



**City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
November 24, 2009 – 7 PM**

Business Meeting – 7:00 PM

- 1. Call to Order/Roll Call**
- 2. Agenda Review**
- 3. Consent Agenda**
- 4. Staff Announcements**
- 5. Council Announcements (Dave Heironimus, Planning Commission Liaison)**
- 6. Community Comments** (*The public may provide comments on any non-agenda item*)
- 7. Business Carried Forward:**
- 8. New Business:**

a. Appeal of Hearing Officer Decision on SUB 09-01 – McFall Subdivision.

Issue under appeal: An appeal was filed by Jim and Susan Claus, address 22211 SW Pacific Highway, Sherwood, Oregon 97140. The appellants appealed the decision by the Hearings Officer stating that they believe language throughout the report does not adequately represent the “remainder” piece of land. According to the appeal, the appellants believe that the remainder portion of the property that is intended to be donated to the City is developable and disagree with statements in the report indicating that it is undevelopable.

The Hearings Officer approved the subdivision application to divide 8.42 acres into 9 residential lots plus a “remainder” lot on tax lot 1001 and 1002, Map 2S130D. For density purposes only, the application included the Creekview Condos site (AKA Woodhaven Crossing II) as a co-applicant. The 9 proposed residential lots range in size between 5,079 square feet and 18,752 square feet. The “remainder” lot of approximately 6.59 acres consists of floodplain, wetland areas, vegetated corridor and an isolated upland area. The applicable Code criteria includes: Sherwood Comprehensive Plan Part 3, Zoning and Community Development Code, 16.20 (High Density Residential), 16.58 (Clear Vision Areas), 16.58.030 (Fences, Walls and Hedges), 16.60 Yards, Division VI. (Public Improvements), Division VII. (Subdivisions and Partitions), 16.142 (Parks and Open Space), 16.144 (Wetland, Habitat and Natural Areas).

b. SWOT (Strengths, weaknesses, opportunities and threats) analysis discussion for 12/15/09 Council meeting

- 9. Comments from Commission**
- 10. Next Meeting: December 8, 2009**
- 11. Adjourn**



Home of the Tualatin River National Wildlife Refuge

City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.ci.sherwood.or.us

MEMORANDUM

Mayor
Keith Mays

Councilors
Dave Grant
Dave Heironimus
Linda Henderson
Dan King
Dave Luman
Lee Weislogel

City Manager
Jim Patterson

TO: Planning Commission
FROM: Julia Hajduk, Planning Manager
DATE: November 17, 2009
RE: Appeal of McFall Subdivision (SUB 09-01)

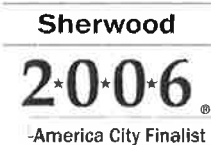
BACKGROUND:

The applicant (and appellant) Mr. and Mrs. Claus submitted an application for subdivision approval to create 9 residential lots plus one "remainder" lot. The application is included as Attachment 1 to this memorandum and includes the applicants narrative and supporting documents dated March 30, 2009 as well as supplemental information that was submitted September 11, 2009 to address density issues identified after the application was deemed complete. The staff report was prepared by Ben Schonberger of Winterbrook Planning.

The applicant's attorney, Eric Postma, submitted a letter dated September 29, 2009 (Attachment 2 to this memorandum) requesting modifications to the proposed conditions of approval to ensure the applicant's proposed donation was deemed a gift instead of a required dedication. Staff responded at the hearing on October 5, 2009 that they did not object to the proposed changes. Mr. and Mrs. Claus commented at the hearing that it is wrong to identify the lot to be gifted as undevelopable because there are instances in Sherwood where land in the 100-year floodplain has been taken out. Mrs. Claus commented that an appraiser will determine the highest and best use. Staff indicated that a specific determination of developability was not being made and that they referred to the definition for density calculation but that did not dictate in and of itself what the property may be used for in the future.

The Hearings Officer issued an approval of the proposed subdivision October 12, 2009. The Hearings Officer decision is attached as Attachment 3 to this memorandum.

On October 27, 2009, the applicants appealed the Hearings Officer's decision. The appeal is based on language in the decision to the effect



that the “remainder lot” is undevelopable. The appeal states that the “conclusionary remarks about the remainder land prevents any contemplated gifting.”

The appellants assert that reference to the remainder lot as undevelopable are mistakes and requests that they be removed from the findings. It also appears that they object to a reference to the remainder lot being “dedicated” versus “gifted” because they believe this distinction limits the potential tax benefit of donating the property.

The appeal states that they want these “mistakes” removed from the language of the decision.

The application was submitted April 16, 2009 and deemed complete June 12, 2009. The 120-day period was extended by the applicant and currently expires on November 30, 2009.

ANALYSIS:

Staff agrees that references in the Hearings Officer’s decision to the remainder lot being “dedicated” is a mistake. Staff reviewed the Hearings Officer’s decision and compared it to the staff report that was presented at the hearing as well as the information submitted by the applicant. The Hearings Officer made many modifications to remove references to “dedication” of the remainder lot and instead inserted language to the effect that the “application proposes to give or otherwise voluntarily transfer [the property] to the City...” as recommended by Mr. Postma.

Staff does not support removing references to the remainder lot as “unbuildable” or “undevelopable.” Throughout the applicant’s narrative there are repeated references to the remainder lot as unbuildable or undevelopable. This description of the property was merely reflected by staff in the staff report and by the Hearings Officer in the decision.

Specifically, in the 9-11-09 supplemental narrative, it states “The subdivision for consideration in this application will be done in one phase with a total of 1.748 acres being developed for residential use with the remaining acreage being utilized as wetland buffer, wetland and open space.” Further, on page 3 it states: Only 1.748 acres of the 8.42 acre parcel are developable, because the site is constrained by challenging topography and wetlands and also includes significant amounts of real estate in the Cedar Creek 100 year floodplain...”

On page 18, it states “The 150’ elevation and lower fall within the remainder lot of the site considered for donation to the City and not on any of the proposed developable lots. Of the developable lots for the sites, lot 1 has the lowest elevation....”

Page 19, "The nearest developable lot to Highway 99W is over 235 feet away."

On Sheet 1 of 2 of the plans submitted, the summary information references the "net buildable area" and the "non-buildable area." The note on Sheet 2 of 2 references one undevelopable remainder lot.

Moreover, the findings of compliance would have been different if the remainder lot was buildable. The likely result would have been different conditions of approval or even denial if conditions were not possible. Specifically: 16.20.010 (HDR purpose), 16.108.050.8 (buffering of major streets), 16.108.050.14.B.4 (access), 16.122.010.3.f (required Subdivision findings), and 16.126.040.2 (Access to all lots in subdivision). The following are excerpts of these standards and the analysis and findings included in the Hearings Officer's decision:

16.20.010 Purpose

The HDR zoning district provides for higher density multi-family housing and other related uses, with a density not to exceed twenty-four (24) dwelling units per acre and a density not less than 16.8 dwellings per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirement.

The applicant is proposing the creation of ten (10) lots for residential purposes with one of the ten lots serving as dedicated natural open space (approximately 6.5-acres). Residential development is permitted by-right under the HDR zone. The "site" includes the 8.42-acre Claus property (the area proposed for the McFall Subdivision) as well as the adjacent Woodhaven development (7.71 acres). The total site area is 17.02 acres.

Of the 8.42-acre Claus property, only 1.75 acres is "buildable" per the city code definition (absent of environmental constraints). Woodhaven Crossing is currently developed with a 183 multi-family residential development. All 7.71 acres of that site is considered buildable. The applicant provided a map showing the buildable and unbuildable areas of the site. The total net buildable area on the site is 9.46 acres. The applicant is proposing the creation of a 9-unit residential subdivision, combined with the 183 units on the Woodhaven property. This results in a project density of 20.30 dwelling units per acre ($183+9=192$ units/9.46 acres). Staff notes that the applicant could build multi-family housing on one or more of the proposed lots, since this housing type is allowed by-right in the zone, and up to 44 dwelling units could be added before maximum density limit is reached. The construction of more than two dwelling units on any single lot would require site plan review. The applicant meets this criterion.

16.108.050.8. Buffering of Major Streets

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties shall be provided and through and local traffic shall be separated and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.030, and all applicable access

provisions of Chapter 16.96, shall be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.

No residential lots directly abut Highway 99. The only lot that abuts Highway 99 (lot 10) will remain as undeveloped open space dedicated to the City. Site plan review will ensure compliance with Section 16.142.030 and access provisions of Chapter 16.96. This standard is met.

16.108.050.14.B.4. Principal Arterials, Arterials, and Highway 99W - Points of ingress or egress to and from Highway 99W, principal arterials, and arterials designated on the Transportation Plan Map, attached as Figure 1 of the Community Development Plan, Part II, shall be limited as follows:

a. Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W, principal arterials, and arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.

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

Access to the subdivision will be provided via Cedar Brook Way, a public street, which intersects with Highway 99. Individual lots will take access from Cedar Brook Way. While the "remainder" lot has frontage along Pacific Highway it is undevelopable and will not have vehicular access to the arterial road. This standard is met.

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

Adjoining property is developed with residential housing units. The nine proposed lots will have access via an existing street. The remainder lot does not have access to a public street, however it is undevelopable due to floodplain and wetland and the Applicant proposes to give or otherwise transfer the "remainder: lot to the public; therefore, access is not compromised with this development proposal. All developable lots within the subdivision and adjoining are provided access, therefore this standard is met.

16.126.040.2. Access

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

All proposed residential lots in this subdivision abut Cedar Brook Way and have direct access to Highway 99. The "remainder" lot has frontage to Pacific Highway but will not be granted vehicular access, however it is encumbered with floodplain and wetland and is undevelopable. The applicant has proposed donating this parcel to the City for open space. All lots in the subdivision abut a public street, therefore this standard is met.

Much of the "remainder" lot is encumbered with floodplain, wetland and CWS vegetated corridor. There may be areas on the north side of the property that may be out of the floodplain and wetlands. It is not clear (because CWS analysis did not review) if there is any area of the remainder lot that is outside of the floodplain, wetland or CWS vegetated corridor. If there are any portions of the 6.67 acre property not encumbered, they are on the north side of the creek and are isolated without access. As discussed above, if the remainder lot were developable, the City's decision would need to be amended to ensure the unencumbered portions of the property have access in the event the land is not dedicated and development was proposed. In addition, the density would need to be reviewed to ensure compliance with the HDR zone.

The applicant asserts that even the floodplain and wetland areas are developable because they could be filled and subsequently developed. While it may be possible for the applicant to obtain DSL, US Army Corps of Engineers and CWS permit approval to fill portions of the site, unless and until permit approval is granted, wetlands and floodplains are not generally considered developable. The definition of density is *"the intensity of residential land uses per acre, stated as the number of dwelling units per net buildable acre. Net acre means an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses."* Environmentally constrained land is defined as *"any portion of land located within the floodway, 100 year floodplain, wetlands and/or vegetated corridor as defined by Clean Water Services."* In any event, it is unlikely that a large portion of the property would be permitted to be filled and any fill would be required to be concurrent with mitigation. The process and costs associated with mitigation of floodplain, wetlands and vegetated corridor are often high and prohibitive and the City cannot assume for purposes of this application that the necessary permits would ever be granted and the property developed. In addition, mitigation lands outside of this property would have to be identified.

In addition, the appeal indicates that the appellants object to how they have been treated by staff throughout the process. This objection was forwarded to the City Council but does not constitute grounds for an appeal of the Hearings Officer's decision. An appeal is required to address the merits of the decision itself and seeks a change in the decision. An objection based on subjective perceptions about how one was treated during the process does not justify changing the decision.

It should also be noted that the Hearings Officer was not informed that the applicants raised the question of his appointment. The City Council's subsequent decision to appoint of a new Hearings Officer was not made until after the Hearings Officer issued his decision in this case. Any allegation that the decision issued was "hit back" is completely false.

RECOMMENDATION:

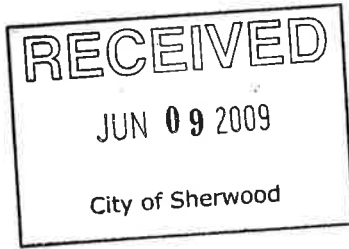
Staff recommends that the Planning Commission consider the appellants arguments and the required findings. References to the conveyance as a dedication can be easily replaced with "donated, gifted or otherwise conveyed," or similar language the appellant believes will not limit the tax benefits of a donation. However, because most, if not all, of the remainder lot is undevelopable for the purpose of constructing residential structures, modifications to the text should not be changed. The applicant's narrative and plans indicate the remainder lot is undevelopable and the findings and conditions of approval would have been markedly different if the applicant indicated that the remainder lot was developable.

Attachment list:

- 1 – Applicant submittal
- 2 – 9-29-09 letter from Eric Postma
- 3 – Hearings Officer decision dated October 12, 2009
- 4 – Appeal filed by Jim and Susan Claus



Home of the Tualatin River National Wildlife Refuge



Case No. _____
Fee _____
Receipt # _____
Date _____
TYPE _____

City of Sherwood Application for Land Use Action

Type of Land Use Action Requested: (check all that apply)

- Annexation
- Plan Amendment (Proposed Zone _____)
- Variance(list standard(s) to be varied in description)
- Site Plan (Sq. footage of building and parking area)
- Planned Unit Development
- Conditional Use
- Partition (# of lots _____)
- Subdivision (# of lots 10)
- Other: _____

By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at www.ci.sherwood.or.us. Click on City Government/Departments/Finance.

Owner/Applicant Information:

Applicant: Jim and Susan Claus Phone: (503) 313-2785
 Applicant Address: 22211 SW Pacific Hwy, Sherwood, OR 97140 Email: _____
 Owner: Same as Applicant Phone: Same as Applicant
 Owner Address: Same as Applicant Email: _____
 Contact for Additional Information: Ben Beseda, Tenneson Engineering Corporation, (541) 296-9177

Property Information:

Street Location: 21805 SW Pacific Highway, Sherwood, OR 97140
 Tax Lot and Map No: Tax Lots 1000 and 1001, Map 2S 1 30D
 Existing Structures/Use: Residential, single-family residence & ongoing townhome development
 Existing Plan/Zone Designation: High Density Residential (HDR)
 Size of Property(ies) Claus - 8.14 acres

Proposed Action:

Purpose and Description of Proposed Action: Creation of a 10 lot subdivision.

Proposed Use: Residential

Proposed No. of Phases (one year each): One (1)

Attachment 1

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Applicants and
Property Owners



Jim Claus

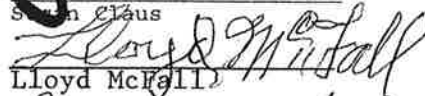
3-5-09
Date

Life Estate Holders



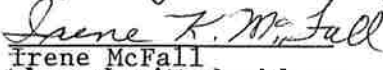
Jim Claus

3-5-09
Date



Lloyd McFall

5/29/09
Date



Irene K. McFall

5/29/09
Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

3 * copies of Application Form completely filled out and signed by the property owner (or person with authority to make decisions on the property).

Copy of Deed to verify ownership, easements, etc.

At least 3 * folded sets of plans

At least 3 * sets of narrative addressing application criteria

Fee (along with calculations utilized to determine fee if applicable)

Signed checklist verifying submittal includes specific materials necessary for the application process

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 Size of Property(ies) Claus - 8.14 acres

Proposed Action:

Purpose and Description of Proposed Action: Creation of a 10 lot subdivision.

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Proposed No. of Phases (one year each): One (1)

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Applicants and
Property Owners

[Signature]
Jim Claus
Date 3-5-09

Life Estate Holders

[Signature]
Jim Claus
Date 3-5-09
[Signature]
Lloyd McFall
Date 3/29/09
[Signature]
Irene McFall
Date 3/29/09

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- Other: Lot Line Adjustment

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 Existing Plan/Zone Designation: High Density Residential (HDR)
 Size of Property(ies) Claus - 8.14 acres, Woodhaven Crossing II, LLC - 7.99 acres

Proposed Action:

Purpose and Description of Proposed Action: Adjust the common property line between the listed ownerships. The adjustment will combine isolated pieces of Woodhaven property created by dedication of Cedar Brook Way into the Claus property.

