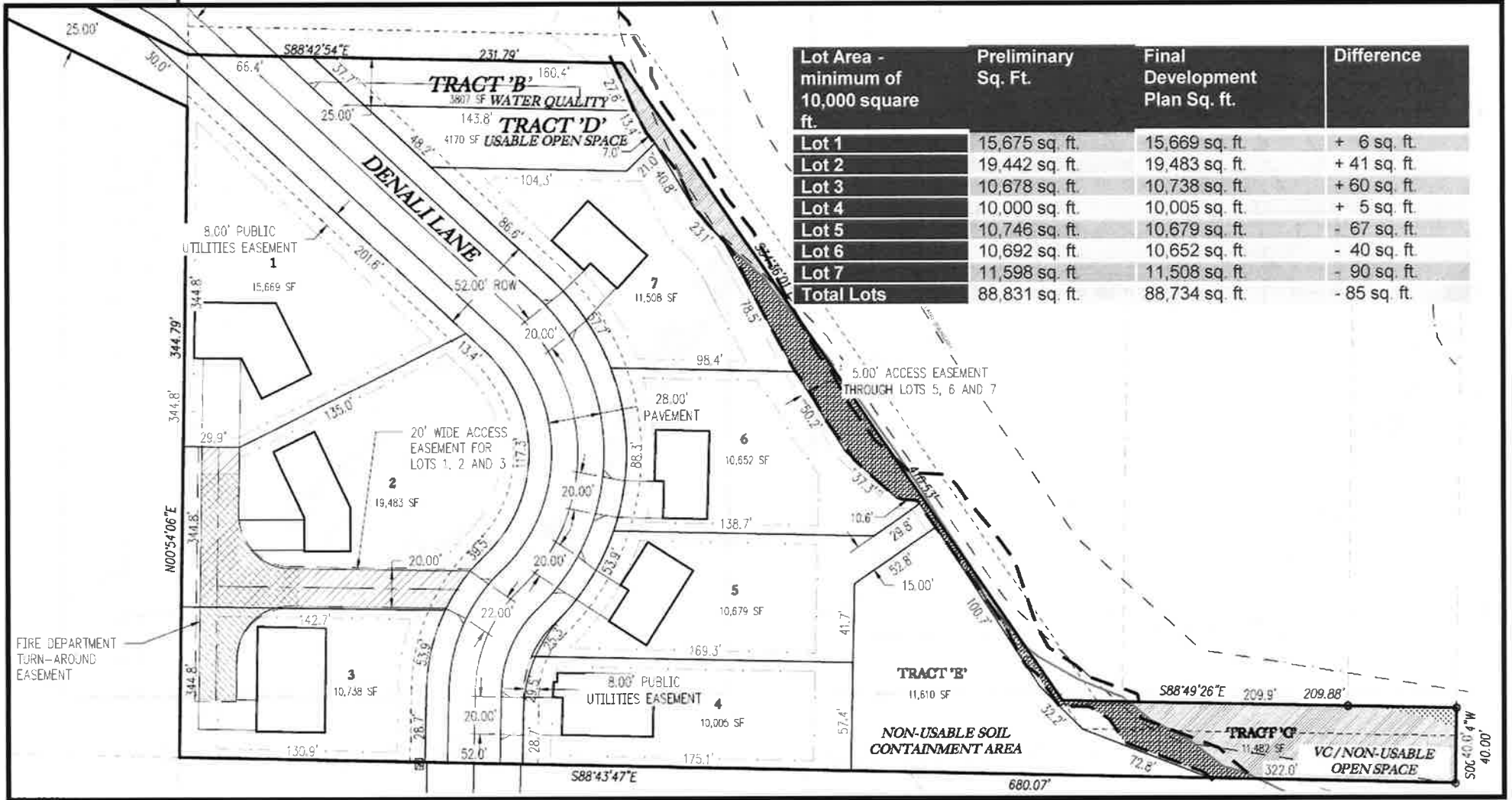
B. Prior to Approval of PUD Final Development Plan and Subdivision Plat

1. Prior to recording the final plat, comply with the conditions as set forth in the CWS Amended Service Provider Letter No. 17-000639, dated June 29, 2017.
2. Prior to recording the final plat, provide an easement over the vegetated corridor conveying storm and surface water management to CWS that would prevent the owner of the vegetated corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein.
3. Prior to recording the final plat, provide detailed plans showing the sensitive area and corridor delineated, along with restoration and enhancement of the corridor.
4. Prior to the final development plan approval, provide Covenant, Conditions & Restriction for Denali Lane PUD documenting how the open spaces (Tracts A, C, D, and E) will be maintained by the neighborhood association.
5. Prior to approval of the final plat, construct all public improvements in the delineated timeline as required by the City's Compliance Agreement.
6. Prior to approval of the Final Plat, submit a revised tree plan demonstrating compliance with the Clear Vision requirements of Section 16.58 of the Sherwood Zoning and Community Development Code.
7. Prior to Final Development Plan approval, submit a final landscape plan that has been verified by a landscape professional.
8. Prior to Final Development Plan approval, submit a final landscape plan that addresses the installation and maintenance standards of Section 16.92.040.
9. Prior to final plat approval, shared access easement on Lot 2 shall be shown on the subdivision plat.
10. Prior to final plat approval, fire access turnaround easement on Lots 1-3 shall be shown on the subdivision plat.
11. Prior to final Plat Approval, a 1-foot wide right-of-way dedication along SW Ironwood Lane site frontage shall be shown on the plat.
12. Prior to final Plat Approval, a 52-foot wide right-of-way dedication and extension of SW Denali Lane shall be shown on the plat.
13. A Detailed Final Development Plan shall be submitted for review and approval, by the Planning Commission, within one (1) year of the preliminary PUD approval.