Proposed Use: Residential

Proposed No. of Phases (one year each): One (1)

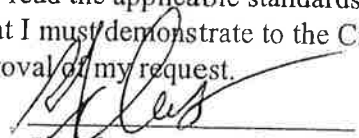

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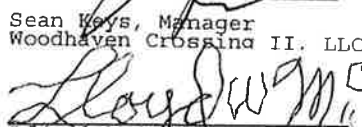
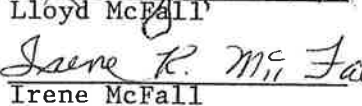
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Jim Claus

Susan Claus

3-5-09
Date
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4-9-09
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Life Estate Holders

Sean Keys, Manager
Woodhaven Crossing II, LLC

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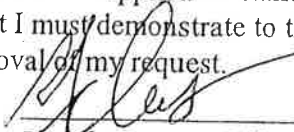
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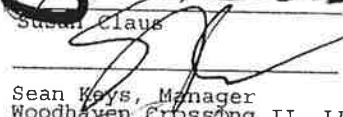
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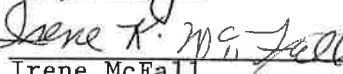

Sean Keys, Manager
Woodhaven Crossing II, LLC

4-9-09
Date

Life Estate Holders


Lloyd McFall

3/29/09


Irene McFall

3/29/09

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

- 3 * copies of Application Form completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- Copy of Deed to verify ownership, easements, etc.
- At least 3 * folded sets of plans
- At least 3 * sets of narrative addressing application criteria
- Fee (along with calculations utilized to determine fee if applicable)
- Signed checklist verifying submittal includes specific materials necessary for the application process

* Note that 15 copies are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, 15 copies and one full electronic copy will be required to be submitted.

RECEIVED

MAY 28 2009

Case No. _____
Fee _____
Receipt # _____
Date _____
TYPE _____



Home of the Tualatin River National Wildlife Refuge

BY _____
PLANNING DEPT.

City of Sherwood
Application for Land Use Action

Type of Land Use Action Requested: (check all that apply)

- Annexation
- Plan Amendment (Proposed Zone _____)
- Variance(list standard(s) to be varied in description)
- Site Plan (Sq. footage of building and parking area)
- Planned Unit Development
- Conditional Use
- Partition (# of lots _____)
- Subdivision (# of lots _____)
- Other: Lot Line Adjustment

By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at www.ci.sherwood.or.us. Click on City Government/Departments/Finance.

Owner/Applicant Information:

Applicant: Jim and Susan Claus Phone: (503) 313-2785
 Applicant Address: 22211 SW Pacific Hwy, Sherwood, OR 97140 Email: _____
 Owner: Same as Applicant Phone: Same as Applicant
 Owner Address: Same as Applicant Email: _____
 Contact for Additional Information: Ben Beseda, Tenneson Engineering Corporation, (541) 296-9177

Property Information:

Street Location: 21805 SW Pacific Highway, Sherwood, OR 97140
 Tax Lot and Map No: Tax Lots 1000, 1001, and 1002, Map 2S 1 30D
 Existing Structures/Use: Residential, single-family residence & ongoing townhome development
 Existing Plan/Zone Designation: High Density Residential (HDR)
 Size of Property(ies) Claus - 8.14 acres, Woodhaven Crossing II, LLC - 7.99 acres

Proposed Action:

Purpose and Description of Proposed Action: Adjust the common property line between the listed ownerships. The adjustment will combine isolated pieces of Woodhaven property created by dedication of Cedar Brook Way into the Claus property.

Proposed Use: Residential

Proposed No. of Phases (one year each): One (1)

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Applicants and
Property Owners

Jim Claus

Date

Susan Claus

Date

Sean Keys, Manager
Woodhaven Crossing II, LLC

Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

- 3 * copies of Application Form** completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- Copy of Deed** to verify ownership, easements, etc.
- At least 3 * folded** sets of plans
- At least 3 * sets** of narrative addressing application criteria
- Fee** (along with calculations utilized to determine fee if applicable)
- Signed checklist** verifying submittal includes specific materials necessary for the application process

*** Note** that 15 copies are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, 15 copies and one full electronic copy will be required to be submitted.

Narrative

The purpose of this application for Land Use Action is the adjustment of a common property line between two private ownerships. The properties involved in this lot line adjustment are Tax Lot 1000 of Assessor's Map 2S 1 30D, owned by Woodhaven Crossing II, LLC, and Tax Lots 1001 and 1002, also of Assessor's Map 2S 1 30D, owned by Jim and Susan Claus. The lot line adjustment as proposed will eliminate two isolated pieces of Woodhaven property and combine them into the Claus property. These isolated pieces were created by the dedication of Cedar Brook Way. The two pieces both lie to the north of the dedicated right-of-way, separate from the remainder of the Woodhaven ownership. With the completion of the lot line adjustment, Claus will own all of the property to the north of Cedar Brook Way and Woodhaven will be in title to the property south of Cedar Brook Way. The size of the adjustment areas are a 738 square foot tract, located along the west property line, and an 11,534 square foot tract, located near the easterly property line close to SW Pacific Highway. The second larger adjustment area is the identical area as was encumbered with a Water Quality Facility Easement to the City of Sherwood as per Document No. 2009-008074, Records of Washington County. The specifics of the adjustments can also be seen on the map included with this application and narrative.

wo#13028

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Washington County, Oregon 2006-118570
10/04/2006 03:04:17 PM
D-DBS Cnt=1 Stn=8 C PFEIFER
\$20.00 \$6.00 \$11.00 - Total = \$37.00



01019470200601185700040046

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard W. Hobernicht, Director of Assessment and Taxation, Ex-Officio County Clerk



AFTER RECORDING RETURN TO:

Michael G. Gunn
Attorney at Law
PO Box 1046
Newberg, OR 97132

SEND ALL TAX STATEMENTS TO:

No Change

BARGAIN AND SALE DEED
Statutory Form

KNOW ALL MEN BY THESE PRESENTS, Robert James Claus and Susan L. Claus, husband and wife, as Grantors, convey to Robert James Claus and Susan L. Claus, husband and wife, as Grantees, all of the Grantors' interest in the following described real property situated in Washington County, Oregon:

See attached Exhibit "A" for legal description

To have and to hold the same unto Grantee and Grantee's heirs, successors, and assigns forever.

The true consideration for this conveyance is Requirement by WA County to record deed setting forth legal description of remaining property retained by Grantor/Grantee after lot line adjustment deed from Grantor to Woodhaven Crossing II LLC recorded immediately before this recording.

This conveyance only acts as an adjustment of a common boundary regarding a lot line adjustment and does not create any additional parcels or tax accounts.

Dated this 25 day of September, 2006.

Robert James Claus
Grantor

Susan L. Claus
Grantor

Robert James Claus
Grantee

Susan L. Claus
Grantee

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

FATCO. NO. 795660-LT

EXHIBIT "A" Page 1 of 2

Real property in the County of Washington, State of Oregon, described as follows:

A tract of land in the Southeast quarter of Section 30, Township 2 South, Range 1 West, of the Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon, being more particularly described as follows:

Beginning at a point of intersection of the Westerly line of that certain tract of land as described in Deed to Lloyd McFall, et ux, recorded in Book 372, Page 240 of the Washington County, Oregon Deed Records and the Northwesterly right of way of State Highway 99W as relocated, being a point on a 14,253.94 foot radius curve to the left, the radius point of which bears Northwesterly and running thence, along said Northwesterly right of way on the arc of said curve (the long chord of which bears North 44°48'58" East 71.50 feet) 71.50 feet; thence North 44°40'21" East a distance of 115.50 feet; thence North 44°13'29" East, a distance of 283.77 feet; thence North 44°05'15" East a distance of 407.90 feet to a point that bears South 44°05'15" West a distance of 4.70 feet from the P.T. at Engineer's Centerline Station No. 433+03.26 and the true point of beginning; thence North 02°48'45" West a distance of 232.59 feet; thence North 55°20'24" West a distance of 128.85 feet; thence South 52°58'20" West a distance of 63.18 feet; thence South 46°24'35" West a distance of 118.52 feet; thence North 39°30'14" West a distance of 200.89 feet; thence North 79°11'21" West a distance of 126.13 feet; thence North 80°40'28" West a distance of 114.15 feet to a point on the Westerly line of said McFall Tract; thence along said Westerly line North 00°15'54" West to the Northwest corner of that tract conveyed to N.T. Andrews, et ux, by Deed recorded December 8, 1920 in Book 120, Page 21; thence Northeasterly along the Northerly line of said Andrews Tract 467.0 feet, more or less, to the most Northerly corner of said Andrews Tract; thence South 50°51' East, a distance of 665 feet, more or less, to a point that is 70 feet Northwesterly of the center line of the Southbound lane of the Pacific Highway West as said highway has been relocated which centerline is described in said McFall Deed; thence on a line which is parallel to and 70 feet Northwesterly of said centerline as described in McFall Deed, Southwesterly to the true point of beginning.

Excepting therefrom the following:

Beginning at a 5/8 inch Iron rod located at the most Northerly corner of that property described in Fee No. 90-31406, Deed Records, in the City of Sherwood, County of Washington and State of Oregon, said point being located on the Northerly right-of-way of State Highway 99W and being 70.00 feet distant when measured at right angles from the centerline at Engineer's Station 432 + 89.35, and being in the Southeast quarter of the Southwest quarter of Section 30, Township 1 South, Range 1 West, of the Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon; thence North 02°47'15" West 205.10 feet to a 5/8 inch Iron rod; thence North 55°19'36" West 128.82 feet to a 5/8 inch Iron rod; thence South 53°01'19" West 63.18 feet to a 5/8 inch Iron rod; thence South 46°24'22" West 91.80 feet; thence North 33°28'56" West 235.21 feet; thence North 55°46'10" East 122.97 feet; thence North 71°35'20" East 89.69 feet; thence South 10°57'39" East 169.59 feet; thence South 74°53'23" East 94.22 feet; thence South 57°38'46" East 45.15 feet; thence South 44°48'52" East 21.90 feet; thence South 24°11'55" East 40.61 feet; thence South 02°47'15" East 175.96 feet to a point on said Northerly right-of-way 70.00 feet when measured at right angles from the centerline thereof, said point being on a spiral curve; thence along said Northerly right-of-way and spiral curve (the chord of which bears South 44°05'35" West 37.54 feet to the point of beginning.

Excepting therefrom the following: Legal description set forth on Page 2.

EXHIBIT "A" Page 2 of 2

Real property in the County of Washington, State of Oregon, described as follows:

Two tracts of land in the Southeast quarter of Section 30, Township 2 South, Range 1 West, of the Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon, being more particularly described as follows:

PARCEL I:

Beginning at a point in the Northerly line of that parcel of land as described in Document Number 97-117980, Washington County Deed Records, which bears North $00^{\circ}03'20''$ East, 1011.91 feet and South $78^{\circ}35'19''$ East, 63.79 feet from the Southwest corner of that parcel as described in said Document Number 98-053733; thence, leaving the Northerly line of Document Number 97117980, East 147.86 feet to the beginning of a 332.00 foot radius curve right; thence along the arc of said curve, through a central angle of $09^{\circ}43'13''$ an arc length of 56.32 feet (chord bears South $85^{\circ}08'24''$ East, 56.26 feet) to a point on the most Northerly Westerly line of that parcel of land described by exception in said Document Number 98-053733, Washington County Deed Records; thence along said Northerly Westerly line South $33^{\circ}28'56''$ East, 196.47 feet to the most Northerly Southwest corner of said property as described by exception in Document Number 98053733, said point being further described as a point on the Northerly line of said property as described in Document Number 97-117980; thence tracing said Northerly line South $46^{\circ}24'22''$ West, 26.81 feet; thence continuing along said Northerly line North $39^{\circ}28'53''$ West, 201.01 feet; thence continuing along said Northerly line North $79^{\circ}11'12''$ West 126.12; thence continuing along said Northerly line North $78^{\circ}35'19''$ West 42.03 feet to the Point of Beginning.

PARCEL II:

Beginning at the Southeasterly corner of said property created by exception in Document Number 98-053733; thence tracing the Easterly line of said property North $02^{\circ}47'15''$ West, 38.69 feet; thence leaving said Easterly line South $45^{\circ}38'33''$ East, 28.25 feet to a point on the Northwesterly right of way line of State Highway 99 West; thence along said right of way line and along the arc of a 70.00 foot offset spiral curve an arc distance of 26.32 feet (the chord of which bears South $44^{\circ}05'58''$ West, 26.32 feet) to the point of beginning.

Tax Parcel Number: R2079740

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308

FATCO. NO. 654246-LT

Washington County, Oregon 2006-118572
10/04/2006 03:04:17 PM
D-DW Cnt=1 Stn=8 C PFEIFER
\$25.00 \$8.00 \$11.00 \$388.00 - Total = \$410.00



01019478200601185720050052

Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

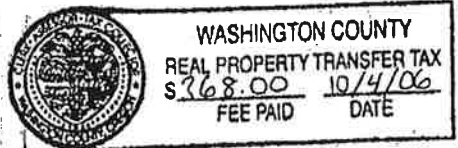


AFTER RECORDING RETURN TO:

Michael G. Gunn
Attorney at Law
PO Box 1046
Newberg, OR 97132

SEND ALL TAX STATEMENTS TO:

Mr. and Ms. R. James Claus
22211 SW Pacific Hwy
Sherwood, OR 97140



WARRANTY DEED

KNOW ALL BY THESE PRESENTS that Lloyd W. McFall and Irene K. McFall also known of record as Lloyd William McFall and Irene Katherine McFall, husband and wife, hereinafter called grantors, for the consideration hereinafter stated, to grantors paid by Robert James Claus and Susan L. Claus, husband and wife, hereinafter called grantees, do hereby grant, bargain, sell and convey unto the grantees and grantees' heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Washington County, State of Oregon, described as follows, to-wit:

See attached Exhibit "A"

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

And grantors hereby covenant to and with grantees and grantees' heirs, successors and assigns, that grantors are lawfully seized in fee simple of the above granted premises, free from all encumbrances except (if no exceptions, so state): See attached Exhibit "B" for list of encumbrances,

and that grantors will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$367,504.87 as paid by a qualified accommodator pursuant to an IRC #1031 tax deferred exchange. However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the (indicate which) consideration.

This conveyance is subject to a life estate in favor of Grantors pursuant to the terms and conditions set forth on attached Exhibit "C"

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In witness whereof, the grantor has executed this instrument on OCTOBER 3, 2006; if grantor is a corporation, it caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated this 3 day of October, 2006.

Lloyd W. McFall
Lloyd W. McFall
Aka Lloyd William McFall
Grantor

Irene K. McFall
Irene K. McFall
Aka Irene Katherine McFall
Grantor

STATE OF OREGON,)
)ss
County of Washington)

Personally appeared before me the above-named Lloyd W. McFall aka Lloyd William McFall and Irene K. McFall aka Irene Katherine McFall who acknowledged execution of the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 3 day of October, 2006.

Prue Ellis
Notary Public for Oregon
My Commission Expires 12-6-06

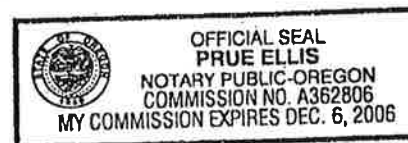


Exhibit "A"

Real property in the County of Washington, State of Oregon, described as follows:

Beginning at a 5/8 inch Iron rod located at the most Northerly corner of that property described in Fee No. 90-31406, Deed Records, in the City of Sherwood, County of Washington and State of Oregon, said point being located on the Northerly right-of-way of State Highway 99W and being 70.00 feet distant when measured at right angles from the centerline at Engineer's Station 432+89.35, and being in the Southeast quarter of the Southwest quarter of Section 30, Township 1 South, Range 1 West, of the Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon; thence North 02°47'15" West 205.10 feet to a 5/8 inch iron rod; thence North 55°19'36" West 128.82 feet to a 5/8 inch iron rod; thence South 53°01'19" West 63.18 feet to a 5/8 inch iron rod; thence South 46°24'22" West 91.80 feet; thence North 33°28'56" West 235.21 feet; thence North 55°46'10" East 122.97 feet; thence North 71°35'20" East 89.69 feet; thence South 10°57'39" East 169.59 feet; thence South 74°53'23" East 94.22 feet; thence South 57°38'46" East 45.15 feet; thence South 44°48'52" East 21.90 feet; thence South 24°11'55" East 40.61 feet; thence South 02°47'15" East 175.96 feet to a point on said Northerly right-of-way 70.00 feet when measured at right angles from the centerline thereof, said point being on a spiral curve; thence along said Northerly right-of-way and spiral curve (the chord of which bears South 44°05'35" West 37.54 feet to the point of beginning.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TWO PARCELS:

PARCEL I: Beginning at the most Northerly Southwest corner of said parcel as created by exception; thence tracing the most Northerly Southerly line of said parcel North 33°28'56" West 196.47 feet; thence leaving said Southerly line and along the arc of a 332.00 foot radius non-tangent curve to the right (radius point bears South 09°43'13" West), through a central angle of 34°38'14", an arc distance of 200.71 feet (chord bears South 62°57'40" East, 197.66 feet); thence South 45°38'33" East, 7.94 feet to a point on the most Northerly Southerly line of said parcel; thence tracing said Southerly line South 53°01'19" West, 8.58 feet; thence continuing along said Southerly line South 46°24'22" West, 91.80 feet to the Point of Beginning.

PARCEL II: Beginning at the Southwesterly corner of said parcel described by exception in Document No. 98-053733; thence tracing the Westerly line of said property North 02°47'15" West, 93.89 feet; thence leaving Westerly line South 45°38'33" East, 40.57 feet to a point on the most Easterly line of said parcel; thence tracing said Easterly South 02°30'17" East, 38.48 feet to a point on the Northwesterly right-of-way line of State Highway 99 West; thence along said right-of-way line and along the arc of a 70.00 foot offset spiral curve to the left an arc distance of 37.55 feet (the chord of which bears South 44°04'59" West, 37.55 feet) the Point of Beginning.

Tax Parcel Number: R0548848

3. Statutory powers and assessments of Clean Water Services.
4. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
5. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of unnamed.
6. Limited access provisions contained in Deed from the State of Oregon, by and through State Highway Commission recorded August 8, 1955 in Book 372, Page 240 Deed of Records, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.

Modification and/or amendment by instrument:

Recording Information: October 20, 1977 in Book 1209, Page 753

7. Relinquishment of Access as contained in Deed/Suit No. in the Circuit Court/Superior Court, Washington County.

Recorded: August 8, 1955

Recording No.: Book 372, Page 240

From: State of Oregon, by and through its State Highway Commission

To: Lloyd William McFall and Irene Katherine McFall, husband and wife

Modification and/or amendment by instrument:

Recording Information: October 20, 1977 in Book 1209, Page 753

8. An easement reserved in a deed, including the terms and provisions thereof;
Recorded: August 8, 1955 in Book 372, Page 240
From: State of Oregon, by and through its State Highway Commission
To: Lloyd William McFall and Irene Katherine McFall, husband and wife
For: Construct, operate and maintain a channel change to carry the waters of Cedar Creek

9. Easement, including terms and provisions contained therein:
Recording Information: September 15, 1986 as Fee No. 86041530
In Favor of: City of Sherwood, Oregon, a municipal corporation
For: Sanitary sewer
Affects: See recorded document for exact location


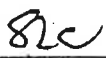
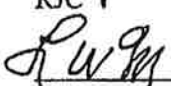
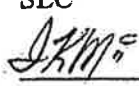
10. Easement, including terms and provisions contained therein:
Recording Information: September 15, 1986 as Fee No. 86041531
In Favor of: City of Sherwood, Oregon, a municipal corporation
For: Sanitary sewer
Affects: See recorded document for exact location

EXHIBIT "C" - TERMS AND CONDITIONS OF LIFE ESTATE

Grantors and Grantees agree that the said life estate in favor of Grantors shall terminate upon the occurrence of the following:

- 1). If either of the Grantors die during the time period of five (5) years from the date of execution by Grantors of this said Warranty Deed, the life estate terminates upon the earlier of five (5) years from the date of execution or the death of the second Grantor.
- 2). If neither of the Grantors die during the time period of five (5) years from the date of execution of this said Warranty Deed, the life estate terminates upon the death of the first Grantor.
- 3). Notwithstanding both paragraphs 1) and 2) set forth above, if both Grantors do not reside at the real said property for a period of at least three (3) consecutive months, the life estate terminates upon the expiration of the said three (3) consecutive month time period.

Grantors and Grantee further agree that the remaining terms and conditions of the said life estate are set forth in a separate document executed by both Grantors and Grantees in an earnest money agreement dated March 20, 2006.

 _____ RJC	 _____ SLC
 _____ EWM	 _____ IKM

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Washington County, Oregon 2008-031882
04/09/2008 10:53:20 AM
D-DB9 Crt#1 Str#7 K GRUNEWALD
\$20.00 \$5.00 \$11.00 - Total = \$36.00



01237422200800318820040044

I, Richard Hobemicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.
Richard Hobemicht, Director of Assessment and Taxation, Ex-Officio County Clerk



After Recording Please
Return To:
Robert J. Claus and Susan L. Claus
22211 SW Pacific Hwy
Sherwood, OR 97140

Send Tax Statement To:
Same as above

BARGAIN AND SALE DEED

LAWYERS 06-AD-92 117

KNOW ALL MEN BY THESE PRESENTS Lloyd W. McFall and Irene K. McFall, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Robert James Claus AKA R James Claus and Susan L. Claus, as tenants by the entirety, hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the City of Sherwood, County of Washington and State of Oregon, described as follows, to-wit:

SEE EXHIBITS "A" AND "B" ATTACHED

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$ 0.

However the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 7th day of APRIL, 2008; if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

RECORDED BY LAWYERS TITLE INS CORP AS AN ACCOMMODATION ONLY NO LIABILITY IS ACCEPTED FOR THE CONDITION OF TITLE OR FOR THE VALIDITY, SUFFICIENCY, OR EFFECT OF THIS DOCUMENT.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007.

X Lloyd W. McFall
Lloyd W. McFall

X Irene K. McFall
Irene K. McFall

STATE OF OREGON)ss.
County of WASHINGTON)

The foregoing instrument was acknowledged before me on this 7th day of APRIL, 2008, by Lloyd W. McFall.

Frank W. Lambert
Notary for Oregon
My commission expires: 3-13-12



STATE OF OREGON)ss.
County of WASHINGTON)

The foregoing instrument was acknowledged before me on this 7th day of APRIL, 2008, by Irene K. McFall.

Frank W. Lambert
Notary for Oregon
My commission expires: 3-13-12





2003-171031

EXHIBIT "A"
LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN SECTION 30, T. 2 S., R. 1 W., W.M., WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD AT THE MOST NORTHERLY CORNER OF THAT TRACT OF LAND SURVEYED BY SURVEY NUMBER 27319, WASHINGTON COUNTY SURVEY RECORDS (SAID ROD IS FURTHER IDENTIFIED ON SAID SURVEY NUMBER 27319 AS BEING A "FOUND 5/8 INCH IRON ROD PER CARLILE SURVEY DATED MARCH, 1975"); THENCE ALONG A NORTHWESTERLY PROJECTION OF THE NORTHEASTERLY LINE OF SAID TRACT OF LAND SURVEYED BY SURVEY NUMBER 27319, WASHINGTON COUNTY SURVEY RECORDS, NORTH 50°51'54" WEST 65.79 FEET TO AN EXISTING WIRE FENCE LINE; THENCE ALONG SAID WIRE FENCE LINE THE FOLLOWING SIX (6) COURSES:

- 1) SOUTH 64°43'49" WEST 44.18 FEET;
- 2) THENCE SOUTH 65°36'55" WEST 51.28 FEET;
- 3) THENCE SOUTH 66°12'31" WEST 47.93 FEET;
- 4) THENCE SOUTH 67°20'16" WEST 137.13 FEET;
- 5) THENCE SOUTH 66°55'33" WEST 112.90 FEET;
- 6) THENCE SOUTH 68°38'14" WEST 48.33 FEET TO A POINT ON THE NORTHERLY LINE OF THE AFOREMENTIONED TRACT OF LAND SURVEYED BY SURVEY NUMBER 27319, WASHINGTON COUNTY SURVEY RECORDS, WHICH IS LOCATED NORTH 73°49'37" EAST 5.93 FEET FROM A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "AKS ENGR.";

THENCE ALONG SAID NORTHERLY LINE NORTH 73°49'37" EAST 475.79 FEET TO THE POINT OF BEGINNING.

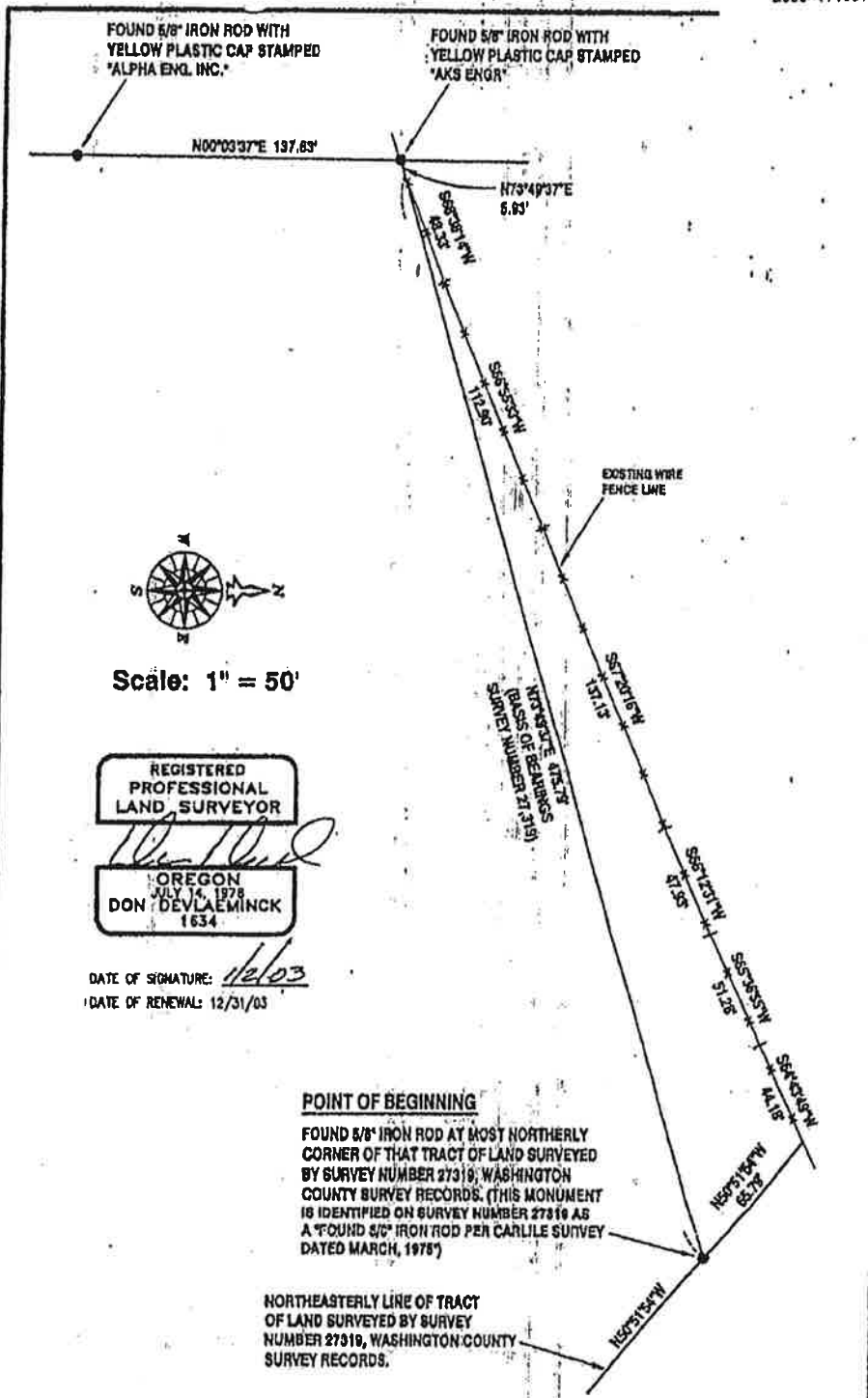
CONTAINS 12020 SQUARE FEET.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAMINCK
1634

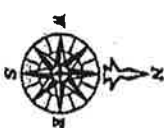
Don Devlaminck 1/2/03

DATE of Revision 12/31/03



FOUND 5/8" IRON ROD WITH
YELLOW PLASTIC CAP STAMPED
"ALPHA ENGL. INC."

FOUND 5/8" IRON ROD WITH
YELLOW PLASTIC CAP STAMPED
"AKS ENGR"



Scale: 1" = 50'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Don Devlaeminck
OREGON
JULY 14, 1978
DON DEVLAEINCK
1634

DATE OF SIGNATURE: *1/6/03*
DATE OF RENEWAL: 12/31/03

POINT OF BEGINNING
FOUND 5/8" IRON ROD AT MOST NORTHERLY
CORNER OF THAT TRACT OF LAND SURVEYED
BY SURVEY NUMBER 27319, WASHINGTON
COUNTY SURVEY RECORDS. (THIS MONUMENT
IS IDENTIFIED ON SURVEY NUMBER 27816 AS
A "FOUND 5/8" IRON ROD PER CARLILE SURVEY
DATED MARCH, 1978")

NORTHEASTERLY LINE OF TRACT
OF LAND SURVEYED BY SURVEY
NUMBER 27319, WASHINGTON COUNTY
SURVEY RECORDS.

EXHIBIT "B"

COPY SMALLER THAN ORIGINAL

COMPASS ENGINEERING
ENGINEERING SURVEYING PLANNING
8564 S.E. LAKE ROAD (503) 853-0063 PHONE
MELBAUM, OREGON 97222 WWW.COMPASS-ENGINEERING.COM

MAP OF PROPERTY
SITUATED IN SECTION 30, T2S, R1W, W.M.
WASHINGTON COUNTY, OREGON

WOODHAVEN
ACQUIRING
DEED

106
106

Pacific NW Title
05273849-w
CLM

Washington County, Oregon 2005-122801
10/05/2005 02:13:38 PM
D-DB# Cite 1 Btw 16 D HOFFMAN
\$10.00 \$6.00 \$11.00 - Total = \$27.00

Title Order No. 05273849
Escrow No. 05273849
After Recording Return To: Woodhaven Crossing II, LLC 9755 SW Barnes Rd. #210 Portland, OR 97225
Name, Address, Zip
Until a change is requested all tax statements shall be sent to the following address: Same as Above
Name, Address, Zip

This st



00845970200501228010020020

I, Jerry Hansen, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.



Jerry R. Hansen, Director of Assessment and Taxation, Ex-Officio County Clerk

STATUTORY BARGAIN AND SALE DEED

K & F Development, LLC an Oregon limited liability company, Grantor, conveys to Woodhaven Crossing II, LLC, Grantee, the following described real property situated in Washington County, Oregon, to-wit:
See Exhibit A attached hereto and made a part hereof.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$0.00. (Here comply with the requirements of ORS 93.030)

Dated this 4th day of October, 2005.

By: Sean T. Keys, Managing Member

STATE OF OREGON }
County of Washington } ss

On this 10-04-2005, before me, the undersigned, personally appeared the within named Sean T. Keys, as Managing Member of K & F Development, LLC known to me to be the identical individual who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

Notary Public for the State of Oregon
My commission expires:

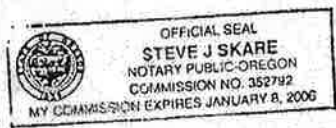




Exhibit A

Parcel A:

A tract of land situated in the Southeast one-quarter, Section 30, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington and State of Oregon, being a portion of that tract of land conveyed by Deed to Lloyd W. McFall and Irene K. McFall, recorded in Book 372, Page 240, Washington County Deed Records, and more particularly described as follows:

BEGINNING at a point of intersection of the Westerly line of said McFall Tract with the Northwesterly right-of-way line of State Highway 99W as relocated, said point being 50.0 feet when measured at right angles, from the centerline and also being the Southwesterly corner of that tract of land conveyed by Contract to West Coast Soccer League, recorded as Fee No. 84-47494, Washington County Deed Records; thence along the Northwesterly right-of-way line of said State Highway 99W, and being 50.0 feet distant, when measured at right angles, from the centerline, along a 14,253.94 foot radius curve to the left, (chord bears North 44°48'58" East 71.50 feet) a distance of 71.50 feet to a 5/8 inch iron rod opposite Engineer's Station 441+15.86; thence continuing along said right-of-way line, along an offset 400 foot spiral, chord bears North 44°40'15" East, 115.46 feet to a 5/8 inch iron rod opposite Engineer's Station 440+00; thence continuing along said Northwesterly right-of-way line and along said 400 foot offset spiral, chord bears North 44°13'29" East, 283.76 feet to a 5/8 inch iron rod opposite Engineer's Station 437+15.86; thence continuing along said Northwesterly right-of-way line North 44°05'15" East 404.64 feet to a point that is 50.0 feet, when measured at right angles, opposite Engineer's Station 433+00.0 and the Southeasterly corner of said Fee No. 84-47494; thence at right angles to said right-of-way line, North 44°54'45" West, 20.00 feet to a point that is 70.00 feet from the centerline of said State Highway 99W; thence parallel with the centerline of said State Highway 99W and being 70.0 feet distant from the centerline, North 44°05'15" East, 21.98 feet to a point on the Easterly line of that tract of land conveyed by Deed to West Coast Soccer League, recorded as Fee No. 82-29916 Washington County Deed Records; thence along the Easterly line of said Fee No. 82-29916, North 2°49'29" West, 205.13 feet to a 5/8 inch iron rod at the Northeasterly corner thereof; thence along the Northerly line of said Fee No. 82-29916 the following courses: North 55°20'35" West, 128.83 feet to a 5/8 inch iron rod, South 53°00'55" West, 63.13 feet to a 5/8 inch iron rod, South 46°24'57" West, 118.51 feet to a 5/8 inch iron rod, North 39°30'47" West, 200.92 feet to a 5/8 inch iron rod, North 79°11'04" West, 126.10 feet to a 5/8 inch iron rod, North 80°40'28" West, 126.13 feet to a point on the West line of said McFall Tract; thence along the West line of said McFall Tract, Southerly 1012.19 feet to the point of beginning.