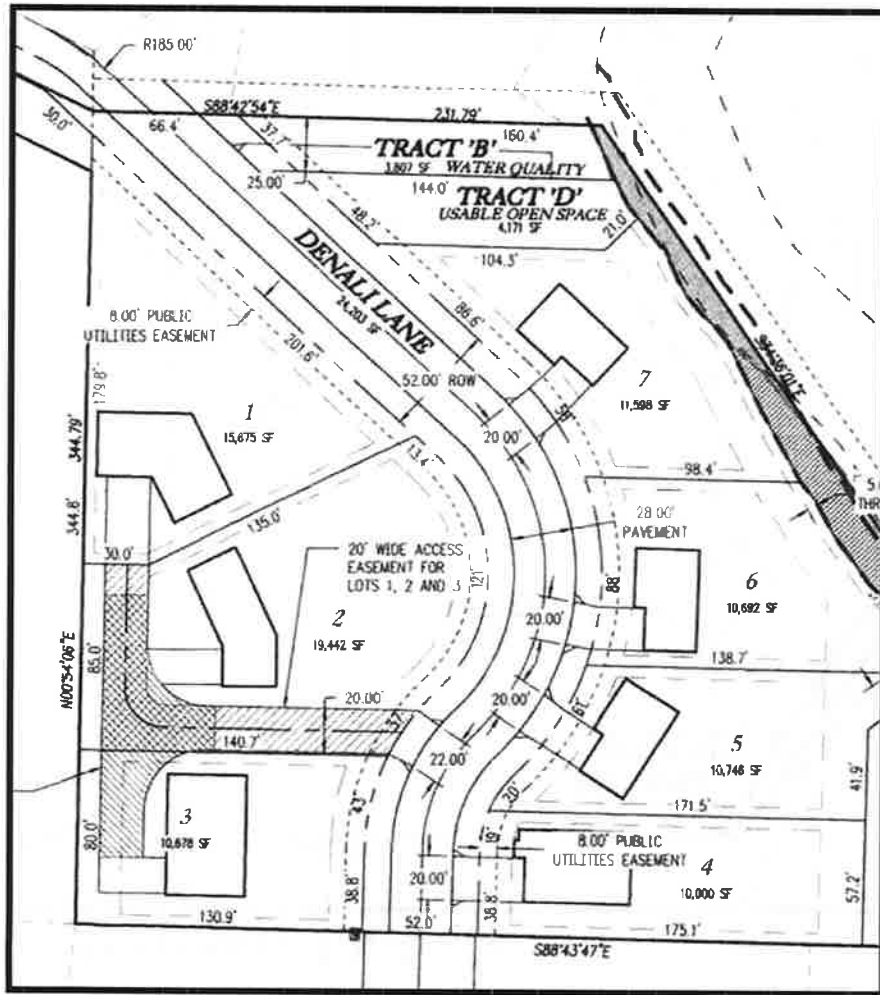
Proposal



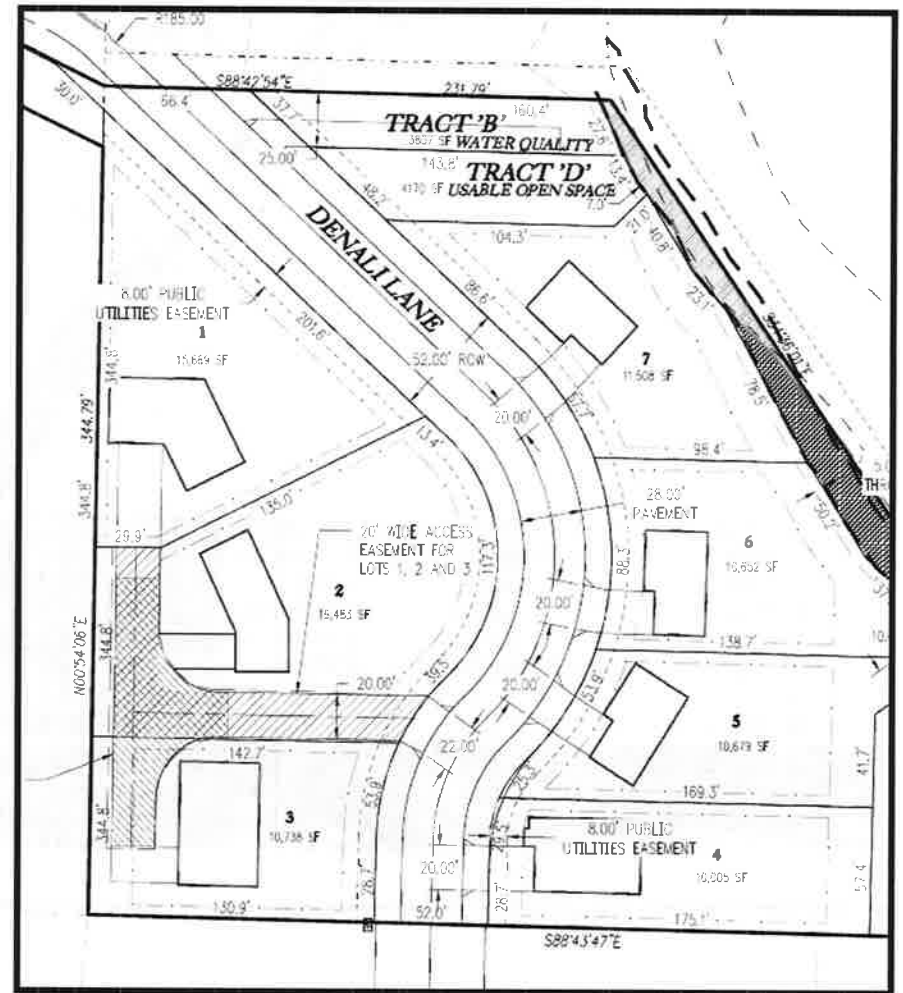
Proposal Details

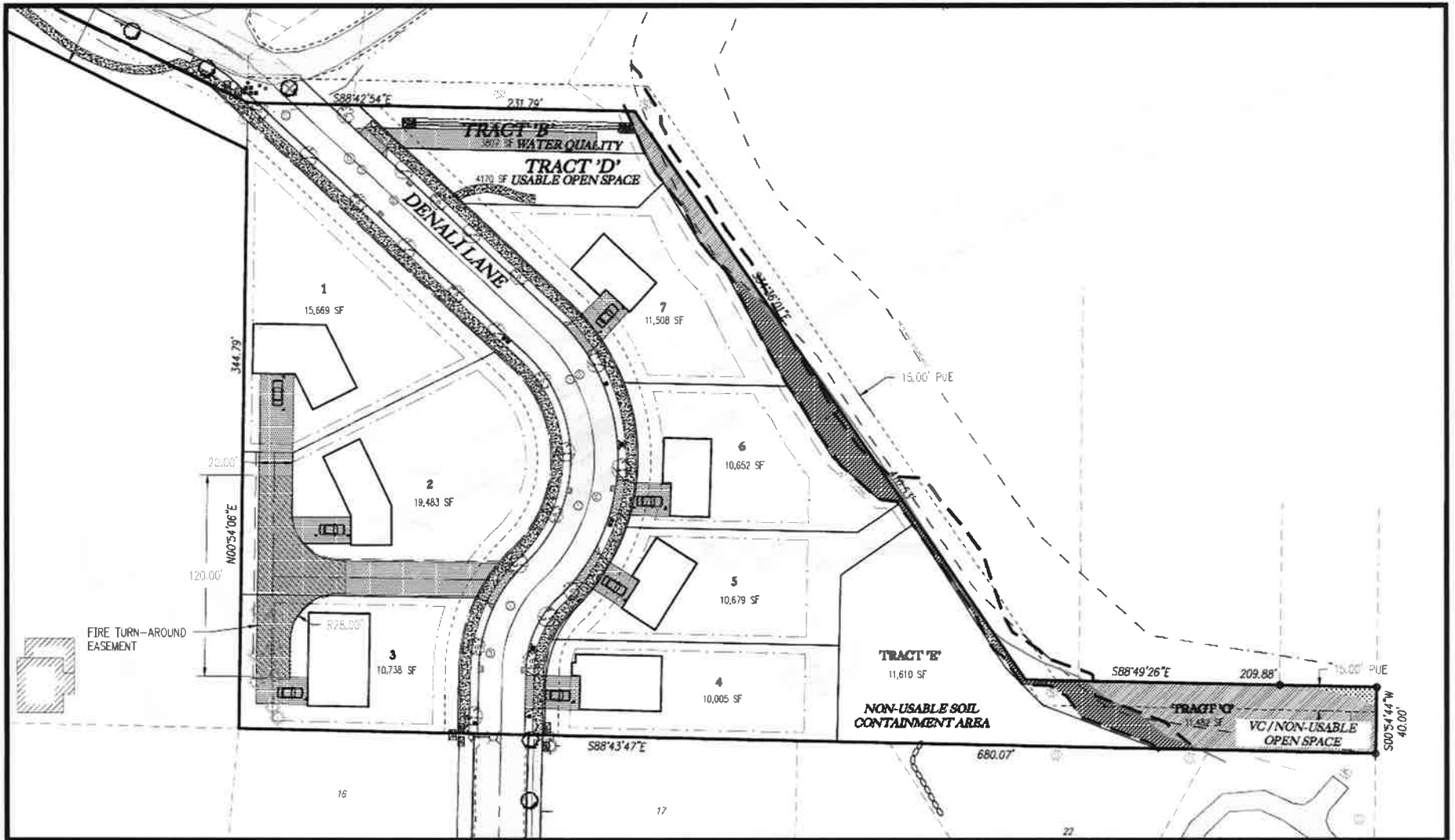


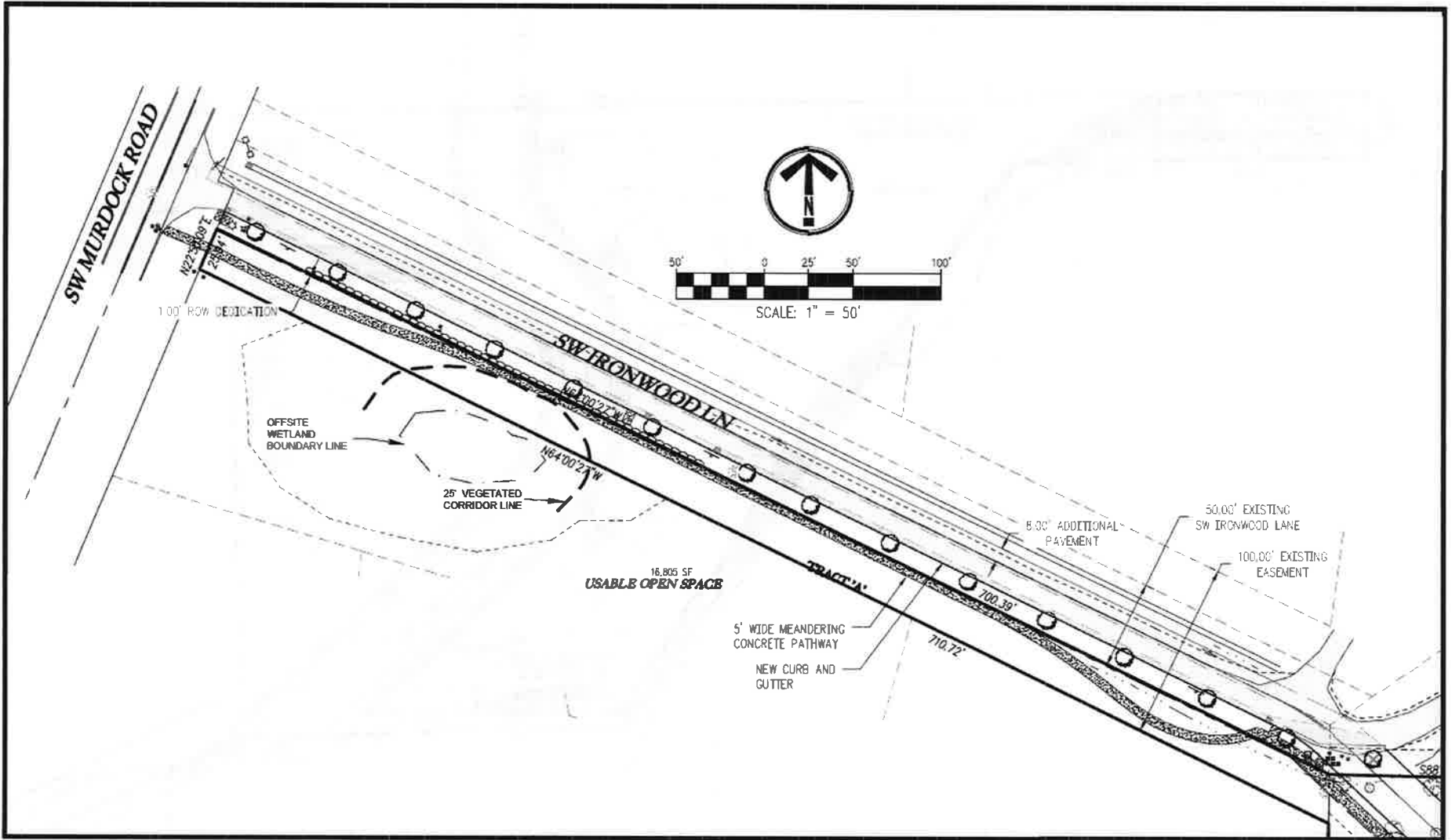
Approved Preliminary Plan



Proposed Final Development Plan







Subdivision Plat

- Engineering Department Plat Review Finalized
 - Consistent with the proposed Public Improvement Plans
 - Consistent with the Preliminary Approved Plans
- Final Subdivision Plat
 - Minor revision to Plat Notes

PLAT NOTES

1. BASIS OF BEARINGS AND BOUNDARY DETERMINATION ARE PER SN XXXXXX, WASHINGTON COUNTY SURVEY RECORDS.
2. THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL PER CITY OF SHERWOOD CASEFILE NO. PUD 17-01/ SUB 17-01.
3. TRACTS A AND D ARE USABLE OPEN SPACE TRACTS.
4. TRACT B IS A WATER QUALITY TRACT.
5. TRACT C IS A VEGETATIVE CORRIDOR NON-USABLE OPEN SPACE TRACT AND IS SUBJECT TO A STORM ~~WATER~~ ^{SEWER} SURFACE WATER DRAINAGE AND DETENTION EASEMENT FOR THE BENEFIT OF CLEAN WATER SERVICES OVER ITS ENTIRETY. TRACT C IS SUBJECT TO A SANITARY SEWER EASEMENT OVER ITS ENTIRETY FOR THE BENEFIT OF THE CITY OF SHERWOOD.
6. TRACT E IS A NONUSABLE SOIL CONTAINMENT TRACT.
7. TRACT A IS SUBJECT TO A RECIPROCAL ACCESS EASEMENT PER DOCUMENT NO. 86-052741.

- Revised Final Subdivision Plat dated June 11, 2018

Testimony Received

- Community – Roger & Lisa Walker (Exhibit E)
 - General Condition A.13
 - No part of any structure on Lot 2 shall exceed the finished floor elevation of the existing structure to the west.*
 - *Clarification on “finished floor elevation”*
 - *Established View Corridor*
 - *CC&R’s change for tree height restriction on Lot 1*

- Applicant – Tim Roth (Exhibit F)
 - Reply to Walkers testimony –changes to Conditions of Approval

Staff Recommendation

Based on a review of the applicant's submittal, the Sherwood Zoning and Community Development Code, agency comments, and findings of fact in the staff report, Staff recommends APPROVAL of the Denali Lane PUD /SUB Final Development Plan and Final Plat subject to on-going Conditions of Approval.

QUESTIONS?



FOUNDATION

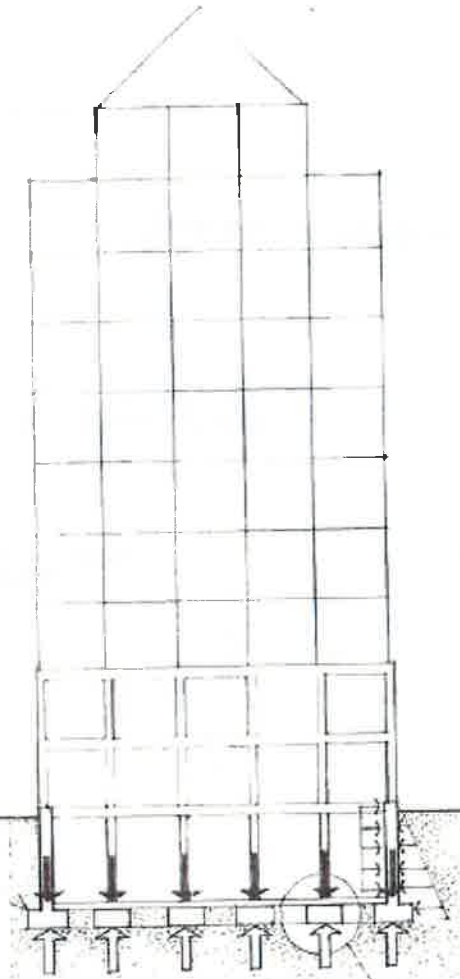
The lowest division of a building or other construction, partly or wholly below the surface of the ground, designed to support and anchor the superstructure and transmit its loads directly to the earth.

shallow foundation

A foundation system placed directly below the lowest part of a substructure and transferring building loads directly to the supporting soil by vertical pressure.

footing

The part of a foundation bearing directly upon the supporting soil, set below the frost line and enlarged to distribute its load over a greater area.



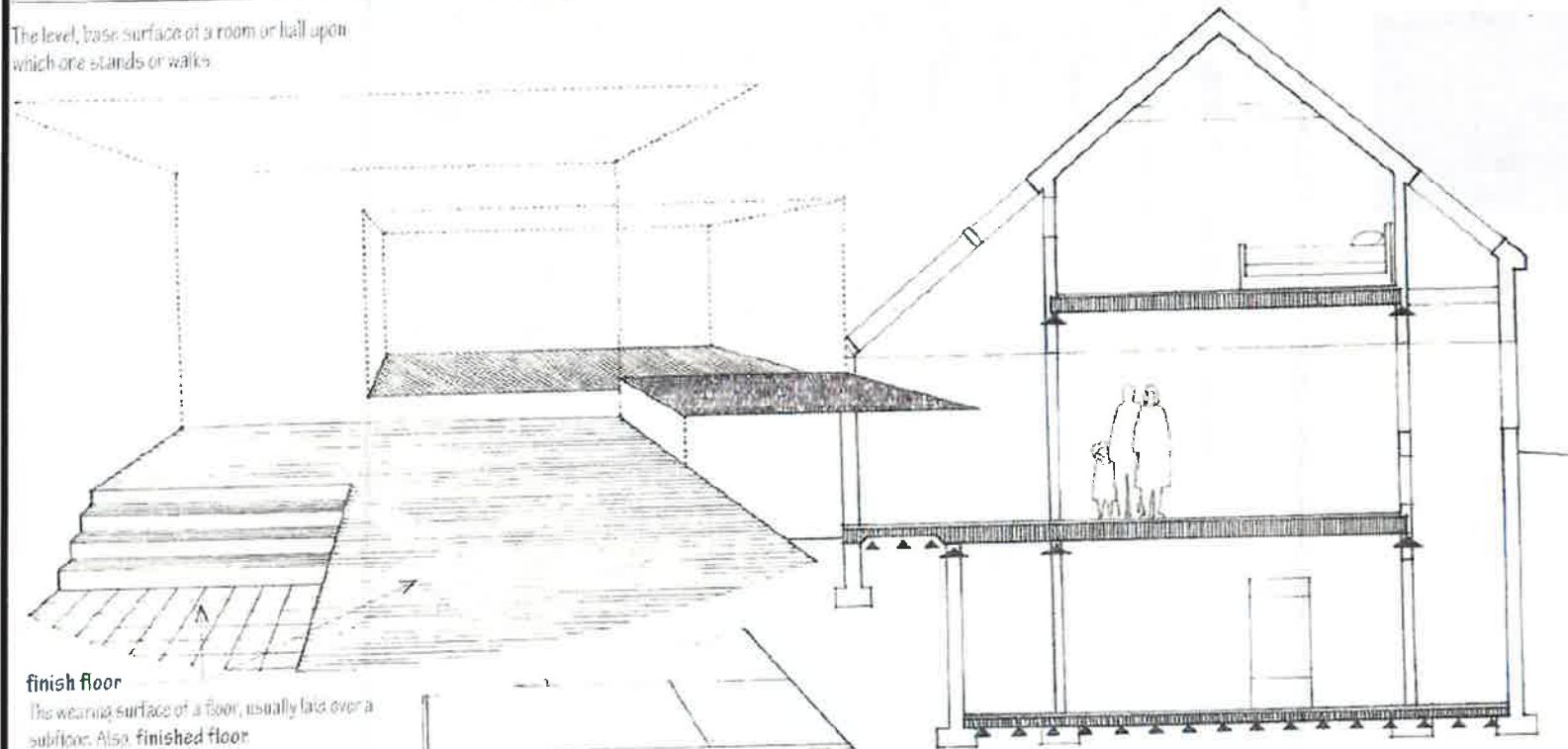
FRANCIS D.K. CHING

A VISUAL
DICTIONARY OF
ARCHITECTURE

SECOND EDITION

FLOOR

The level, base surface of a room or hall upon which one stands or walks.