EXCEPT THEREFROM that portion described in Washington County Circuit Court Case No. C021659CV Stipulated General Judgment in favor of The State of Oregon, by and through its Department of Transportation, recorded January 24, 2005, Fee No. 2005-008029, Washington County Records.

Parcel B:

A parcel of land lying in the Southwest one-quarter and Southeast one-quarter of Section 30, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington and State of Oregon; the said parcel being described as follows:

BEGINNING at the East corner of that property described in the Land Sale Contract to West Coast Soccer League, recorded as Microfilm Document No. 84-47494 of Washington County Book of Records; thence Northwesterly along the Northeast line of said property 20 feet to the Northwest line of that property described in that Deed to the State of Oregon, by and through its State Highway Commission, recorded August 27, 1954 in Book 359, Page 646, Washington County Deed Records; thence Northeasterly along said Northwest line 21.98 feet to the most Easterly line of that property described in that Deed to West Coast Soccer League, recorded on Microfilm Document No. 88-27900 of Washington County Book of Records; thence Southerly in a straight line 29.72 feet to the point of beginning.

February 26, 2009

WOODHAVEN CROSSING II, LLC
TO
JIM AND SUSAN CLAUS

LEGAL DESCRIPTION
for
Adjustment Area No. 1

A tract of land located in the Southeast 1/4 of Section 30, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon, being more particularly described as follows.

Beginning at the intersection of the Northerly right-of-way line of Cedar Brook Way, as dedicated in Document #2009-008752, Records of Washington County, and the West line of said Southeast 1/4, said point bears North 00°03'20" East 1,182.38 feet from the Southwest corner of said Southeast 1/4; thence continuing along said West line, North 00°03'20" East 26.04 feet to the intersection with the Southerly line of that tract of land described in Document #2006-118570, Records of Washington County; thence leaving said West line, along said Southerly line, South 78°35'19" East 63.79 feet; thence East 15.21 feet to the intersection with said Northerly right-of-way line; thence leaving said Southerly line, along said Northerly right-of-way line, on a 232.00 foot radius curve to the left, the radius of which bears South, through a central angle of 19°35'07" a distance of 79.30 feet (the long chord of which bears South 80°12'26" West 78.92 feet) to the point of beginning.

Contains 738 square feet.

13028_DESC.001sa

February 26, 2009

WOODHAVEN CROSSING II, LLC
TO
JIM AND SUSAN CLAUS

LEGAL DESCRIPTION
for
Adjustment Area No. 2

A tract of land located in the Southeast 1/4 of Section 30, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon, being more particularly described as follows.

Commencing at the point of intersection of the Northerly right-of-way line of Cedar Brook Way as dedicated in Document #2009-008752, and the Northwestern right-of-way line of State Highway 99 West (Southwest Pacific Highway); thence leaving said Northwestern right-of-way line, along said Northerly right-of-way line, North 45°38'33" West 68.54 feet to the true point of beginning of this description; thence continuing along said Northerly right-of-way line, North 45°38'33" East 216.74 feet; thence leaving said Northerly right-of-way line, North 53°01'19" East 54.60 feet; thence South 55°19'36" East 128.82 feet; thence South 02°47'15" East 111.21 feet to the true point of beginning of this description.

Contains 11,534 square feet.

It is the intent of this description to describe the identical tract of land to that described in the Water Quality Facility Easement recorded at Document #2009-008074, Records of Washington County.

February 26, 2009

LEGAL DESCRIPTION
for
Claus Property Post Lot Line Adjustment

A tract of land located in the Southeast 1/4 and the Northeast 1/4 of the Southwest 1/4 of Section 30, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon, being more particularly described as follows.

Beginning at the intersection of the Northerly right-of-way line of Cedar Brook Way, as dedicated in Document #2009-008752, Records of Washington County, and the West line of said Southeast 1/4, said point bears North 00°03'20" East 1,182.38 feet from the Southwest corner of said Southeast 1/4; thence along said West line, North 00°03'20" East 26.04 feet to the Southeast corner of Tract A of Partition Plat No. 1995-029; thence leaving said West line, along the Southerly, Westerly and Northerly lines of said Tract "A", the following five courses, North 86°45'04" West 12.67 feet; thence North 09°02'26" West 35.25 feet; thence North 03°15'46" East 86.41 feet; thence North 00°56'39" West 133.26 feet; thence North 73°49'37" East 16.37 feet to the intersection with said West line of the Southeast 1/4 and Northeast corner of that tract of land described in Document #2006-118570, Records of Washington County; thence along the Northerly line of said tract, North 73°49'37" East 5.93 feet to the Westmost corner of that tract of land described in Document #2008-031882, Records of Washington County; thence along the Northerly line of said tract of land, North 68°38'14" East 48.33 feet; thence North 66°55'33" East 112.90 feet; thence North 67°20'16" East 137.13 feet; thence North 66°12'31" East 47.93 feet; thence North 65°36'55" East 51.28 feet; thence North 64°43'49" East 44.17 feet; thence South 50°51'54" East 65.79 feet to the Eastmost corner of said tract of land, said point also being the Northmost corner of said tract of land described in Document #2006-118570; thence along the Northerly line of said tract of land, South 50°52'22" East 633.26 feet to the intersection with the Northwesterly right-of-way line of State Highway 99 West; thence along said Northwesterly right-of-way line, on a 14,393.94 foot radius curve to the left, a radial line of which bears South 44°41'11" East, through a central angle of 00°25'34" a distance of 107.05 feet (the long chord of which bears South 45°06'02" West 107.05 feet); thence along the arc of a 400 foot centerline spiral curve left, a distance of 323.21 feet (the long chord of which bears South 44°24'59" West 323.20 feet) to the intersection with the Northerly right-of-way line of said Cedar Brook Way; thence leaving said Northwesterly right-of-way line, along said Northerly right-of-way line, North 45°38'33" West 293.24 feet; thence on a 332.00 foot radius curve to the left, through a central angle of 44°21'27" a distance of 257.03 feet (the long chord of which bears North 67°49'16" West 250.66 feet); thence West 132.61 feet; thence on a 232.00 foot radius curve to the left, through a central angle of 19°35'07" a distance of 79.30 feet (the long chord of which bears South 80°12'26" West 78.92 feet) to the point of beginning.

Contains 8.421 acres.

February 26, 2009

LEGAL DESCRIPTION
for
Woodhaven Crossing II, LLC Post Lot Line Adjustment

A tract of land lying in the Southeast 1/4 of Section 30, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon, being more particularly described as follows.

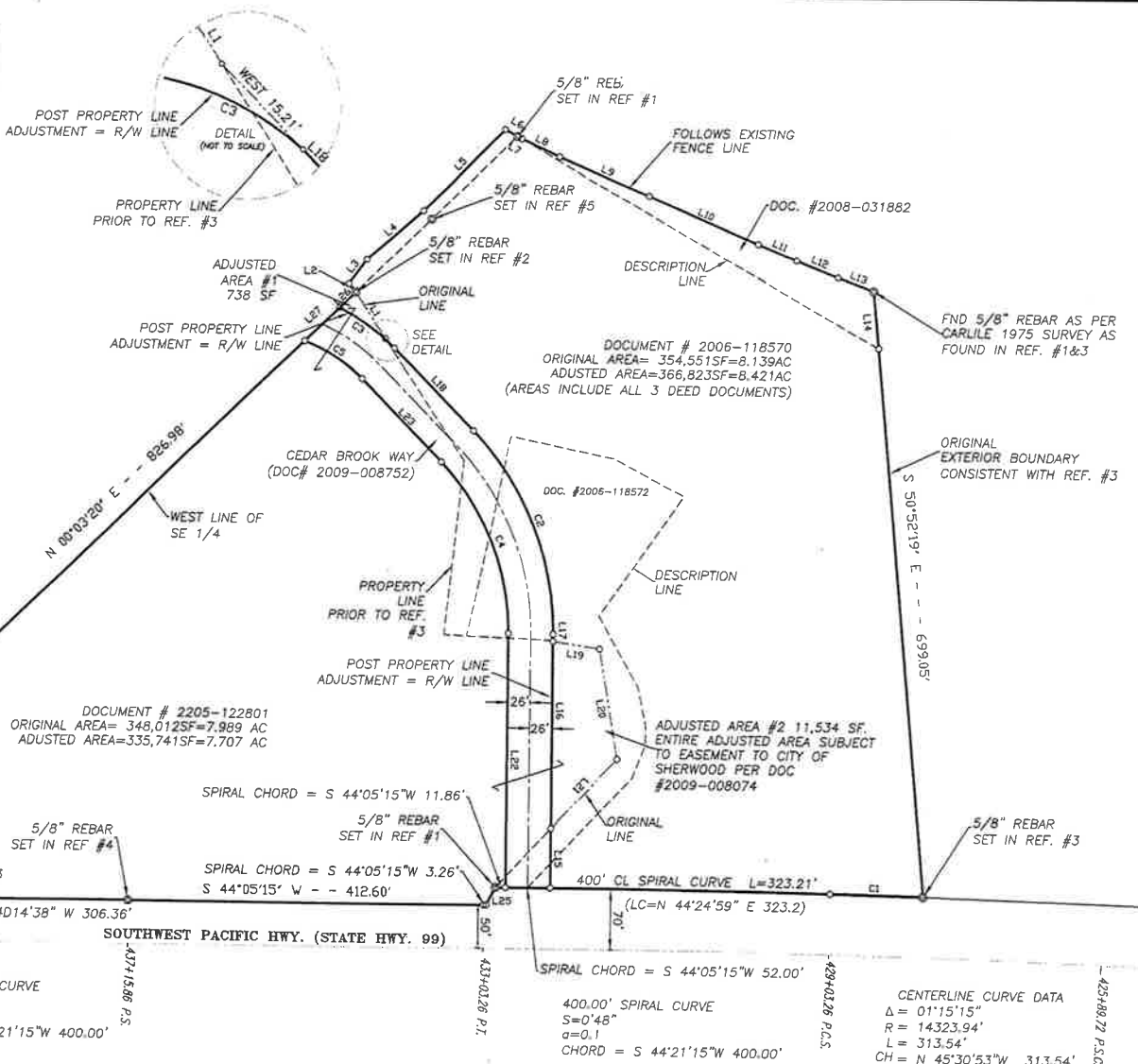
That tract of land described being bounded on the West by the West line of said Southeast 1/4; on the North by the Southerly right-of-way line of Cedar Brook Way, as dedicated in Document #2009-008752, Records of Washington County; on the East by the Westerly right-of-way line of State Highway 99 West; and on the South by the Northerly right-of-way line of Meniecke Parkway.

Contains 7.707 acres.

13028_DESC.004sa

Accepted for Filing _____

LINE	ANGLE	DISTANCE
L1	N78°35' "	63.79'
L2	N86°4' "	12.67'
L3	N9°0' "	35.25'
L4	N3°15'46"E	86.41'
L5	N0°56'39"W	133.26'
L6	N73°49'37"E	16.37'
L7	N73°49'37"E	5.93'
L8	N68°38'14"E	48.33'
L9	N66°55'33"E	112.90'
L10	N67°20'16"E	137.13'
L11	N66°12'31"E	47.93'
L12	N65°36'55"E	51.28'
L13	N64°43'49"E	44.17'
L14	S50°51'54"E	65.79'
L15	N45°38'33"W	66.54'
L16	N45°38'33"W	216.73'
L17	N45°38'33"W	7.96'
L18	W	132.61'
L19	N53°01'19"E	54.59'
L20	S55°19'36"E	128.82'
L21	S2°47'15"E	111.21'
L22	N45°38'33"W	293.468
L23	E	132.612
L24	N42°18'36"W	12.480
L25	N17°52'38"W	22.659
L26	N0°03'20"E	21.297
L27	N0°03'20"E	56.270



REFERENCES :

- 1) RECORD OF SURVEY FOR CLAUDS & McFALL BY AKS ENGINEERING & FORESTRY FILED JUNE 10, 1998 CS# 27319
- 2) BOUNDARY SUBDIVISION FOR K&F HOMES, INC. BY OTAK, INC. FILED OCTOBER 29, 2005 CS# 30097
- 3) PROPERTY LINE ADJUSTMENT SURVEY FOR K&F HOMES, INC. BY OTAK, INC. FILED SEPTEMBER 13, 2006 CS# 30411
- 4) RECORD OF SURVEY FOR LLOYD McFALL BY MOHR, BANCROFT & ASSOC., INC. FILED SEPTEMBER 6, 1977 DOC.# 17047
- 5) PARTITION PLAT 1995-029 FOR HANDLEY BY ALPHA ENGINEERING, INC. RECORDED APRIL 10, 1995 DOC.# 95024633
- 6) RECORD OF SURVEY FOR CITY OF SHERWOOD BY G&L SURVEYING FILED MAY 19, 2004 CS# 29571

LEGEND :

- ADJUSTED PROPERTY LINE
- OWNERSHIP LINE
- COMMON TAX LOT OWNERSHIP LINE
- ORIGINAL PROPERTY LINE
- SECTIONAL LINES
- o OWNERSHIP CORNERS
- ⊙ EXISTING MONUMENT AS NOTED

REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON
 JULY 13, 1999
 BENJAMIN B. BESEDA
 50800
 EXPIRES: 12/31/2009

NARRATIVE :
 TO BE ON FINAL MAP

CENTERLINE CURVE DATA
 Δ = 01°15'15"
 R = 14323.94'
 L = 313.54'
 CH = N 45°30'53"W 313.54'

CURVE	DELTA	RADIUS	ARC LENGTH	TANGENT	CHORD ANGLE	CHORD LENGTH
C1	0°25'34"	14393.94	107.05	53.53	S45°06'02"W	107.05
C2	44°21'27"	332.00	257.03	135.34	N67°49'16"W	250.66
C3	19°35'07"	232.000	79.304	40.043	S80°12'26"W	78.919
C4	44°21'27"	280.000	216.772	114.145	N67°49'16"W	211.399
C5	25°36'59"	180.000	80.476	40.922	S77°11'28"W	79.807
C6	1°44'26"	373.390	11.343	5.672	N45°00'56"W	11.343
C7	21°46'19"	227.660	86.510	43.783	S55°02'20"E	85.990
C8	28°41'38"	52.120	26.102	13.331	S80°16'12"E	25.830

TEC
 0' 100' 200'
 SCALE IN FEET

Date No. Revisions By App.
 PRELIMINARY
PROPERTY LINE ADJUSTMENT SURVEY FOR
JIM & SUSAN CLAUD
 LOCATED IN THE SOUTH 1/2 OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON
TENNESON ENGINEERING CORP.
 CONSULTING ENGINEERS
 3319 W. 2nd Street (P.O. Box 1132) THE DALLES, OREGON 97058
 PH. (541) 296-9177 FAX 541-296-6657

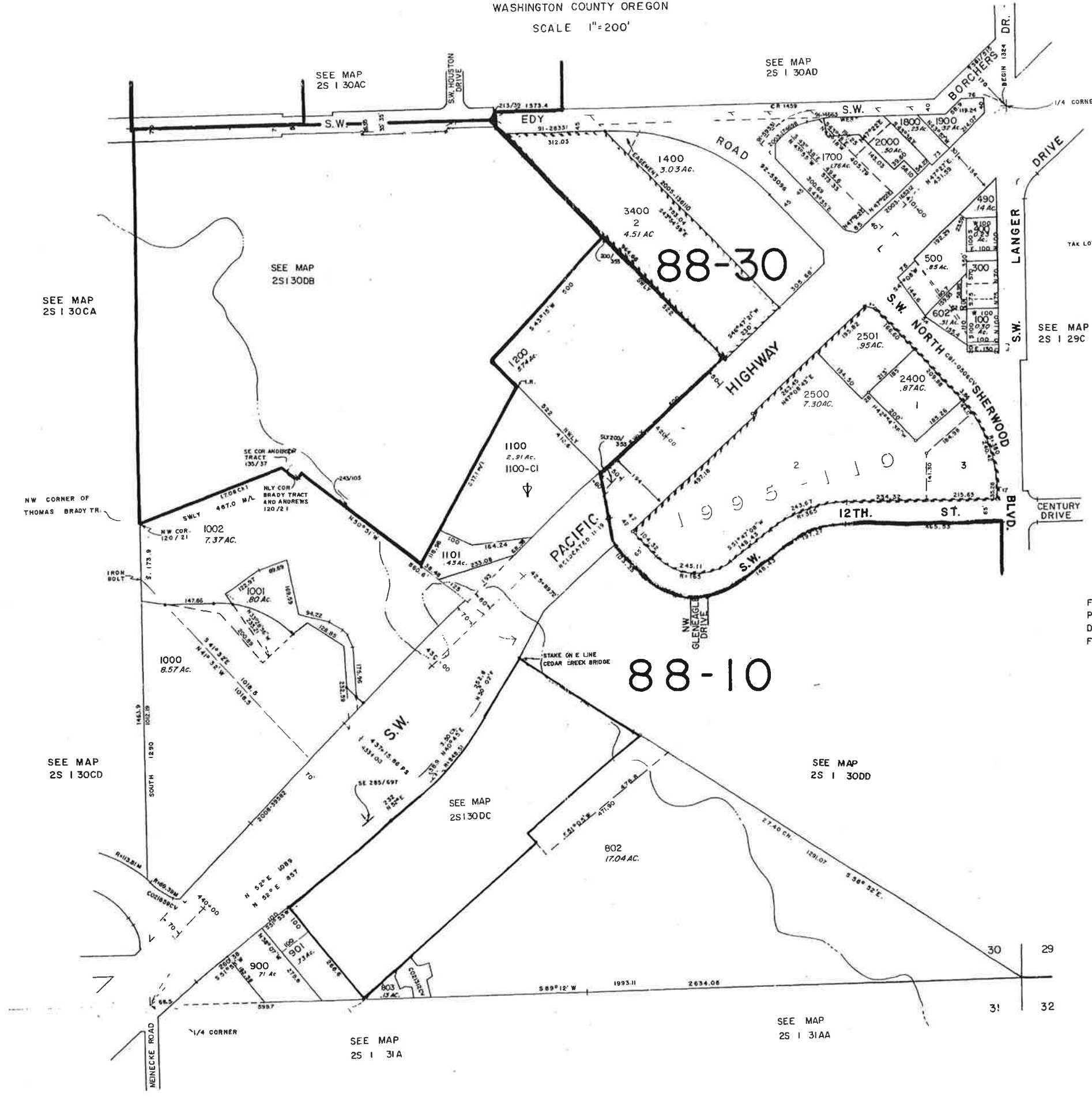
Survey	Calculation	Design	Date	Scale
B.B.B.	B.B.B.		03/05/2008	1"=100'
Drawn	DWG. No.	Checked & App.	Work Order No.	Sheet
K.W.C.	13028p1c		13028	1 of 1

SE 1/4 SECTION 30 T2S R1W W.M.

2S 1 30D

WASHINGTON COUNTY OREGON

SCALE 1"=200'



TAK LOT

700	CANCELLED
702	2300
703	1600
704	2200
705	800
706	1500
707	800
708	1600
709	2800
710	2900
711	2700
712	2800
713	2900
714	2200
715	2205
716	2200
717	2205
718	1200
719	1200
720	1200

SEE MAP
2S 1 29C

FOR ASSESSMENT PURPOSES ONLY
DO NOT RELY ON
FOR ANY OTHER USE

SHERWOOD
2S 1 30D

Handwritten signature or initials



Home of the Tualatin River National Wildlife Refuge

Case No. _____
Fee _____
Receipt # _____
Date _____
TYPE _____

City of Sherwood Application for Land Use Action

Type of Land Use Action Requested: (check all that apply)

- Annexation
- Plan Amendment (Proposed Zone _____)
- Variance(list standard(s) to be varied in description)
- Site Plan (Sq. footage of building and parking area)
- Planned Unit Development
- Conditional Use
- Partition (# of lots _____)
- Subdivision (# of lots 10)
- Other: _____

By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at www.ci.sherwood.or.us. Click on City Government/Departments/Finance.

Owner/Applicant Information:

Applicant: Jim and Susan Claus Phone: (503) 313-2785
 Applicant Address: 22211 SW Pacific Hwy, Sherwood, OR 97140 Email: _____
 Owner: Same as Applicant Phone: Same as Applicant
 Owner Address: Same as Applicant Email: _____
 Contact for Additional Information: Ben Beseda, Tenneson Engineering Corporation, (541) 296-9177

Property Information:

Street Location: 21805 SW Pacific Highway, Sherwood, OR 97140
 Tax Lot and Map No: Tax Lots 1000 and 1001, Map 2S 1 30D
 Existing Structures/Use: Residential, single-family residence & ongoing townhome development
 Existing Plan/Zone Designation: High Density Residential (HDR)
 Size of Property(ies) Claus - 8.14 acres

Proposed Action:

Purpose and Description of Proposed Action: Creation of a 10 lot subdivision.

Proposed Use: Residential

Proposed No. of Phases (one year each): One (1)

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Applicants and
Property Owners

Jim Claus

Date

Susan Claus

Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

- 3 * copies of Application Form completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- Copy of Deed to verify ownership, easements, etc.
- At least 3 * folded sets of plans
- At least 3 * sets of narrative addressing application criteria
- Fee along with calculations utilized to determine fee if applicable
- Signed checklist verifying submittal includes specific materials necessary for the application process

NOTE: 15 copies are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, 15 copies and one full electronic copy will be required to be submitted.

REPLACEMENT
UNSIGNED



March 30, 2009

City of Sherwood Planning Department
22560 SW Pine St.
Sherwood, Oregon 97140

Attention: Ms. Michelle Miller, Associate Planner

Regarding: McFall Subdivision – Findings

Dear Michelle:

On behalf of our client, Jim and Susan Claus, Tenneson Engineering Corporation is pleased to provide you with the following application and narrative statement to accompany the Preliminary Subdivision Plat for the McFall Subdivision located on Tax Lots 1002 and 1001, Map 2S-1W-30D. This report is intended to respond to the applicable provisions of the City's Land Division Ordinance and to provide the Planning Department with the required findings necessary to approve the proposed preliminary plat.

A. **Subdivision Description**

This project will entail the creation of a 9-lot single-family residential subdivision to be located on a two parcel totaling 8.42 acres. The project will be done in one phase with a total of 1.81 acres being developed for residential use with the remaining acreage being utilized as wetland buffer, wetland and open space. In order to preserve this valuable undeveloped parcel the applicant has proposed donating the remainder to the City. There is currently one single family residence that will remain on one of the lots. The project is currently zoned High Density Residential (HDR) and requires a 5,000 square foot minimum lot size. All lots exceed the required minimum size. Street frontage of the project will be along Cedar Brook Way. All lots will maintain a minimum 20-foot front and rear setbacks with a 5-foot setback on all other side lot lines. Building heights shall not exceed three stories or 40 feet, whichever is less as required and defined in the City of Sherwood Municipal Code (SMC).

B. **Public Services and Facilities**

The subdivision development will involve the installation of the necessary utility service to serve a typical residential subdivision. All roadways and utilities will either be constructed or bonded prior to final platting of the property. The site is currently served with Tualatin Valley Water District (TVWD) for water, Clean Water Services (CWS) for sanitary sewer and storm drainage, and City of Sherwood for traffic access. All facilities and/or services are detailed below.

Water

The residential subdivision is currently served from the recently constructed 12-inch waterline in Cedar Brook Way. This waterline is located on the south side of the street along the entire frontage of the project. Currently, there are two water services to the site, one serves the existing residence and the other was installed for future use. Additional water services will be installed and connected to the 12-inch waterline to serve to each lot.

Sanitary Sewer

The site is currently served by an 8-inch PVC sanitary sewer line located on the north side of Cedar Brook Way and an 8-inch sanitary sewer that is located north of proposed Lots 1 through 6. Lot 7 which has the existing house is currently served by a lateral that connects to the sewer line in Cedar Brook Way. Two of the proposed lots, 8 and 9, will be served by the sanitary sewer in Cedar Brook Way. Lots 1 through 6 will connect to the sewer line just north of these lots, since this sewer line is lower in elevation and will allow greater flexibility in home construction.

Storm Sewer and Stormwater Drainage

The site is currently served by a 12-inch storm water system located in Cedar Brook Way. This pipe does not extend the full length of the street and will need to be extended approximately 65-feet to the west to allow service to Lots 1 and 2. Each lot will have a service lateral connected to this line.

Cedar Creek appears to have more than adequate capacity within its existing banks to accommodate the minimal additional post development runoff from this site. This project will connect to and utilize the storm water treatment facility that was constructed as part of the Creekview Condominiums. A Final Drainage Report was prepared by Otak, Inc. and submitted to CWS for this storm water facility and the adequacy of this project was based on that report. Preliminary calculations have determined that there is adequate treatment and bypass capacity in this system so no upsize or improvements are proposed.

Traffic and Transportation

The site is currently provided adequate public access off of recently constructed Cedar Brook Way. This street was constructed as part of Creekview Condominiums and has been accepted by the City.

C. Variances

The applicant is requesting a variance from HDR zoning district minimum density. The stated allowable minimum density of this zone is 16.8 dwelling units per acre however there appears to be a discrepancy in the Code based on the minimum allowable lot size. The explained further within this application.

D. Geologic Hazards

No known geologic hazards are reported on this site.

E. Water Resources

Cedar Creek flow along the north side of the project directly north of the proposed lots.

F. Natural Features

The northerly portion of this parcel can not be developed because of the wetland buffer, wetland and easements and the desire to create open space. The applicant proposes donating this remaining 6.6 acres to the City, to protect this valuable asset.

APPROVAL CRITERIA. *All approval criteria are based upon Chapter 16 of the City of Sherwood Municipal Code.*

16.20.010 Purpose. *The HDR zoning district provides for higher density multi-family housing and other related uses, with a density not to exceed twenty-four (24) dwelling units per acre and a density not less than 16.8 dwellings per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirement. (Ord. 2000-1108 § 3; 86-851)*

The applicant proposes a 9 lots single-family detached residential subdivision. Only 1.81 acres of the 8.42 acre parcel are developable. An existing home will remain on one of the developed lots and the proposed lot lines will be adjusted to fit this existing house. Because of this house and the topographic constraints only 8 additional lots can be created, for a total of 9 lots. All of the lots meet the minimum lot size of 5,000 square feet for the HDR zoning. Developed density of this project is only 5.03 dwelling units per acre, which is less than the minimum density of 16.8 dwelling units per acre. The applicant is requesting a variance from meeting the minimum density. Justification for the request is made based on the following reasons. First, there appears to be a discrepancy in the City's code; because a development with all lots at the HDR zone minimum of 5,000 square feet per single-family detached lot would only have a density of 9.31 dwelling units per acre. This density calculation does not take into consideration roadway right-of-ways which would reduce this density even further. So, a subdivision of single-family detached lots, which is a permitted use, can never meet the required minimum density. Second, the vast majority of this lot is undevelopable and the site is constrained with challenging topography, so it is physically impossible to obtain greater dwelling density. Finally, by taking a holistic approach and looking at the surrounding area and development (Creekview Condominium in particular), the overall neighborhood density meets the minimum HDR zoning requirements.

16.20.020 Permitted Uses. *The following uses and their accessory uses are permitted outright:*
A. Single-family detached or attached dwellings....

The applicant is proposing a 9 lot subdivision of single-family detached residences, which is an outright permitted use.

16.20.030 Conditional. Uses *The following uses and their accessory uses are permitted as conditional uses when approved in accordance with Chapter...*

This type of use proposed for single family housing is a use allowed outright within the HDR zoning district. A conditional use is not proposed or required for this development.

16.20.040 Dimensional Standards

A. Lot Dimensions. *Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030, Chapter 16.44 (Townhomes), or as otherwise provided, required minimum lot areas and dimensions shall be...*

Lot dimensions meet the minimum allowable for HDR zoning.

B. Setbacks. *Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030, Chapter 16.44 (Townhomes), or as otherwise provided, required minimum setbacks shall be...*

Setbacks are illustrated on the preliminary plat and meet the minimum requirements.

16.20.050 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII and IX. (Ord. 86-851 § 3)

The applicant will address all applicable criteria in regards to Community Design in a following section of this narrative.

16.20.060 Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply...

A portion of the site falls within the Cedar Creek 100-year flood plain. The applicant will address this in Section 16.134.20 in a following section of this narrative.

Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 GENERALLY

1. Classifications

Except for Administrative Variances, which are reviewed per Section 16.84.020, and Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

A. Type I

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

- 1. Signs***
- 2. Property Line Adjustments***
- 3. Interpretation of Similar Uses***
- 4. Temporary Uses***
- 5. Final Subdivision Plats***
- 6. Final Site Plan Review***
- 7. Time extensions of approval, per Sections 16.90.020; 16.124.010***

B. Type II

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

- 1. Minor Land Partitions***
- 2. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Planning Director if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.***
- 3. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to conditional use permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010D, below.***

C. Type III

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

- 1. Conditional Uses***

- 2. *Variances, including Administrative Variances if a hearing is requested per Section 16.84.020.*
- 3. *Site Plan Review -- between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010D, below.*
- 4. *Subdivisions -- Less than 50 lots.*

D. Type IV

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

- 1. *Site Plan review and/or "Fast Track" Site Plan review of new or existing structures in the Old Town Overlay District.*
- 2. *All quasi-judicial actions not otherwise assigned to a Hearing Authority under this section.*
- 3. *Site Plans -- Greater than 40,000 square feet of floor area, parking or seating capacity.*
- 4. *Subdivisions -- More than 50 lots.*

E. Type V

The following legislative actions shall be subject to a Type V review process:

- 1. *Plan Map Amendments*
- 2. *Plan Text Amendments*
- 3. *Planned Unit Development -- Preliminary Development Plan and Overlay District. (Ord. 2003-1148 § 3; 2001-1119; 99-1079; 98-1053)*

Per 16.17.010.C.4 above the Applicant is requesting a Type III land use approval for the subdivision.

16.74.010 FEES

Fees for land use actions are set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code. (Ord. 91-922 § 3; 86-851)

Upon submittal and acceptance of this application and supporting documentation the appropriate fees have been paid to the City.

Chapter 16.78 APPLICATION INFORMATION REQUIREMENTS

16.78.010 Application Content

This Chapter sets forth the application contents generally required for the review of proposed land use activities. The City Manager or his or her designee is authorized to waive information requirements that are clearly not material or relevant to the specific proposal being made. In addition to these requirements, Divisions V, VI, and VII of this Code must be reviewed for other applicable requirements. (Ord. 86-851 § 3)

INDEX	
REFERENCE NUMBER	TYPE OF PROPOSED DEVELOPMENT
1	Annexation
2	Plan Map Amendment
3	Variance
4	Conditional Use
5	Minor Partition
6	Subdivision/Major Partition

7	Planned Unit Development
8	Site Plan

This project submittal has included all of the required data for reference # 6-Subdivision/Major Partition.

Chapter 16.108 STREETS

16.108.010 GENERALLY *Public streets shall be created in accordance with provisions of this Chapter. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional classification of said streets, as shown on the Transportation Plan Map, attached as Appendix B, in Chapter 6 of the Community Development Plan, and in other applicable City standards.*

No new streets are proposed by this development. This project will take access off an existing street, Cedar Brook Way, which has been accepted by the City.

16.108.030 REQUIRED IMPROVEMENTS *Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits...*

All lots will take access from Cedar Brook Way; an existing City street. In order to serve the subject lots utility service laterals will need to be installed in the street. The applicant understands that simple pavement patches will not be allowed for the installation of these services. Either pavement grinding or pavement removal and repaving will be done to City requirements.

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

No new streets will be created as a result of this project. This section is not applicable and does not apply to this land use review.