finish floor

The wearing surface of a floor, usually laid over a subfloor. Also: finished floor

subfloor

A base for a finish floor, consisting of boards, plywood, or other structural sheathing laid over and fixed to the floor joists. A subfloor is often used as a working platform during construction and may also act as a structural diaphragm to transfer lateral loads to shear walls. Also called blind floor, rough floor

FRANCIS DK CHING
A VISUAL
DICTIONARY OF
ARCHITECTURE

SECOND EDITION

06.12.18
Date

PC
Gov. Body

5a
Agenda Item

2
Exhibit #

RECORDED AS DOCUMENT NO. _____

DENALI

A REPLAT OF PARCEL 2, PARTITION PLAT NO. 1991-078
LOCATED IN THE
S.W. 1/4 OF SECTION 23, T.2S., R.1W., W.M.
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON
JUNE 8, 2018

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO REPLAT PARCEL 2, PARTITION PLAT NO. 1991-078, WASHINGTON COUNTY PLAT RECORDS. THE BASIS OF BEARINGS AND BOUNDARY DETERMINATION ARE PER SN 33340, WASHINGTON COUNTY SURVEY RECORDS.

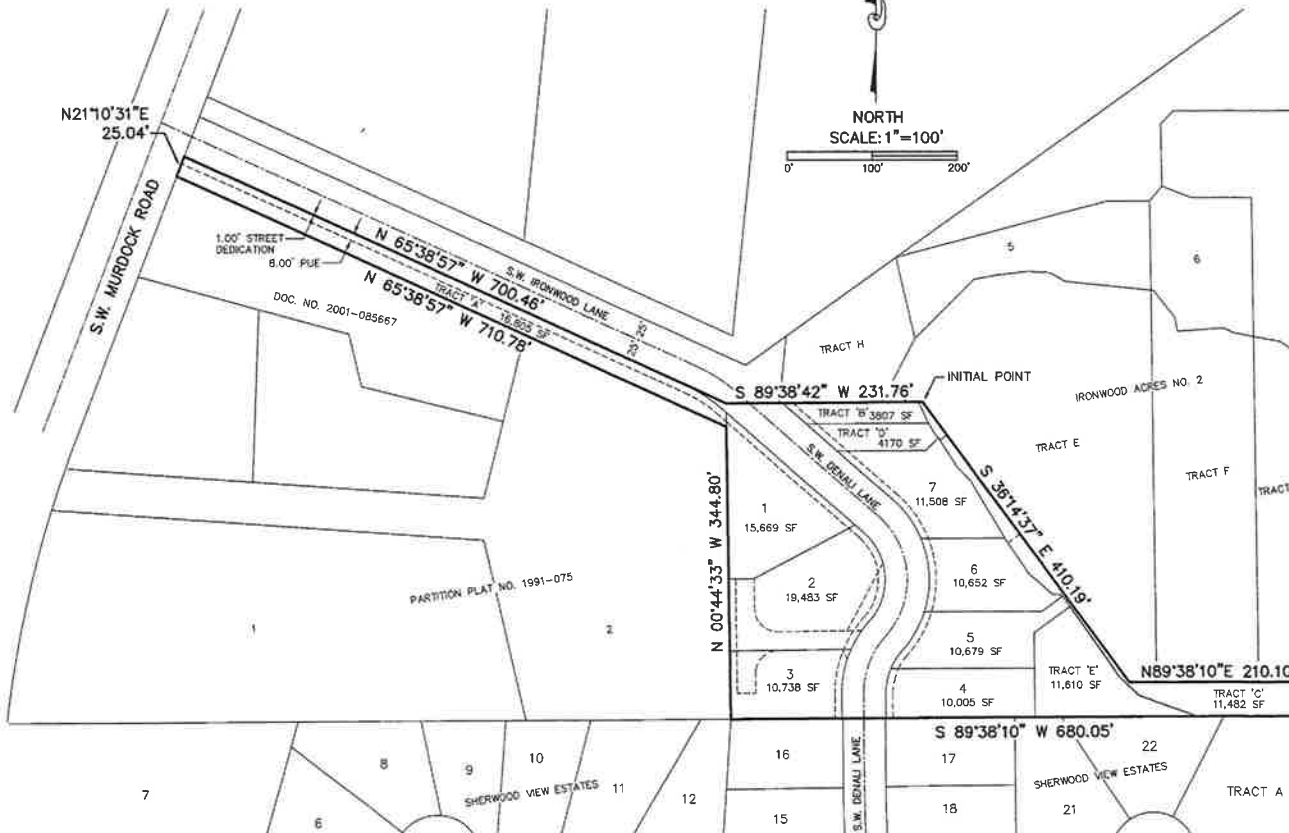
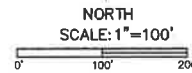
SHEET INDEX

SHEET 1 - OVERALL PLAT LAYOUT, NARRATIVE, REFERENCES, MONUMENT REFERENCE TABLE
SHEET 2 - DETAIL OF LOTS, TRACTS, MONUMENTATION, EASEMENTS, CURVE TABLE
SHEET 3 - TRACT 'A', SURVEYOR'S CERTIFICATE, DECLARATION, ACKNOWLEDGEMENT, CONSENT AFFIDAVIT, PLAT NOTES, APPROVALS



LEGEND

- BS BRASS SCREW
- IR IRON ROD
- IP IRON PIPE
- YPC YELLOW PLASTIC CAP
- SN SURVEY NUMBER, WASHINGTON COUNTY SURVEY RECORDS
- (H) HELD MONUMENT POSITION
- R# REFERENCE NUMBER
- [] MONUMENT FALLING



MONUMENT REFERENCE TABLE

- 1 FD. 5/8" IR, NO CAP, FLUSH, SET IN R6
- 2 FD. 5/8" IR, NO CAP, DOWN 0.6', SET IN R6
- 3 FD. 5/8" IR WITH YPC MARKED "GAYLORD PLUS 929", SET IN R1
- 4 FD. 5/8" IR WITH YPC MARKED "AKS ENGR.", FLUSH, SET IN R3
- 5 FD. 5/8" IR WITH YPC MARKED "AKS ENGR.", UP 0.1', SET IN R3
- 6 FD. 5/8" IR BENT, NO CAP, TIED SPIN HOLE, SET IN R1
- 7 FD. 5/8" IR WITH BROKEN OPC MARKED "CONSULTING ENGINEERING SERVICES", DOWN 0.5', SET IN R4
- 8 FD. 5/8" IR WITH AC MARKED "CONSULTING ENGINEERING SERVICES", DOWN 0.5', SET IN R4
- 9 FD. 5/8" IR WITH AC MARKED "CONSULTING ENGINEERING SERVICES", SET IN R4
- 10 FD. 5/8" IR WITH YPC MARKED "CONSULTING ENGINEERING SERVICES", DOWN 0.1', SET IN R4
- 11 FD. 5/8" IR WITH YPC MARKED "CONSULTING ENGINEERING SERVICES", DOWN 0.4', SET IN R4
- 12 FD. 5/8" IR, NO CAP, UP 0.1', SET IN R4
- 13 FD. 5/8" IR BENT, NO CAP, TIED SPIN HOLE DOWN 1.0', SET IN R8
- 14 FD. 5/8" IR WITH YPC MARKED "AKS ENGR.", UP 0.1', SET IN R8
- 15 FD. 5/8" IR WITH RPC MARKED "CENTERLINE CONCEPTS INC", FLUSH, SET IN R7
- 16 FD. 5/8" IR WITH RPC ILLEGIBLE, DOWN 0.9' IN 3" PVC PIPE, POSITELY SET IN R10
- 17 FD. 5/8" IR WITH YPC MARKED "AKS ENGR.", DOWN 1.6', SET IN R2
- 18 FD. 5/8" IR WITH YPC MARKED "AKS ENGR.", FLUSH, SET IN R9
- 19 FD. 5/8" IR WITH YPC MARKED "AKS ENGR.", FLUSH, SET IN R9

REFERENCES

- R1 PARTITION PLAT NO. 1991-078
- R2 SN 29502
- R3 PLAT OF "IRONWOOD ACRES NO. 2"
- R4 PLAT OF "SHERWOOD VIEW ESTATES"
- R5 PLAT OF COUNTY ROAD NO. 2257
- R6 SN 20158
- R7 SN 28466
- R8 PARTITION PLAT NO. 1991-076
- R9 PLAT OF "IRONWOOD ACRES"
- R10 PARTITION PLAT NO. 2000-065
- R11 SN XXXXXX



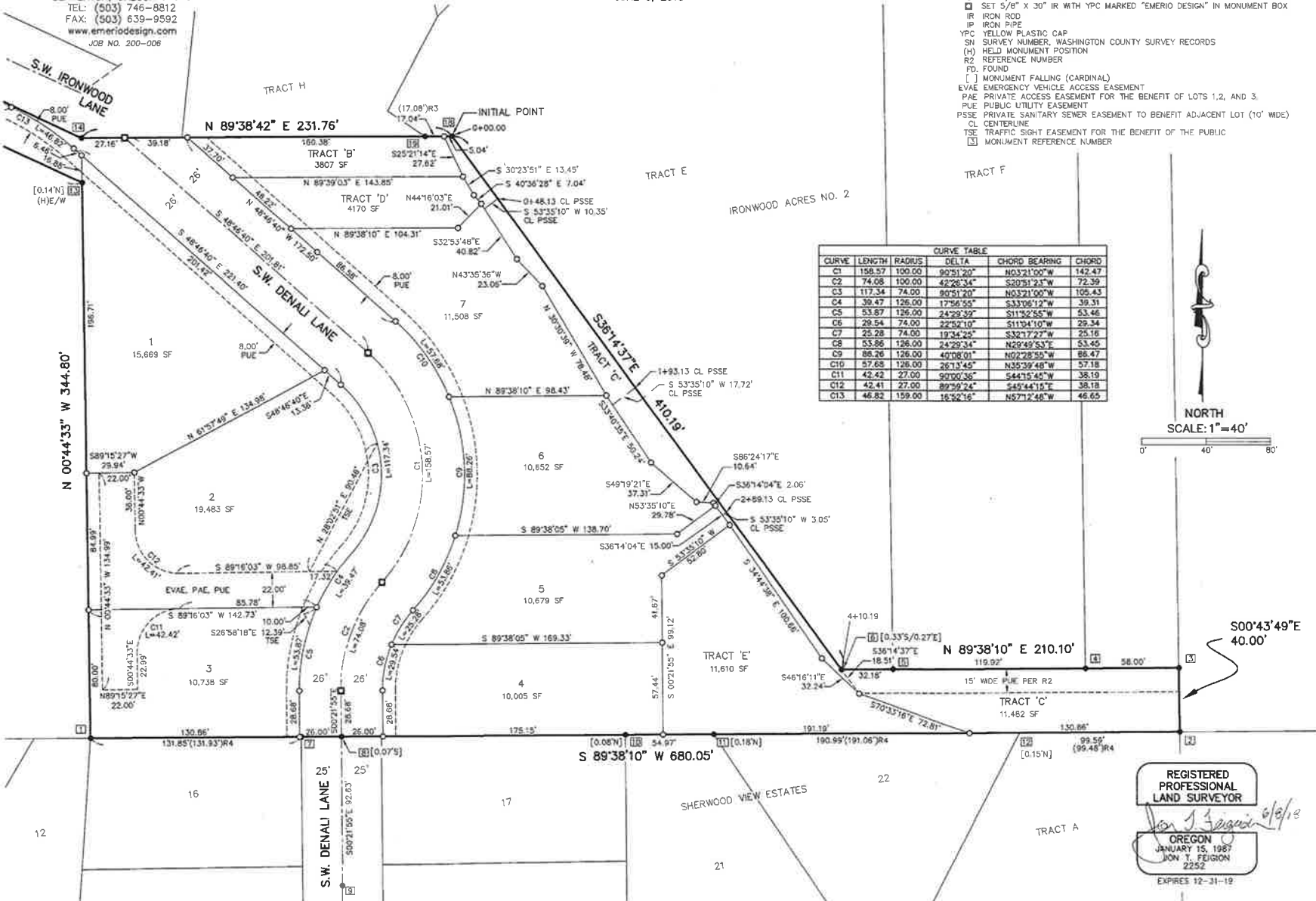
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 639-9592
www.emeriodesign.com
JOB NO. 200-006
SHEET 1 OF 3

DENALI
A REPLAT OF PARCEL 2, PARTITION PLAT NO. 1991-078
LOCATED IN THE
S.W. 1/4 OF SECTION 23, T.2S., R.1W., W.M.
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON
JUNE 8, 2018

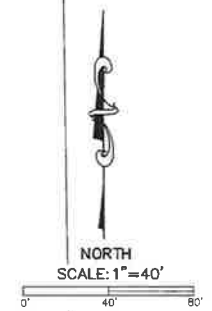
RECORDED AS DOCUMENT NO. _____

LEGEND

- FOUND MONUMENT AS NOTED
- SET 5/8" X 30" IR WITH YPC MARKED "EMERIO DESIGN"
- SET 3/8" X 30" IR WITH YPC MARKED "EMERIO DESIGN" IN MONUMENT BOX
- IR IRON ROD
- IP IRON PIPE
- YPC YELLOW PLASTIC CAP
- SN SURVEY NUMBER, WASHINGTON COUNTY SURVEY RECORDS
- (H) HELD MONUMENT POSITION
- R2 REFERENCE NUMBER
- FD FOUND
- [] MONUMENT FALLING (CARDINAL)
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- PAE PRIVATE ACCESS EASEMENT FOR THE BENEFIT OF LOTS 1, 2, AND 3.
- PUE PUBLIC UTILITY EASEMENT
- PSSE PRIVATE SANITARY SEWER EASEMENT TO BENEFIT ADJACENT LOT (10' WIDE)
- CL CENTERLINE
- TSE TRAFFIC SIGHT EASEMENT FOR THE BENEFIT OF THE PUBLIC
- [] MONUMENT REFERENCE NUMBER



CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	158.57	100.00	90°51'20"	N03°21'00"W	142.47
C2	74.08	100.00	42°26'34"	S20°21'23"W	72.39
C3	117.34	74.00	90°51'20"	N03°21'00"W	105.43
C4	39.47	126.00	17°56'55"	S33°06'12"W	39.31
C5	53.87	126.00	24°28'52"	S11°42'55"W	53.46
C6	28.54	74.00	22°59'10"	S11°04'10"W	28.34
C7	28.28	74.00	19°34'24"	S32°17'27"W	25.18
C8	53.86	126.00	24°28'52"	N29°49'53"E	53.40
C9	88.26	126.00	40°08'01"	N02°28'55"W	86.47
C10	57.68	126.00	28°13'45"	N35°39'48"W	57.18
C11	42.42	27.00	90°00'36"	S44°15'45"W	38.19
C12	42.41	27.00	89°59'24"	S45°44'15"E	38.18
C13	48.82	159.00	16°52'16"	N57°12'46"W	46.63



REGISTERED
PROFESSIONAL
LAND SURVEYOR
Jon T. Feigon 6/8/18
OREGON
JANUARY 15, 1987
JON T. FEIGON
2252
EXPIRES 12-31-19



6445 SW FALLBROOK PLACE, SUITE 100
 BEAVERTON, OREGON 97008
 TEL: (503) 746-8812
 FAX: (503) 639-9592
 www.emeriodesign.com
 JOB NO. 200-006

SURVEYOR'S CERTIFICATE

I, JON T. FEIGON HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS REPRESENTED ON THE PLAT OF "DENALI", LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT WHERE I FOUND A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "AKS ENGR." AT THE MOST NORTHERLY NORTHEAST CORNER OF PARCEL 2, PARTITION PLAT NO. 1991-078, WASHINGTON COUNTY PLAT RECORDS; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 2, SOUTH 36°13'47" EAST, 410.19 FEET TO AN ANGLE POINT THEREON; THENCE CONTINUING ALONG SAID NORTHERLY LINE, NORTH 89°38'10" EAST, 210.10 FEET TO THE MOST SOUTHERLY NORTHEAST CORNER OF SAID PARCEL 2; THENCE ALONG THE MOST EASTERLY LINE OF SAID PARCEL 2, SOUTH 00°43'49" EAST, 40.00 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE ALONG THE SOUTH LINE OF SAID PARCEL 2, SOUTH 89°38'10" WEST, 680.05 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 2, NORTH 00°44'33" WEST, 344.80 FEET TO AN ANGLE POINT ON THE WESTERLY LINE OF SAID PARCEL 2; THENCE CONTINUING ALONG THE SOUTHERLY LINE OF SAID PARCEL 2, NORTH 65°38'57" WEST, 710.78 FEET TO THE EASTERLY RIGHT OF WAY LINE OF S.W. MURDOCK ROAD (COUNTY ROAD NO. 2257, 40.0 FEET FROM CENTERLINE); THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 21°10'31" EAST, 25.04 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 2; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 2, SOUTH 65°38'57" EAST, 700.46 FEET TO AN ANGLE POINT ON SAID NORTHERLY LINE; THENCE CONTINUING ALONG SAID NORTHERLY LINE, SOUTH 89°38'42" WEST, 231.76 FEET TO THE INITIAL POINT.