16.108.050 STREET DESIGN *Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood Transportation System Plan, and City of Sherwood Construction Standards...*

8. Buffering of Major Streets

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties shall be provided and through and local traffic shall be separated and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.030, and all applicable access provisions of Chapter 16.96, shall be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code...

This project abuts Highway 99W and must meet the requirements of Section 8. Buffering of Major Streets. The nearest developable lot to Highway 99W is over 235-feet away. This is more than adequate to meet the buffering requirements and provisions. The entire frontage along Highway 99W will be donated as part of the

open space to the City, who will then have the direct ability to control all activity along the entire highway frontage.

12. Traffic Controls

For developments of five (5) acres or more, the City may require a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow. Such analysis will be completed according to specifications established by the City. Review and approval of the analysis by the City, and any improvements indicated, shall be required prior to issuance of a construction permit. (Ord. 2005-009 § 5; 86-851)

13. Traffic Calming

A. The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:

- 1. Curb extensions (bulb-outs).*
- 2. Traffic diverters/circles.*
- 3. Alternative paving and painting patterns.*
- 4. Raised crosswalks, speed humps, and pedestrian refuges.*
- 5. Other methods demonstrated as effective through peer reviewed engineering studies.*

B. With approval of the City Engineer, traffic calming measures such as speed humps and additional stop signs can be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street construction unless approved by the City Engineer and Tualatin Valley Fire & Rescue.

This site greater than 5 acres in size, however only 1.81 acres will be can be developed on this site. The applicant is proposing only 8 new residences for a total of 9. This project's impact to Cedar Brook Way is insignificant to the development of the Creekview Condominiums. Since the impact is minimal in comparison to the adjoining project no additional traffic impact analysis is provided. No additional traffic calming features are proposed.

14. Vehicular Access Management

All developments shall have legal access to a public road. Access onto public streets shall be permitted upon demonstration of compliance with the provisions of adopted street standards in the City of Sherwood Transportation Technical Standards and the standards of this Division...

The applicant does not anticipate any problems meeting the vehicular access management minimum driveway spacing standards. Driveway locations for the proposed new 8 lots will be determined and installed at the time of home construction. Future homebuilders will be responsible for the construction of curb cuts and driveway aprons. Review through the building permit process will insure that all of the standards of this section of the Code will be met.

16.108.060 SIDEWALKS

1. Required Improvements

A. Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development...

2. Sidewalk Design Standards...

B. Local Streets

Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code...

3. Pedestrian and Bicycle Paths

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

Sidewalks are already constructed per City standards along the entire frontage of the project. No pedestrian or bicycle paths are proposed or required for this project.

16.108.070 HWY. 99W CAPACITY ALLOCATION PROGRAM (CAP)

A. Purpose - The purpose of the Highway 99W Capacity Allocation Program is to:

1. Prevent failure of Highway 99W through Sherwood...

This project is only adding 8 new single-family residences and the impact to Highway 99W is negligible in comparison to the adjoining condominium development.

Chapter 16.110 SANITARY SEWERS

16.110.010 REQUIRED IMPROVEMENTS

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

The existing sanitary sewer lines that abut the proposed lots to the north and south have adequate capacity to provide sanitary sewer service to the development. Conceptual lateral locations are shown on the preliminary utility plan which was included with this application.

Chapter 16.112 WATER SUPPLY

16.112.010 REQUIRED IMPROVEMENTS

Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains...

The existing waterline in Cedar Brook Way has adequate capacity for serve this development. Conceptual laterals and water meter locations are shown on the preliminary utility plan which was included with this application. Two fire hydrants are existing on the opposite side of Cedar Brook Way along the frontage of the project and also shown on the preliminary utility plan.

Chapter 16.114 STORM WATER

16.114.010 REQUIRED IMPROVEMENTS

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

The site is currently served by a 12-inch storm water system located in Cedar Brook Way. This pipe does not extend the full length of the street and will need to be extended approximately 65-feet to the west to allow service to Lots 1 and 2. Conceptual lateral locations are shown on the preliminary utility plan which was included with this application. Each lot will have a 4" service lateral connected to this line.

Chapter 16.116 FIRE PROTECTION

16.116.010 REQUIRED IMPROVEMENTS

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

The Fire Marshall will have an opportunity to provide written comments prior to the City issuing a decision for this application. All building envelopes are within 500 feet of the two existing fire hydrants.

Chapter 16.118 PUBLIC AND PRIVATE UTILITIES

16.118.010 PURPOSE

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

All utilities will be served underground except for individual meters and necessary above grade appurtenances.

Chapter 16.120 GENERAL PROVISIONS

16.120.010 PURPOSE

Subdivision and land partitioning regulations are intended to promote the public health, safety and general welfare; lessen traffic congestion; provide adequate light and air; prevent overcrowding of land; and facilitate adequate water supply, sewage and drainage. (Ord. 86-851 § 3)

16.120.020 PLATTING AUTHORITY

1. Approval Authority

A. The approving authority for preliminary and final plats of subdivisions and partitions shall be in accordance with Section 16.72.010 of this Code.

B. Approval of subdivisions and partitions is required in accordance with this Code before a plat for any such subdivision or partition may be filed or recorded with Washington County. Appeals to a decision may be filed pursuant to Chapter 16.76.

(Ord. 98-1053 § 1; 86-851)

2. Future Partitioning

When subdividing tracts into large lots which may be resubdivided, the City shall require that the lots be of a size and shape, and apply additional building site restrictions, to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets. (Ord. 98-1053 § 1; 86-851)

3. Required Setbacks

All required building setback lines as established by this Code, shall be shown in the subdivision plat or included in the deed restrictions. (Ord. 86-851 § 3)

4. Property Sales

No property shall be disposed of, transferred, or sold until required subdivision or partition approvals are obtained, pursuant to this Code. (Ord. 86-851 § 3)

The Applicant is requesting land use approval for a 9 lot subdivision. Per Chapter 16.72 the approval requested is Type III procedure. No future partitioning will occur on the site. Setbacks and easements are shown on the preliminary plan that was submitted with this application. The applicant understands that no proposed individual lots created by this application may be sold prior to final plat recording.

Chapter 16.122 PRELIMINARY PLATS

16.122.010 GENERALLY

1. Approval Required

All subdivisions and major partitions are subject to preliminary plat approval through the Type II or Type III review processes. Approval of the preliminary plat shall not constitute final acceptance of the plat for recording. Approval shall however, be binding upon the City for the purpose of preparation of the final plat or map, and the City may only require such changes in the plat or map as are necessary for compliance with the terms of preliminary plat approval.

2. Action

The City shall review preliminary plat applications submitted in accordance with Section 16.78.010 and approve, approve with conditions, or deny the application. Conditions may be imposed by the Hearing Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action of the City shall be noted on two (2) copies of the preliminary plat, including references to any attached documents describing any conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City along with other applicable records.

(Ord. 98-1053 § 1; 86-851)

3. Required Findings

No preliminary plat shall be approved unless:

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

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

C. The plat complies with Comprehensive Plan and applicable zoning district regulations.

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

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

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

(Ord. 91-922 § 3; 86-851)

G. Tree and woodland inventories have been submitted and approved as per Section 16.142.060. (Ord. 94-991 § 1)

The Applicant is requesting a Type III subdivision. The Applicant has demonstrated that adequate public services and infrastructure exist to support the development of a new 9 lot subdivision. The applicant does not own any other land contiguous to this site. Adjacent land owners have not been limited in their ability to develop any adjacent properties.

Chapter 16.124 FINAL PLATS

16.124.010 GENERALLY

1. Time Limits

Within two (2) years after approval of the preliminary plat, a final plat shall be submitted. The subdivider shall submit to the City the original drawings, the cloth, and fifteen (15) prints of the final plat, and all supplementary information required by or pursuant to this Code. Upon approval of the final plat drawing, the applicant may submit the mylar for final signature. (Ord. 2003-1148 § 3; 98-1053)

2. Extensions

After the expiration of the two (2) year period following preliminary plat approval, the plat must be resubmitted for new approval. The City may, upon written request by the applicant, grant a single extension up to one (1) year upon a written finding that the facts upon which approval was based have not changed to an extent sufficient to warrant refiling of the preliminary plat and that no other development approval would be affected. (Ord. 98-1053 § 1; 86-851)

3. Staging

The City may authorize platting and development to proceed in stages that exceed two (2) years, but in no case shall the total time period for all stages be greater than five (5) years. Each stage shall conform to the applicable requirements of this Code. Portions platted or developed after the passage of two (2) years may be required to be modified in accordance with any change to the Comprehensive Plan or this Code. (Ord. 98-1053 § 1; 86-851)

4. Shown on Plat

The following information shall be shown on the final plat:

A. Date of approval, scale, north arrow, legend, and controlling topography such as creeks, highways, and railroads...

16.124.020 FINAL PLAT REVIEW

1. Subdivision Agreement

The subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision pursuant to the Division VI, or execute and file with the City an agreement specifying the period within which all required improvements and repairs shall be completed, and providing that if such work is not completed within the period specified, the City may complete the same and recover the full cost and expense thereof from the subdivider. Such agreement may also provide for the construction of the improvements in stages. (Ord. 86-851 § 3)

2. Performance Security

The subdivider shall provide monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred percent (100%) of the estimated cost of the improvements. (Ord. 86-851 § 3)

3. Staff Review

If City review determines that the final plat is in full conformance with the preliminary plat and this Code, the final plat shall be referred to the City Manager or his/her designee for final approval. If the final plat is not in full conformance, the subdivider shall be advised of necessary changes or additions...

16.124.030 CREATION OF STREETS

1. Approval

The final plat shall provide for the dedication of all streets for which approval has been given by the City. Approval of the final plat shall constitute acceptance of street dedications. (Ord. 86-851 § 3)

2. Exceptions

The Council, upon recommendation by the City Manager, may approve the creation and dedication of a street without full compliance with this Code. The applicant may be required to submit additional information and justification necessary to determine the proposal's acceptability. The City may attach such conditions as necessary to provide conformance to the standards of this Code. One or more of the following conditions must apply:

- A. The street creation is required by the City and is essential to general traffic circulation.*
- B. The tract in which the road or street is to be dedicated is an isolated ownership of one (1) acre or less. (Ord. 86-851 § 3)*

3. Easements

Any access which is created to allow partitioning for the purpose of development, or transfer of ownership shall be in the form of a dedicated street, provided however that easements may be allowed when:...

Chapter 124 outlines the improvements and requirements which must be made prior to recording the final plat. Upon approval of the tentative partition plat, all of the pertinent requirements of this chapter will be addressed and adhered to.

Chapter 16.126 DESIGN STANDARDS

16.126.010 BLOCKS

CONNECTIVITY

- A. Block Size. The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety. (Ord. 86-851 § 3)*
- B. Block Length. Block length standards shall be in accordance with Section 16.108.050. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map...*

The site is located on an existing street that fronts the entire southern boundary of the project. No new streets or blocks will be created as a result of this project.

16.126.020 EASEMENTS

1. Utilities

Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction. (Ord. 86-851 § 3)

2. Drainages

Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage. (Ord. 86-851 § 3)

All easements have been created to meet the requirements of this section and are shown on the preliminary development plans. The applicant will continue to work closely with the City and other regulatory agencies to assure provision has been made for all necessary utility easements to provide full service to this site.

16.126.030 PEDESTRIAN AND BICYCLE WAYS

Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation. (Ord. 86-851 § 3)

Since all lots front an existing street no pedestrian or bicycle ways will be created.

16.126.040 LOTS

1. Size and Shape

Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision, and shall comply with applicable zoning district requirements, with the following exceptions:
a. Lots in areas not served by public sewer or water supply, shall conform to any special Washington County Health Department standards. (Ord. 86-851 § 3)

2. Access

All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68. (Ord. 2006-021; 86-851 § 3)

3. Double Frontage

Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required. (Ord. 86-851 § 3)

4. Side Lot Lines

Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street. (Ord. 86-851 § 3)

5. Grading

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

A. Cut slopes shall not exceed one and one-half (1 1/2) feet horizontally to one (1) foot vertically.

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

(Ord. 86-851 § 3)

All lots meet the requirements of the HDR zoning. Access and frontage to all lots will be on a public street, Cedar Creek Way. No lots will be double fronted and side lot lines have been laid out to run perpendicular to the right of way. Grading of lots will be done at the time of house construction. At which time a site plan will be submitted with the building permit application, thus assuring grading standards are followed.

Chapter 16.134 SPECIAL RESOURCE ZONES

16.134.010 GENERALLY

Special resource zones are established to provide for preservation, protection, and management of unique natural and environmental resources in the City that are deemed to require additional standards beyond those contained elsewhere in this Code. Special resource zones may be implemented as underlying or overlay zones depending on patterns of property ownership and the nature of the resource. A property or properties may be within more than one (1) resource zone. In addition, the City may identify special resource areas and apply a PUD overlay zone in advance of any development in order to further protect said resources. (Ord. 91-922 § 3)

16.134.020 FLOOD PLAIN (FP) OVERLAY

1. Purpose

A. The FP zoning district is an overlay district that controls and regulates flood hazard areas in order to protect the public health, safety and general welfare; to reduce potential flood damage losses; and to protect floodways and natural drainageways from encroachment by uses which may adversely affect water quality and water flow and subsequent upstream or downstream flood levels. The FP zone shall be applied to all areas within the base flood, and shall supplement the regulations of the underlying zoning district.

B. FP zoning districts are defined as areas within the base flood as identified by the Federal Emergency Management Agency (FEMA) in a Flood Insurance Study (FIS) and in Flood Insurance Rate Maps (FIRM) published for the City and surrounding areas, or as otherwise identified in accordance with Section 16.134.020C. These FEMA documents are adopted by reference as part of this Code, and are on file in the office of the City Public Works Director.

*C. When base flood elevation data is not available from the FIS or FIRM, the City shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, and standards developed by the FEMA, in order to administer the provisions of this Code.
(Ord. 2000-1092 § 3; 88-870)*

2. Greenways

The FP zoning districts overlaying the Rock Creek and Cedar Creek flood plains are designated greenways in accordance with Chapter 5 of the Community Development Plan. All development in these two flood plains shall be governed by the policies in Division V, Chapter 16.142 of this Code, in addition to the requirements of this Section and the Unified Sewerage Agency's Design and Construction Standards R&O 00-7, or its replacement. (Ord. 2000-1092 § 3; 88-879)

3. Development Application

A. Provided land is not required to be dedicated as per this Section, Greenways, a conditional use permit (CUP) shall be approved before any use, construction, fill, or alteration of a flood plain, floodway, or watercourse, or any other development begins within any FP zone, except as provided in this Section, Permitted Uses.

B. Application for a CUP for development in a flood plain shall conform to the requirements of Chapter 16.82 and may include, but is not limited to, plans and scale drawings showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, and drainage facilities.

C. The following specific information is required in a flood plain CUP application and shall be certified and verified by a Registered Civil Engineer or Architect. The City shall maintain such certifications as part of the public record. All certifications shall be based on the as-built elevations of lowest building floors.

1. Elevations in relation to mean sea level of the lowest floor (including basement) of all structures;

2. Elevations in relation to mean sea level to which any structure has been flood proofed.

3. That the flood proofing methods for any structure meet the requirements of this Section, Flood Plain Structures.

4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

5. A base flood survey and impact study made by a Registered Civil Engineer.

6. Proof all necessary notifications have been sent to, and permits have been obtained from, those Federal, State, or other local government agencies for which prior approval of the proposed development is required.

7. Any other information required by this Section, by any applicable Federal regulations, or as otherwise determined by the City to be necessary for the full and proper review of the application.

D. Where elevation data is not available as per subsection B of this Section, or from other sources as per Section 16.40.010C, a flood plain CUP shall be reviewed using other relevant data, as determined by the City, such as historical information, high water marks, and other evidence of past flooding. The City may require utility structures and habitable building floor elevations, and building flood proofing, to be at least two (2) feet above the probable base flood elevation, in such circumstances where more definitive flood data is not available.

(Ord. 91-922 § 3; 88-879)

4. Permitted Uses

In the FP zone the following uses are permitted outright, and do not require a CUP, provided that floodway flow, or flood plain capacity, will not be impeded, as determined by the City, and when greenway dedication is not required as per this Section, Greenways:

- A. Agricultural uses, provided that associated structures are not allowed, except for temporary building and boundary fences that do not impede the movement of floodwaters and flood-carried materials.*
- B. Open space, park and recreational uses, and minor associated structures, if otherwise allowed in the underlying zoning district, that do not impede the movement of floodwaters and flood-carried materials.*
- C. Public streets and appurtenant structures, and above and underground utilities, subject to the provisions of this Section, Flood Plain Development and Flood Plain Structures.*
- D. Other accessory uses allowed in the underlying zoning district that do not involve structures, and will not, in the City's determination, materially alter the stability or storm drainage absorption capability of the flood plain.*

(Ord. 2000-1092 § 3; 91-922)

5. Conditional Uses

In the FP zone the following uses are permitted as conditional uses, subject to the provisions of this Section and Chapter 16.82, when greenway dedication is not required as per this Section.