CONTAINING 161,459 SQUARE FEET (3.71 ACRES), MORE OR LESS.



DENALI
 A REPLAT OF PARCEL 2, PARTITION PLAT NO. 1991-078
 LOCATED IN THE
 S.W. 1/4 OF SECTION 23, T.2S., R.1W., W.M.
 CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON
 JUNE 8, 2018

RECORDED AS DOCUMENT NO. _____

DECLARATION

KNOW ALL PERSONS BY THESE PRESENTS THAT J.T. ROTH CONSTRUCTION, INC., AN OREGON CORPORATION, IS THE OWNER OF THE LAND SHOWN ON THE ANNEXED MAP AND PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, AND HAS CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED AND PLATTED INTO LOTS AND TRACTS AS SHOWN IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF THE OREGON REVISED STATUTES, AND DOES HEREBY GRANT ALL EASEMENTS AS SHOWN OR NOTED HEREON, AND DOES HEREBY DEDICATE TO THE PUBLIC ALL RIGHTS OF WAY.

J.T. ROTH CONSTRUCTION, INC.

BY: J.T. ROTH JR., PRESIDENT

ACKNOWLEDGEMENT

STATE OF OREGON)
) SS
 COUNTY OF WASHINGTON)
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ 20____
 BY J.T. ROTH JR., PRESIDENT OF J.T. ROTH CONSTRUCTION, INC.

NOTARY SIGNATURE _____

NOTARY PUBLIC, OREGON _____

COMMISSION NO. _____

MY COMMISSION EXPIRES _____

CITY OF SHERWOOD APPROVALS

APPROVED THIS _____ DAY OF _____ 20____
 COMMUNITY DEVELOPMENT DIRECTOR
 CITY OF SHERWOOD

WASHINGTON COUNTY APPROVALS

APPROVED THIS _____ DAY OF _____ 20____
 WASHINGTON COUNTY SURVEYOR

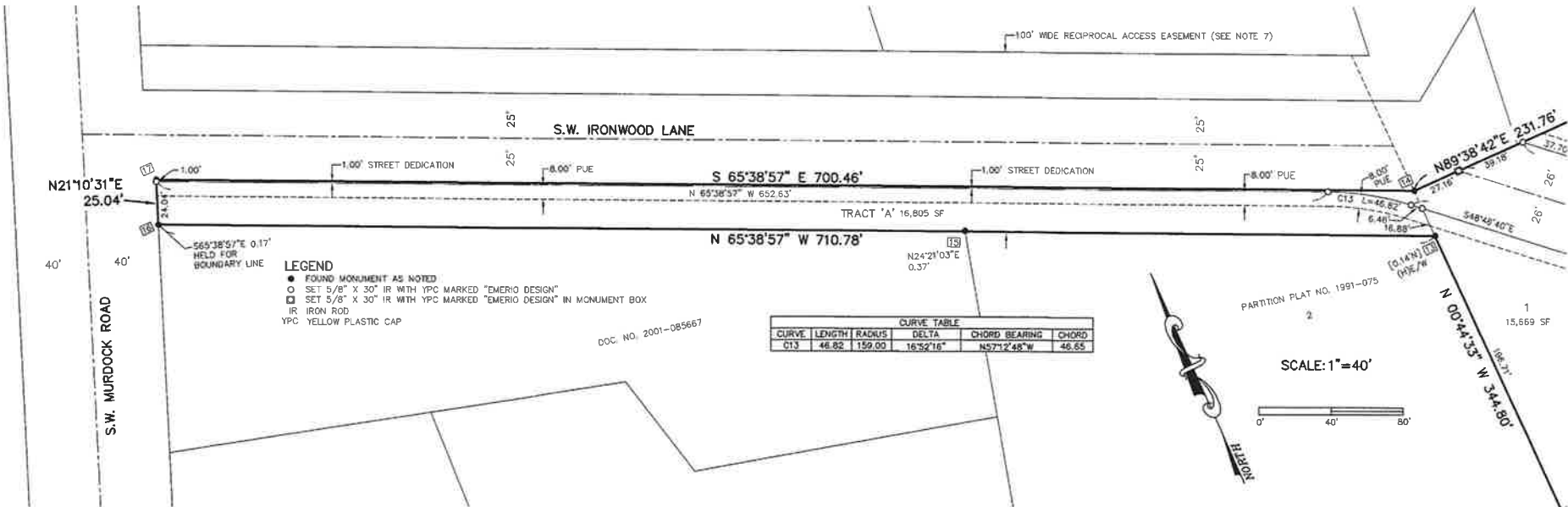
BY: _____
 ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY O.R.S. 92.095
 HAVE BEEN PAID AS OF THIS _____ DAY OF _____ 20____
 DIRECTOR OF ASSESSMENT AND TAXATION
 (WASHINGTON COUNTY ASSESSOR)

BY: _____ DEPUTY
 APPROVED THIS _____ DAY OF _____ 20____
 DIRECTOR OF ASSESSMENT AND TAXATION
 EX-OFFICIO COUNTY CLERK

BY: _____ DEPUTY

PLAT NOTES

1. BASIS OF BEARINGS AND BOUNDARY DETERMINATION ARE PER SN 33340, WASHINGTON COUNTY SURVEY RECORDS.
2. THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL PER CITY OF SHERWOOD CASEFILE NO. PUD 17-01/ SUB 17-01.
3. TRACTS A AND D ARE USABLE OPEN SPACE TRACTS.
4. TRACT B IS A WATER QUALITY TRACT.
5. TRACT C IS A VEGETATIVE CORRIDOR NON-USABLE OPEN SPACE TRACT AND IS SUBJECT TO A STORM SEWER, SURFACE WATER DRAINAGE AND DETENTION EASEMENT FOR THE BENEFIT OF CLEAN WATER SERVICES OVER ITS ENTIRETY. TRACT C IS SUBJECT TO A SANITARY SEWER EASEMENT OVER ITS ENTIRETY FOR THE BENEFIT OF THE CITY OF SHERWOOD.
6. TRACT E IS A NONUSABLE SOIL CONTAINMENT TRACT.
7. TRACT A IS SUBJECT TO A RECIPROCAL ACCESS EASEMENT PER DOCUMENT NO. 66-052741.





06.12.18
Date

PC
Gov. Body

5a
Agenda Item

3
Exhibit #

Exhibit F

June 5, 2018

Planning Commission
City of Sherwood
22560 SW Pine St.
Sherwood, Or. 97140

Re: Denali Subdivision (PUD 17-01 and SUB 17-01)
Application Complete Date: Nov. 9, 2017
120 Day Deadline Date: Mar. 9, 2018
Planning Commission Approval (w/recommendations): Feb. 13, 2018
City Council Hearing/Approval: Mar. 6, 2018

This land-use application has been a long process and we are at the final step that would allow us to move forward with the project that has met all City development requirements. We certainly appreciate the time given by the City Staff, the City Council and of course you, the Planning Commission.

With the two previous Planning Commission Hearings we “fine-tuned” our application based on comments and recommendations and presented that revised application to the City Council for approval. The three primary topics of discussion presented to the City Council were: i) Buffering, ii) View Corridor, iii) Architectural Pattern Book. Each of these topics were discussed and were satisfied to the approval of the members of the Council as well as opposing concerns of those in attendance. As it relates to the View Corridor, which apparently continues to be an issue with opposing neighbors (Roger and Lisa Walker), we presented our argument to support a view corridor clearly defined in the Southeast Sherwood Master Plan following a northeastern direct over the projects Lot #1.

See our submitted argument.....

View Corridor

Background

- As it is defined in SZCDC Section 16.12.010.A.3 Very Low Density Residential dictates the view corridor as stated below:
 3. Southeast Sherwood Master Planned Unit Development
 - a. Property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of four (4.0) dwelling units per net buildable acre.
 - b. Development under Section 16.12.010.A.3 must generally follow the development pattern shown as Alternative B/C in the SE Sherwood Master Plan (2006) and address the following factors:
 - (1) Varied lot sizes are allowed with a minimum lot area of 10,000 square feet if it can be shown that adequate buffering exists adjacent to developed properties with screening, landscaping, roadways or open space.
 - (2) The open space areas as required by Chapter 16.40 (Planned Unit Development), where feasible, should include parks and pathways that are located within the general vicinity of Alternative B/C in the SE Sherwood Master Plan.
 - (3) There is a pedestrian-friendly transportation system that links the site with nearby residential developments, schools, parks, commercial areas and other destinations.
 - (4) The unique environmental opportunities and constraints identified in the SE Sherwood Master Plan.
 - (5) **The view corridors identified in the SE Sherwood Master Plan.**
 - (6) The housing design types that are compatible with both surrounding and existing development.