Greenways:

- A. Any permitted or conditional use allowed in the underlying zoning district, when located in the flood fringe only, as specifically defined by this Code.*

(Ord. 91-922 § 3; 88-879)

6. Prohibited Uses

In the FP zone the following uses are expressly prohibited:

- A. The storage or processing of materials that are buoyant, flammable, contaminants, explosive, or otherwise potentially injurious to human, animal or plant life.*
- B. Public and private sewerage treatment systems, including drainfields, septic tanks and individual package treatment plants.*
- C. Any use or activity not permitted in the underlying zoning district.*
- D. Any use or activity that, in the City's determination, will materially alter the stability or storm drainage absorption capability of the flood plain.*
- E. Any use or activity that, in the City's determination, could create an immediate or potential hazard to the public health, safety and welfare, if located in the flood plain.*
- F. Any use, activity, or encroachment located in the floodway, including fill, new construction, improvements to existing developments, or other development, except as otherwise allowed by this Section, Permitted Uses, and unless certification by a Registered Engineer or Architect is provided demonstrating that the use, activity, or encroachment shall not result in any increase to flood levels during the occurrence of the base flood discharge.*

(Ord. 88-879 § 3)

7. Flood Plain Development

A. Flood Plain Alterations

1. Flood Plain Survey

The flood plain, including the floodway and flood fringe areas, shall be surveyed by a Registered Civil Engineer, and approved by the City, based on the findings of the Flood Insurance Study and other available data. Such delineation shall be based on mean sea level data and be field-located from recognized valid benchmarks.

2. Grading Plan

Alteration of the existing topography of flood plain areas may be made upon approval of a grading plan by the City. The plan shall include both existing and proposed topography and a plan for alternate drainage. Contour intervals for existing and proposed topography shall be included and shall be not more than one (1) foot for ground slopes up to five percent (5%) and for areas immediately adjacent to a stream or

drainage way, two (2) feet for ground slopes between five and ten percent (5% to 10%), and five (5) feet for greater slopes.

3. Fill and Diked Lands

a. Proposed flood plain fill or diked lands may be developed if a site plan for the area to be altered within the flood plain is prepared and certified by a Registered Civil Engineer and approved by the Commission pursuant to the applicable provisions of this Code.

b. Vehicular access shall be provided from a street above the elevation of the base flood to any proposed fill or dike area if the area supports structures for human occupancy. Unoccupied fill or dike areas shall be provided with emergency vehicle access.

4. Alteration Site Plan

The certified site plan prepared by a Registered Civil Engineer or Architect for an altered flood plain area shall show that:

a. Proposed improvements will not alter the flow of surface water during flooding such as to cause a compounding of flood hazards or changes in the direction or velocity of floodwater flow.

b. No structure, fill, storage, impervious surface or other uses alone, or in combination with existing or future uses, will materially reduce the capacity of the flood plain or increase in flood heights.

c. Proposed flood plain fill or diked areas will benefit the public health, safety and welfare and incorporate adequate erosion and storm drainage controls, such as pumps, dams and gates.

d. No serious environmental degradation shall occur to the natural features and existing ecological balance of upstream and downstream areas.

e. On-going maintenance of altered areas is provided so that flood-carrying capacity will not be diminished by future erosion, settling, or other factors.

5. Subdivisions and Partitions

All proposed subdivisions or partitions including land within an FP zone shall establish the boundaries of the base flood by survey and shall dedicate said land as per this Section, Greenways. The balance of the land and development shall:

a. Be designed to include adequate drainage to reduce exposure to flood damage, and have public sewer, gas, electrical and other utility systems so located and constructed to minimize potential flood damage, as determined by the City.

b. Provide for each parcel or lot intended for structures, a building site which is at or above the base flood elevation, and meets all setback standards of the underlying zoning district.

c. Where base flood elevation data is not provided, or is not available from an authoritative source, it shall be generated by the applicant for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres, whichever is less.

(Ord. 88-879 § 3)

8. Flood Plain Structures

Structures in the FP zone shall be subject to the following conditions, in addition to the standards of the underlying zoning district:

A. Generally

1. All structures, including utility equipment, and manufactured housing, shall be anchored to prevent lateral movement, floatation, or collapse during flood conditions, and shall be constructed of flood-resistant materials, to standards approved by the City, State Structural and Plumbing Specialty Codes and applicable building codes.

2. The lowest floor elevation of a structure designed for human occupancy shall be at least one and one-half (1-1/2) feet above the base flood elevation and the building site shall comply with the provisions of subsection A of Flood Plain Development.

3. The lower portions of all structures shall be flood proofed according to the provisions of the State Structural and Plumbing Specialty Code to an elevation of at least one and one-half (1-1/2) feet above the base flood elevation.

4. The finished ground elevation of any under floor crawl space shall be above the grade elevation of an adjacent street, or natural or approved drainage way unless specifically approved by the City. A positive means of drainage from the low point of such crawl space shall be provided.

B. Utilities

1. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities located within structures shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

2. Electrical service equipment, or other utility structures, shall be constructed at or above the base flood elevation. All openings in utility structures shall be sealed and locked.

3. Water supply and sanitary sewer systems shall be approved by the Washington County Health Department, and shall be designed to minimize or eliminate the infiltration of floodwaters into the systems, or any discharge from systems into floodwaters.

C. Residential Structures

1. All residential structures shall have the lowest floor, including basement, elevated to at least one and one-half (1-1/2) feet above the base flood elevation.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Registered Engineer or Architect, or must meet or exceed the following minimum criteria:

a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one (1) foot above grade.

c. Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.

D. Non-Residential Construction

1. All commercial, industrial or other non-residential structures shall have either the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

a. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c. Be certified by a Registered Professional Engineer or Architect that the design and methods of construction are in accordance with accepted standards of practice for meeting all provisions of this Section.

d. Non-residential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as per subsection C2 of Flood Plain Structures.

(Ord. 88-879 § 3)

9. Additional Requirements

A. Dimensional standards or developments in the FP zone shall be the same as in the underlying zoning district, except as provided in this Section, Additional Requirements.

B. Approval of a site plan pursuant to Chapter 16.90, may be conditioned by the City to protect the best interests of the surrounding area or the community as a whole, and to carry out the terms of the Comprehensive Plan. These conditions may include, but are not limited to:

1. Increasing the required lot sizes, yard dimensions, street widths, or off-street parking spaces.

2. Limiting the height, size, or location of buildings.

3. Controlling the location and number of vehicle access points.

4. Limiting the number, size, location, or lighting of signs.

5. Requiring diking, fencing, screening, landscaping, or other facilities to protect the proposed development, or any adjacent or nearby property.

- 6. Designating sites for open space or water retention purposes.
- 7. Construction, implementation, and maintenance of special drainage facilities and activities.
(Ord. 88-879 § 3)

A portion of the site falls within the Cedar Creek 100-year flood plain. The area affected by the flood plain is identified specifically as within Zone A9 of FIRM # 4100273 0001 A. The 100 year flood plain elevation within Zone A9 is 150 feet above mean sea level (MSL). This contour is identified on the preliminary plat. The 150' elevation and lower fall within the remainder lot and not on any of the proposed developable lots. Of the developable lots, lot 1 has the lowest elevation of 160 feet MSL, which is well above the 150 foot boundary. The remainder lot will not have any fill or cut within the 100 year flood plain.

Chapter 16.142 PARKS AND OPEN SPACE

16.142.010 Purpose

This Chapter is intended to assure the provision of a system of public and private recreation and open space areas and facilities consistent with this Code and applicable portions of Chapter 5 of the Community Development Plan Part 2. (Ord. 2006-021; 91-922 § 3)

16.142.020 Multi-Family Developments

A. Standards

Except as otherwise provided, recreation and open space areas shall be provided in new multi-family residential developments to the following standards:

1. Open Space

A minimum of twenty percent (20%) of the site area shall be retained in common open space. Required yard parking or maneuvering areas may not be substituted for open space...

A multi family development is not proposed; therefore no special consideration for open space is required for this development. It should be noted however that the remainder lot of this project is approximately 6.5 acres will not be developed. This area contains wetlands, the 100-year flood plain, and the wetland buffer. This area will be an exciting amenity to this project, as this area will be left in its current native state. The applicant proposes donating this remaining parcel to the City.

16.142.030 Visual Corridors

A. Corridors Required

New developments with frontage on Highway 99W, or arterial or collector streets designated on the Transportation Plan Map, attached as Appendix C, or in Section 5 of the Community Development Plan Part 2, shall be required to establish a landscaped visual corridor according to the following standards:

	Category	Width
1.	Highway 99W	25 feet
2.	Arterial	15 feet
3.	Collector	10 feet

In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk. (Ord. 2006-021)

B. Landscape Materials...

This project abuts Highway 99W and will meet the visual corridor requirements. The nearest developable lot to Highway 99W is over 235-feet away. This area will be left in its current native state and not developed or landscaped. Existing trees and vegetation will remain in its current state and donated to the City who will have then have assurance this property will remain undeveloped.

16.142.050 Trees Along Public Streets or on Other Public Property

A. Trees Along Public Streets

Trees are required to be planted by the land use applicant to the following specifications along public streets abutting or within any new development. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets.

1. Tree location: Trees shall be planted within the planter strip along newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines. (Ord. 2006-021)

2. Tree size: A minimum trunk diameter of two (2) inches DBH and minimum height of six (6) feet.

3. Tree spacing: A minimum of one (1) tree for every twenty-five (25) feet of public street frontage, or two (2) trees for every buildable lot, whichever yields the greater number of trees. Double fronting lots shall have a minimum of one (1) street tree for every twenty-five (25) feet of frontage. Corner lots shall have a minimum of three (3) street trees.

4. For minor arterial and major collector streets, the City may require planted medians in lieu of paved twelve (12) foot wide center turning lanes, planted with trees to the specifications of this subsection.

5. Tree types: Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in Appendix J of this Code. (Ord. 2006-021)...

Street trees will be planted as required, at the recommended time of year to promote long term survival. A tree planting plan will be submitted with the final plat to assure that trees are properly spaced with respect to driveways and existing infrastructure. Trees will be of species from the City's approved list and available in the market for planting. All trees will be planted in accordance with the Parks and Recreation Department planting specifications. The applicant will pay the appropriate fee based on the above criteria and post the required security for scheduled maintenance.

16.142.060 Trees on Property Subject to Certain Land Use Applications

A. Generally

The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of trees and woodlands within the City. This Section is intended to help protect the scenic beauty of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time. (Ord. 2006-021)

1. All Planned Unit Developments subject to Chapter 16.40, site developments subject to Section 16.92.020, and subdivisions subject to Chapter 16.122, shall be required to preserve trees or woodlands, as defined by

this Section to the maximum extent feasible within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, as determined by the City. This Section shall not apply to any PUD, site development or subdivision, or any subdivision phase of any PUD, having received an approval by the Commission prior to the effective date of Ordinance No. 94-991, except for Subsection C5 of this Section, which shall apply to all building permits issued after the effective date to that Ordinance.

2. For the inventory purposes of this Section, a tree is a living woody plant having a trunk diameter as specified below at four and one-half (4-1/2) feet above mean ground level at the base of the trunk, also known as Diameter Breast Height (DBH). Trees planted for commercial agricultural purposes, and/or those subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition and from regulation under this Section, as are any living woody plants under five (5) inches DBH. (Ord. 2006-021)

a. Douglas fir, ponderosa pine, western red cedar, white oak, big leaf maple, American chestnut, ten (10) inches or greater.

b. All other tree species, five (5) inches or greater.

In addition, any trees of any species of five (5) inches or greater DBH that are proposed for removal as per the minimally necessary development activities defined in subsection C3 of this Section shall be inventoried...

Home site development will require the removal of existing vegetation to construct homes on individual lots. The applicant will make every reasonable effort to protect and preserve existing vegetation on site as much as possible. It is not anticipated that any trees over 5" DBH will be disturbed during construction on the subdivision infrastructure and therefore no inventory is warranted.

Conclusion

The applicant has demonstrated this application complies the City's development standards and approval criteria specified within the Development Code. Therefore the applicant requests the approval of this 9 lot Residential Subdivision.



CWS File Number

08-003092

Service Provider Letter

This form and the attached conditions will serve as your Service Provider Letter in accordance with Clean Water Services Design and Construction Standards (R&O 07-20).

Jurisdiction: Washington County Review Type: Tier 1 Alternatives Analysis

Site Address / Location: 21805 SW Pacific HWY
Sherwood, OR 97140 SPL Issue Date: November 10, 2008
 SPL Expiration Date: November 10, 2010

Applicant Information:

Name: CLAUS, ROBERT JAMES &
 Company: _____
 Address: 22211 SW PACIFIC HWY
SHERWOOD OR 97140
 Phone/Fax: 503-625-5265
 E-mail: ClausSL@aol.com

Owner Information:

Name: CLAUS, ROBERT JAMES &
 Company: _____
 Address: 22211 SW PACIFIC HWY
SHERWOOD OR 97140
 Phone/Fax: 503-625-5265
 E-mail: ClausSL@aol.com

Tax lot ID

Development Activity

2S130D001001,
2S130D001002,
2S130D001000

9-Lot Subdivision

Pre-Development Site Conditions:

Sensitive Area Present: On-Site Off-Site
 Vegetated Corridor Width: 50
 Vegetated Corridor Condition: Marginal/Degraded

Post Development Site Conditions:

Sensitive Area Present: On-Site Off-Site
 Vegetated Corridor Width: 36-100

Enhancement of Remaining
 Vegetated Corridor Required:

Square Footage to be enhanced: 57,220

Encroachments Into Pre-Development Vegetated Corridor:

Type and location of Encroachment:	Square Footage:
<u>Lots 1 and 2</u>	<u>1,800</u>

Mitigation Requirements:

Type/Location	Sq. Ft./Ratio/Cost
<u>On-site Mitigation</u>	<u>1,800/1:1</u>

Conditions Attached Development Figures Attached (2) Planting Plan Attached Geotech Report Required

This Service Provider Letter does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered on your property.

In order to comply with Clean Water Services water quality protection requirements the project must comply with the following conditions:

1. No structures, development, construction activities, gardens, lawns, application of chemicals, uncontained areas of hazardous materials as defined by Oregon Department of Environmental Quality, pet wastes, dumping of materials of any kind, or other activities shall be permitted within the sensitive area or Vegetated Corridor which may negatively impact water quality, except those allowed in R&O 07-20, Chapter 3.
2. Prior to any site clearing, grading or construction the Vegetated Corridor and water quality sensitive areas shall be surveyed, staked, and temporarily fenced per approved plan. During construction the Vegetated Corridor shall remain fenced and undisturbed except as allowed by R&O 07-20, Section 3.06.1 and per approved plans.
3. Prior to any activity within the sensitive area, the applicant shall gain authorization for the project from the Oregon Department of State Lands (DSL) and US Army Corps of Engineers (USACE). The applicant shall provide Clean Water Services or its designee (appropriate city) with copies of all DSL and USACE project authorization permits. **No activity authorized.**
4. An approved Oregon Department of Forestry Notification is required for one or more trees harvested for sale, trade, or barter, on any non-federal lands within the State of Oregon.
5. Appropriate Best Management Practices (BMP's) for Erosion Control, in accordance with Clean Water Services' Erosion Prevention and Sediment Control Planning and Design Manual, shall be used prior to, during, and following earth disturbing activities.
6. Prior to construction, a Stormwater Connection Permit from Clean Water Services or its designee is required pursuant to Ordinance 27, Section 4.B.
7. Activities located within the 100-year floodplain shall comply with R&O 07-20, Section 5.10.
8. Removal of native, woody vegetation shall be limited to the greatest extent practicable.
9. The water quality facility shall be planted with Clean Water Services approved native species, and designed to blend into the natural surroundings.
10. **Should final development plans differ significantly from those submitted for review by Clean Water Services, the applicant shall provide updated drawings, and if necessary, obtain a revised Service Provider Letter.**

SPECIAL CONDITIONS

11. The Vegetated Corridor width for sensitive areas within the project site shall be a minimum of 50 feet wide, as measured horizontally from the delineated boundary of the sensitive area.
12. **For Vegetated Corridors greater than 50 feet in width, the applicant shall enhance the first 50 feet closest to the sensitive area to meet or exceed good corridor condition as defined in R&O 07-20, Section 3.14.2, Table 3-3. Enhancement of the first 50-feet is required and is equal to 55,550 sf of Vegetated Corridor. An additional enhancement area (1,670 sf) as part of a previous SPL was relocated; so the total amount of required enhancement is equal to 57,220 sf. See SPL attachment 2 for the location of enhancement areas.**
13. Prior to any site clearing, grading or construction, the applicant shall provide Clean Water Services with a Vegetated Corridor enhancement/restoration plan. Enhancement/restoration of the Vegetated Corridor shall be provided in accordance with R&O 07-20, Appendix A, and shall include planting specifications for all Vegetated Corridor, including any cleared areas larger than 25 square feet in Vegetated Corridor rated "good."
14. Prior to installation of plant materials, all invasive vegetation within the Vegetated Corridor shall be removed per methods described in Clean Water Services' Integrated Vegetation and Animal Management Guidance, 2003. During removal of invasive vegetation care shall be taken to minimize impacts to existing native tree and shrub species.