I too, after review of the city's final decision, did not totally agree with the language. I felt it should be more specific to state the height of the home constructed on Lot 2 would not exceed the main floor elevation of the Walker's home, which in this case is the second floor of their two story home where their main living area is located. As to not "create waves" in this approval process or challenge the mutually approved agreement between myself and the Walkers I elected to not raise the issue or generate the argument.

The City of Sherwood's "Notice of Decision" is clear to define an "Appeal" period, which has expired. Since I have not received any notice of intent to appeal I can only assume that the Walker's accepted the language as written without dispute. The lack of appeal during this period should register this latest request for modification as a non-issue.

Should the Planning Commission determine that this request is worthy of consideration then I would argue that the Commission would be re-opening the hearings for further argument, at which time I would feel compelled to retract my decision to alter the alignment of the corridor and encourage approval to follow the alignment defined by the Sherwood Master Plan.

I would encourage the Commission to accept the Final Decision as written and move the project forward without further delays.

Respectfully Submitted



J. T. Roth, Jr.
J.T. Roth Construction, Inc.

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission
June 12, 2018

Planning Commissioners Present:

Chair Jean Simson
Vice Chair Christopher Flores
Commissioner Justin Kai
Commissioner Mark Cottle
Commissioner Doug Scott
Commissioner Laurie Holm

Staff Present:

Joy Chang, Associate Planner
Bob Galati, City Engineer
Josh Soper, City Attorney
Michelle Babcock Dept. Program Coordinator,
Craig Christensen, Engineering Associate II
Mark Swanson, Systems Admin/Info Tech

Planning Commission Members Absent:

Commissioner Daniel Matzinger

Council Members Present:

None

1. Call to Order/Roll Call

Chair Jean Simson convened the meeting at 7:00 pm.

2. Council Liaison Announcements

None.

3. Staff Announcements

None.

4. Community Comments

No comments were received.

5. New Business

a. Public Hearing – Public Hearing – PUD 17-01/SUB 17-01 Final Development Plan

Chair Simson read the public hearing statement and said the Planning Commission has the final hearing authority, with appeals going to City Council. She asked for ex parte, bias, or conflict of interest from commission members. Chair Simson disclosed she had a brief conversation with Commissioner Cottle this afternoon regarding the view corridor and the SE Sherwood Master Plan. She replied to Commissioner Cottle that the City Council adopted parts of the SE Sherwood Master Plan, but not in its entirety. She said there were also questions about process with Commissioners Kai and Holm regarding the Planning Commission having the final authority and it is a site plan review. She said it would not affect her ability to participate. Commissioner Cottle echoed Chair Simson's statement.

Joy Chang, Associate Planner, gave a presentation of the staff report for the Denali Lane Final Development Plan and Final Subdivision Plat Reviews (see record, Exhibit 1). The Plan Unit Development (PUD) process has two steps and the first step is the Preliminary Development Plan approval where the Planning Commission makes a recommendation to City Council and the City Council renders a decision. On March 6, 2018, the City Council adopted Ordinance 2018-004 approving the 7-lot subdivision with conditions of approval. Once a Preliminary Development Plan is approved, the applicant submits a detailed Final Development Plan and a Final Subdivision Plat for review and approval by the Planning Commission.

Ms. Chang said the site is located in southeast Sherwood off SW Murdock Road and north of Sherwood

View Estates and south of Ironwood. The parcel is zoned Very Low Density Residential Planned Unit Development (VLDR-PUD). She identified the required approval criteria and stated Section 16.40.030 states that upon approval of the PUD overlay zoning district and Preliminary Development, the applicant shall prepare a detailed Final Development Plan for review and approval by the Planning Commission. The Final Development Plan shall comply with all conditions of approval as per Section 16.40.020. Since the PUD involves a subdivision of land, a final plat must be prepared and submitted for final approval, pursuant to Chapter 16.120, which is the subdivision section. The specific conditions applicable during the Final Development Plan phase are those listed under Prior to Approval of PUD Final Development Plan and Subdivision Plat in the presentation. Conditions of approval are items B1 through B13 and she stated all 13 conditions are satisfied or can be met as reflected in the Staff Report.

Ms. Chang referred to an overview of the subdivision and said there is a connection to SW Murdock Road to SW Ironwood Lane and extending SW Denali Lane to the south. She referred to the proposal details and said the net difference of the tax lots is 85 square feet from the approved Preliminary Development Plan and one of the requirements is that it has to be consistent with what was preliminarily approved and she stated this is consistent. She provided a view of the approved Preliminary Development plan versus the proposed Final Development Plan and the number of lots and lot patterns are consistent.

Ms. Chang said the City's Engineering Department has finalized their review of the Final Subdivision Plat and determined that it is consistent with the proposed Public Improvement Plans. Planning staff also reviewed the subdivision plat and determined that it is consistent with the approved Preliminary Development Plans. The Final Subdivision Plat required a minor word revision and the corrected Final Subdivision Plat will be dated June 11, 2018 and the revised document was distributed (see record, Exhibit 2). The revision removed the word "water" and inserted "sewer" on item 5 of the Plat Notes.

Ms. Chang said the required public notices were completed and staff received written testimony from Roger & Lisa Walker (Exhibit E in the packet) and the applicant Tim Roth that was distributed (see record, Exhibit 3). The testimony from the Walkers identified concerns regarding General Condition A.13, which is not part of the subdivision review and the Final Development Plan but is a general condition. General Condition A.13 reads, "No part of any structure on Lot 2 shall exceed the finished floor elevation of the existing structure to the west." They also requested clarification on the definition of finished floor elevation and staff agrees that finished floor elevation is the lowest habitable/livable space. In regards to the view corridor, the SE Sherwood Master Plan in part states, "the height and specific location of buildings along the Denali Lane extension will be important. The further east, and the lower in height, these homes are constructed, the less they will block eastward views from the adjacent home to the west." The view corridor is identified within the SE Sherwood Master Plan, however it has not been delineated. As previously mentioned, there are no significant changes to lot patterns between Lots 1 and 2 and modification to the CC&R for tree height restriction on Lot 1 are not necessary. The last request from the Walkers concerns oral testimony as far as process and the Planning Commission can address the request. The second written testimony is from Tim Roth, the applicant, in reply to the Walkers written testimony. His concerns relate to proposed changes to existing Conditions of Approval.

Ms. Chang said based on the review of the applicant's submittal, the Sherwood Zoning and Community Development Code, agency comments, and findings of fact in the staff report, staff recommends approval of the Denali Lane PUD /SUB Final Development Plan and Final Plat subject to on-going Conditions of Approval.

Chair Simson asked for Planning Commission questions for staff.

Commissioner Cottle asked what the height limit on a single family home is. Ms. Chang said it varies

depending on the zoning and said for VLDR-PUD the height limit is 30 feet or two stories and the maximum height is the lesser of the two.

Commissioner Cottle asked if height is measured from the lowest point of habitable space up. Ms. Chang said by definition under 16.10 Building Height, "The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be selected by the following criteria, whichever yields the greater height: A. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten feet above lowest grade or B. An elevation ten feet higher than the lowest grade, when the sidewalk or ground surface described in this section is more than ten feet above lowest grade".

Commissioner Cottle referred to the CC&Rs and asked if the City is allowed to enforce the CC&Rs. City Attorney Josh Soper stated that putting it in the CC&Rs is what satisfied the two interested parties.

Commissioner Cottle asked if Lot 2 is the only lot with a view corridor through it. Ms. Chang said it was determined during the first initial preliminary review, through testimony from the Walkers, that it was Lot 2 and staff catered to the request and specifically conditioned it to Lot 2. Commissioner Cottle stated Lot 2 increased by 41 square feet and asked if the view corridor is over the additional 41 square feet portion that was added to Lot 2. Ms. Chang said the condition is specifically written and is a general condition that will be implemented at the time the applicant submits building plans. It is difficult to identify the start point when it is not accompanied by an engineering study. The applicant will be required to provide proof that they can meet the standard at the time of building permitting and plot review.

Chair Simson said regular site plans usually include full building elevations and more details and asked why this proposal does not have building elevations. Ms. Chang said with any given subdivision, the City does not typically ask for elevations and design elements are not required. She noted this is a PUD and staff did implement the architectural pattern book and that is going to be part of implementing the design and there are specific requirements in the pattern book that will also be considered upon building review. Chair Simson clarified that with residential developments, staff reviews the building elevations at the building permit phase. Ms. Chang said staff is aware of the specific building elevation requirements for this subdivision and will not approve the permits unless the conditions are met.

Chair Simson asked Ms. Chang to restate what the Planning Commission is under mandate to review at this meeting. Ms. Chang said in terms of Land Use applications there are general conditions in subsection A and specific conditions in subsection B, which are currently being reviewed, and must be met prior to approval of PUD Final Development Plan and Subdivision Plat. The Commission must make sure the CC&Rs, plat and everything required is still consistent. She said the applicant has proven that the changes are minor and the conditions of approval in subsection B are satisfied.

Commissioner Scott said previously the Planning Commission considered an architectural pattern book and said that is not include in this packet and asked if that is now part of the approved PUD and not germane to this hearing. Ms. Chang stated that is correct and it will be applied with the conditions of approval at the time of building permits.

Chair Simson asked for applicant testimony.

Steve Miller, Emerio Design came forward and iterated that they have spent a significant amount of time with the Planning Commission, City Council, and the Walkers on this process. He noted when they went

before the City Council they took the SE Sherwood Master Plan and imposed it on top of their plat to show the view corridor and per that SE Sherwood Master Plan it was clearly over Lot 1. He said they were ready to have some conditions placed on Lot 1 to protect the view corridor. He said at the meeting the Walkers were adamant that the view corridor was not over Lot 1 and was directly to the east and over Lot 2. He said the City Council recessed and they debated the issue and settled with the Walkers that the view corridor was over Lot 2. He stated specific conditions were crafted, which included tree heights and roof heights for Lot 2, and not Lot 1. He said it is discouraging to see a letter from the Walkers saying that the view corridor is both Lot 2 and Lot 1. This is the final plat review and the limited conditions that they are required to comply with are the ones under section B. He stated they are in compliance with all conditions that all parties agreed to during the land use process and the City Council made a final land use decision that was not appealed. He noted they did their best to comply with the view corridor and yielded to the neighbors on the west, based on their information, stating the view corridor is over Lot 2. The elevation has been surveyed and they are prepared to build accordingly, and should be subject only to the conditions that are applicable for this particular application review.

The applicant saved the remaining 25 minutes for rebuttal.

Commissioner Cottle asked staff if the Planning Commission has the authority to change conditions that the City Council has already approved. Mr. Soper said that is not what this hearing is about and stated the final land use decision refers to Lot 2.

Chair Simson referred to the added 41 square feet to Lot 2 and asked if the designation line was moved to make the lot larger. Mr. Miller said they did a boundary survey and squared the property based on the physical location of the property. When they did the initial plat they relied on old data and did not have time to verify. Moving into the final plat the surveyors reconfirmed the point for the property and it squared up a few lot lines and that is not an uncommon practice in land development.

Commissioner Scott clarified that the line between Lot 1 and Lot 2 may have moved a small amount and asked which direction and by how much. Mr. Miller said it moved to the south and said it is less than 1 foot over the distance between the east side and the west side.

Commissioner Cottle asked if the increase in the Lot 2 size is now included in the view corridor. Mr. Miller stated the view corridor was agreed to be over Lot 2. Commissioner Cottle clarified that whatever land was added to Lot 2 is now encumbered by the view corridor and asked if that is the applicants understanding. Mr. Miller said it was agreed to that the view corridor is over Lot 2. He said this is the final plat and it complies with the decision of City Council.

Commissioner Scott said he did not get an answer on his question. Chair Simson clarified with the applicant that he does not know the amount of the property line shift to the south. Mr. Miller said he does not have a specific answer but assured the Planning Commission that it is fractional. Discussion followed.

Chair Simson asked Mr. Soper if the PUD recognizes the original Lot 2 delineation versus a revised Lot 2 delineation and will this line change before the applicant submits building permits. Mr. Soper said the way the conditions of approval are written they are tied to the lot numbers, so on Lot 2 the building and tree heights are limited. He said wherever the lines are on Lot 2 the building on that lot will have those height restrictions.

Commissioner Kai clarified that the view corridor is not a fixed geographic point. Mr. Soper said the view corridor is tied to a specific lot number.

Commissioner Scott said there is no amount of property line shift that would trigger a reevaluation of the

intent. Mr. Soper said it would not be compliant with the preliminary plan if the alignment was totally different.

Mr. Miller referred to the approved preliminary plan and said the curve was too tight for the street and the biggest change is adjusting Denali Lane to get it to function at the standard it was supposed to operate at. He said he stands corrected and said it was not really a shift from north to south but more east to west to straighten the road so that it operated to the standards that are required for this level of street.

Mr. Miller referred to page 4 of the staff report that includes comments from Tualatin Valley Fire & Rescue (TVR&F) and said the last sentence refers to Lots 2, 3, and 4 and said it should be Lots 1, 2, and 3. Chair Simson said this refers to the new condition G7, page 14 of the packet, and said the condition of approval is accurate but the statement from TVF&R is inaccurate.

Chair Simson said before calling for public testimony she addressed the request from Roger and Lisa Walker to have extended time. She said the request requires a majority vote of the Commission if we choose to extend time beyond 4 minutes per person.

Commissioner Cottle suggested if the public testimony involves extending the conditions to Lot 1 it is beyond our jurisdiction.

The Commission agreed to 8 minutes total.

Chair Simson called for public testimony.

Lisa and Roger Walker, Sherwood residents came forward in support of keeping the view corridor over Lot 2. She said the intent was to have an area of land designated as the view corridor and not tied to Lot 2 specifically. She stated if the lot line does not change significantly, they support the proposed final development plan. She asked staff what is considered significant or substantial. Ms. Chang said the applicant is using professional certified surveyors and she is not projecting significant changes. She agreed with Mr. Soper that the way the conditions are written, it is tied to Lot 2 versus an area of land. Mr. Walker asked Mr. Soper if there is any threshold of movement on the property lines that would amount to substantial. Mr. Soper said there is not a clear answer and substantial can be argued but noted that at some point the City will say it is substantial and deem the project as non-compliant. Ms. Walker referred to the definition of finished floor elevation as lowest habitable level of flooring and requested a clarification be written into the conditions.

Mr. Soper stated the Commission does not have the authority, at this point in the process, to change a condition. He said the Commission could add that this is how City staff interprets the condition and how they plan to enforce it. Chair Simson said that is already in the staff report. Mr. Soper said the Commission is applying conditions, not changing conditions.

Commissioner Doug Scott asked if the finished floor language is universally accepted. Mr. Soper said according the City Building Official it is the lowest habitable level.

With no other comments, Chair Simson asked for applicant rebuttal. Mr. Miller said he has no rebuttal.

Chair Simson closed the public hearing for deliberation.

Commissioner Cottle asked why the code has the Planning Commission review this if we cannot interpret the code and apply it to the specifics of the condition. It appears we are just here to say that staff is right and the applicant met the conditions or staff is wrong and they did not meet the conditions. That could be something staff could do. Ms. Chang said staff does typically do that but since this is a PUD there is an extra process as written in the code.

The following motion was received.

Motion: From Vice Chair Christopher Flores to approve the application for PUD 17-01 and SUB 17-01 Final Development Plan based on the applicant testimony, public testimony received, and the analysis, findings, and conditions in the staff report. Seconded by Commissioner Mark Cottle. All Commissioners voted in favor.

6. Planning Commissioner Announcements

Chair Simson reminded the Commissioners to respond to the email regarding the tour of the Wilsonville Water Treatment Plant and their availability.

Chair Simson commented on the rules relating to emails and said if the Commissioners receive City related emails in their personal accounts, they are required to maintain a record. Commissioners are also required to keep, or turn over to staff, any notes from the meetings. Commissioners may request a City email address that is archived by the staff or can create their own separate email address that is only used for Planning Commission correspondence and archive it themselves. Chair Simson asked Commissioners to inform Community Development Director Julia Hajduk of their preference.

Commissioner Cottle said if he creates his own email could he grant City IT Department access to remove the emails once a month and store them on the City server. Mr. Soper said the option is to have a City email account that the City archives or have a personal account that the Commissioners archive. He said the issue is not only retention but access and he prefers that Commissioners have a City email account. All present Commissioners agreed to have City email accounts. Chair Simson asked staff to contact Commissioner Matzinger regarding his preference.

Commissioner Flores said "Hello Dolly" tickets are available.

Commissioner Cottle stated he asked Mr. Soper to provide a brief memo on what the standard is when placing conditions on things. Mr. Soper said there might be a work session on this topic in the future. The Supreme Court has ruled that it does not have to be mathematically precise and subsequently other lower courts have gradually inched toward mathematically precise. Discussion followed.

Chair Simson said Planning Manager Erika Palmer is drafting a memo that will explain takings, exactions, and rough proportionality. Another request would be to have a framework by which the Commission can understand when a condition is subject to review by the Planning Commission and if we do not agree with the condition, which findings need to be changed.

7. Adjourn

Chair Simson adjourned the meeting at 8:19 pm.

Submitted by:



Colleen Resch, Records Technician 1

Approval Date: 7-24-18