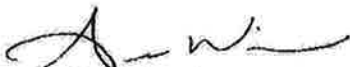
15. Clean Water Services shall be notified 72 hours prior to the start and completion of enhancement/restoration activities. Enhancement/restoration activities shall comply with the guidelines provided in Landscape Requirements (R&O 07-20, Appendix A).
16. Maintenance and monitoring requirements shall comply with R&O 07-20, Section 2.11.2. If at any time during the warranty period the landscaping falls below the 80% survival level, the owner shall reinstall all deficient planting at the next appropriate planting opportunity and the two year maintenance period shall begin again from the date of replanting.
17. Performance assurances for the Vegetated Corridor shall comply with R&O 07-20, Section 2.06.2, Table 2-1 and Section 2.10, Table 2-2.
18. **For any developments which create multiple parcels or lots intended for separate ownership, Clean Water Services shall require that the sensitive area and Vegetated Corridor be contained in a separate tract and subject to a "STORM SEWER, SURFACE WATER, DRAINAGE AND DETENTION EASEMENT OVER ITS ENTIRETY" to be granted to Clean Water Services.**

FINAL PLANS

19. Final construction plans shall include landscape plans. In the details section of the plans, a description of the methods for removal and control of exotic species, location, distribution, condition and size of plantings, existing plants and trees to be preserved, and installation methods for plant materials is required. Plantings shall be tagged for dormant season identification and shall remain on plant material after planting for monitoring purposes.
20. A Maintenance Plan shall be included on final plans including methods, responsible party contact information, and dates (minimum two times per year, by June 1 and September 30).
21. Final construction plans shall clearly depict the location and dimensions of the sensitive area and the Vegetated Corridor (indicating good, marginal, or degraded condition). Sensitive area boundaries shall be marked in the field.
22. Protection of the Vegetated Corridors and associated sensitive areas shall be provided by the installation of permanent fencing and signage between the development and the outer limits of the Vegetated Corridors. Fencing and signage details to be included on final construction plans.

This Service Provider Letter is not valid unless CWS-approved site plan is attached.

Please call (503) 681-3653 with any questions.



**Amber Wierck
Environmental Plan Review**

Attachments (2)

Sensitive Areas Certification Form

Property Owner

Name

James Claus

Address

22211 SW Pacific Highway

City/State/Zip

Sherwood, Oregon 97140

Telephone

503-625-5265

Fax

503-625-6061

E-mail

ClausSL@aol.com

Applicant

Name

Same

Address

City/State/Zip

Telephone

Fax

E-mail

Project Location

Street, road, or other descriptive location

Northwest of Pacific Highway

Legal Description:

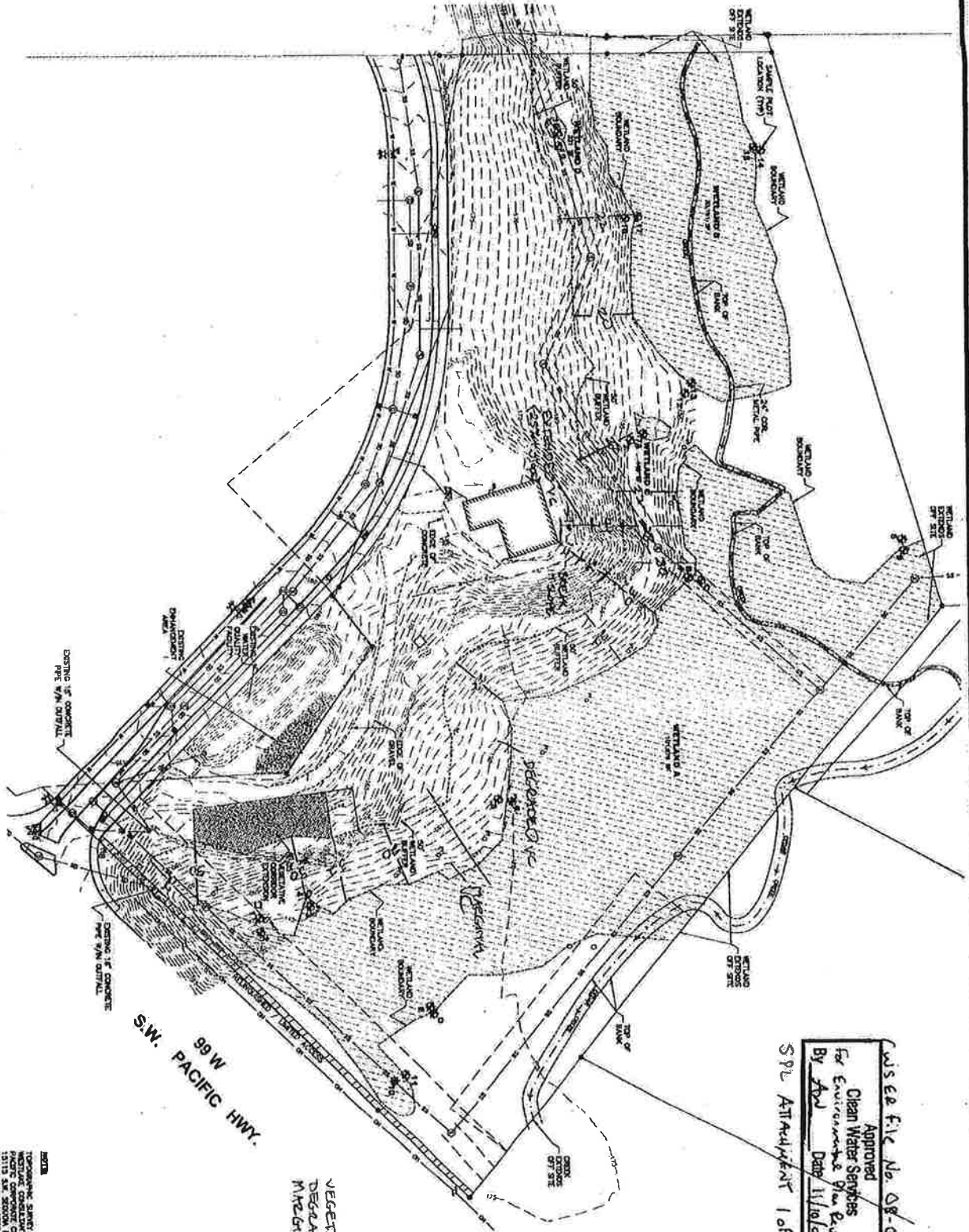
Quarter SE	Section 30	Township 2S	Range 1W
In or near (city or town) Sherwood	County Washington	Tax Map # 2S 1 30D	Tax Lot #1000 1001, 1002
Waterway Cedar Creek	River Mile 1.63	Latitude 45 21.858'N	Longitude 122 51.236'W

Adjacent Property Information:

Street, road, or other descriptive location

Legal Description:

Quarter	Section	Township	Range
In or near (city or town)	County	Tax Map #	Tax Lot #
Waterway	River Mile	Latitude	Longitude



CUISER FILE NO. 08-0030912
 Approved
 Clean Water Services
 For Environmental Plan Review
 By *AW* Date 11/10/08
 SPL ATTACHMENT 1 of 2

S.W. PACIFIC HWY.
 99 W

VEGETATIVE CORRIDOR
 DEGRADED W/500 SF
 W/1600 SF

NOTES:
 1. TOPOGRAPHIC SURVEY DATA PROVIDED BY
 MCKENZIE CONSULTING ENGINEERS
 13117 S.W. 200TH AVENUE, SUITE 100
 TIGARD, OREGON 97146



2 3		NOT FOR CONSTRUCTION	TENNESSEON ENGINEERING CORP. CONSULTING ENGINEERS 409 LINCOLN STREET THE DALLES, OREGON 97056 PH. 541-298-9177 FAX 541-298-6657	WETLAND BUFFER MAP FOR JIM CLAUSE SUBDIVISION SHERWOOD OREGON WASHINGTON COUNTY, OREGON	Design: DESIGN Survey: SURVEY
					Date: 10/14/2008 Work Order No. WORKORDER

CWS ER File No. 08-003092
 Approved
 Clean Water Services
 For Environmental Plan Review
 By AW Date 11/10/09
 S/L ATTACHMENT 2 of 2

Survey	SURVEY
Design	DESIGN
Drawn	DRAWN
Scale	1" = 100'

DEVELOPMENT MAP
 FOR
 JIM CLAUSE SUBDIVISION
 SHERWOOD OREGON
 WASHINGTON COUNTY, OREGON

TENNISON ENGINEERING CORP.
 CONSULTING ENGINEERS
 409 LINCOLN STREET
 THE DALLES, OREGON 97006
 PH. 841-200-9177 FAX 541-298-6657

NOT FOR CONSTRUCTION



DEVELOPMENT

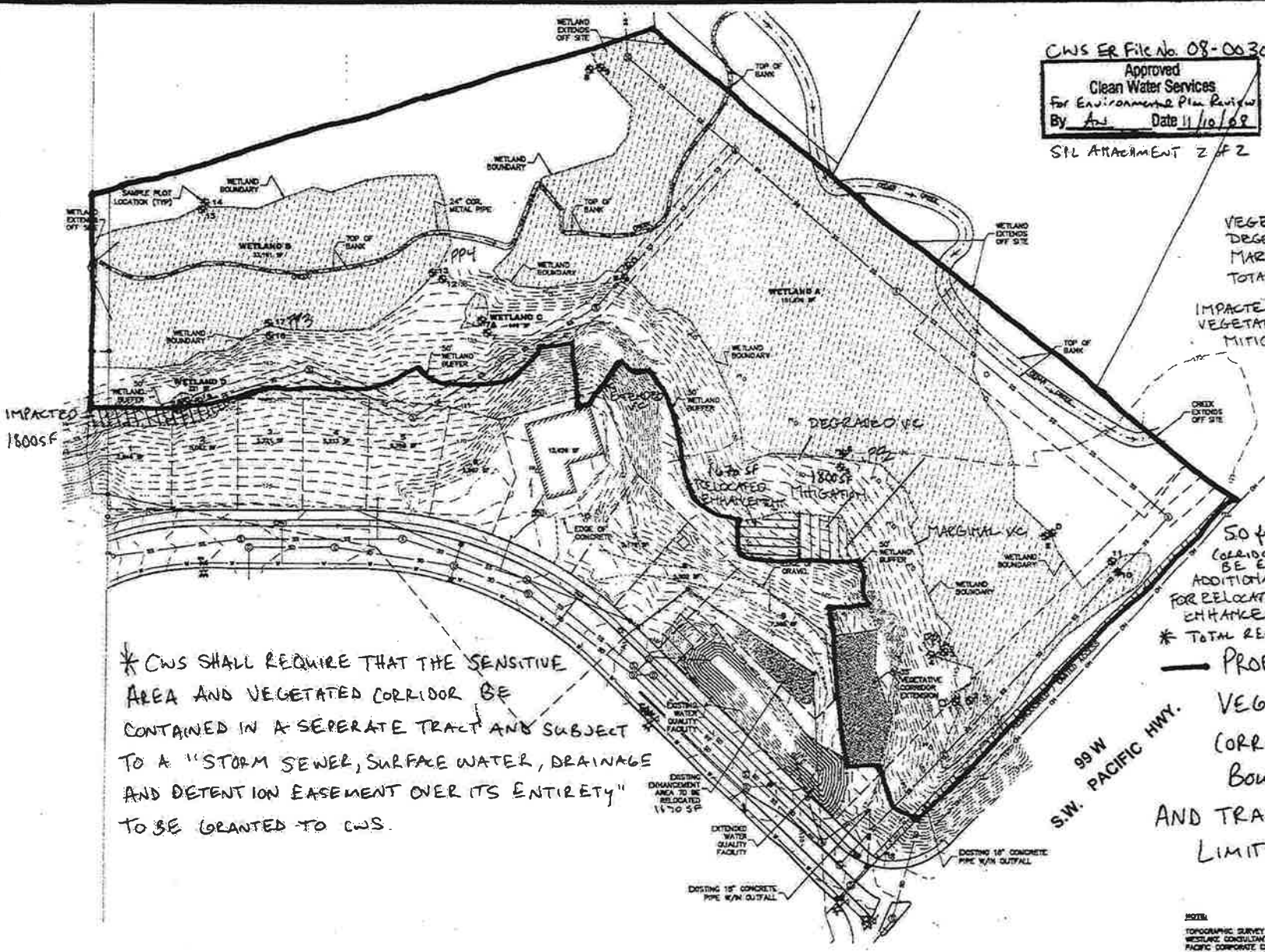
SHEET
3 3

Work Order No.
 13028

VEGETATIVE CORRIDOR
 DEGRADED 43,050 SF
 MARGINAL 17,260 SF
 TOTAL VC 60310 SF
 IMPACTED WITH DEGRADED
 VEGETATIVE CORRIDOR 1800 SF
 MITIGATION FOR IMPACTS
 1800 SF

50 FT VEGETATED
 CORRIDOR REQUIRED TO
 BE ENHANCED = 55,550 SF
 ADDITIONAL ENHANCEMENT
 FOR RELOCATED EXISTING
 ENHANCEMENT OF 1670 SF
 * TOTAL REQ ENHANCEMENT
 PROPOSED = 57,220 SF
 VEGETATED
 CORRIDOR
 BOUNDARY
 AND TRACT
 LIMITS

* CWS SHALL REQUIRE THAT THE SENSITIVE
 AREA AND VEGETATED CORRIDOR BE
 CONTAINED IN A SEPERATE TRACT AND SUBJECT
 TO A "STORM SEWER, SURFACE WATER, DRAINAGE
 AND DETENTION EASEMENT OVER ITS ENTIRETY"
 TO BE GRANTED TO CWS.



NOTE:
 TOPOGRAPHIC SURVEY DATA PROVIDED BY
 WESTLAND CONSULTANTS, INC.
 PACIFIC CORPORATE CENTER
 13115 S.W. SEDGUNA PARKWAY, SUITE 100
 TIGARD OREGON 97224

20
11
37

Washington County, Oregon 2006-118570
10/04/2006 03:04:17 PM
D-DBS Cnt=1 Stn=8 C PFEIFER
\$20.00 \$6.00 \$11.00 - Total = \$37.00



01019470200801185700040046

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard W. Hobernicht, Director of Assessment and Taxation, Ex-Officio County Clerk



AFTER RECORDING RETURN TO:

Michael G. Gunn
Attorney at Law
PO Box 1046
Newberg, OR 97132

SEND ALL TAX STATEMENTS TO:

No Change

BARGAIN AND SALE DEED
Statutory Form

KNOW ALL MEN BY THESE PRESENTS, Robert James Claus and Susan L. Claus, husband and wife, as Grantors, convey to Robert James Claus and Susan L. Claus, husband and wife, as Grantees, all of the Grantors' interest in the following described real property situated in Washington County, Oregon:

See attached Exhibit "A" for legal description

To have and to hold the same unto Grantee and Grantee's heirs, successors, and assigns forever.

The true consideration for this conveyance is Requirement by WA County to record deed setting forth legal description of remaining property retained by Grantor/Grantee after lot line adjustment deed from Grantor to Woodhaven Crossing II LLC recorded immediately before this recording.

This conveyance only acts as an adjustment of a common boundary regarding a lot line adjustment and does not create any additional parcels or tax accounts.

Dated this 25 day of September, 2006.

Robert James Claus
Grantor

Susan L. Claus
Grantor

Robert James Claus
Grantee

Susan L. Claus
Grantee

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

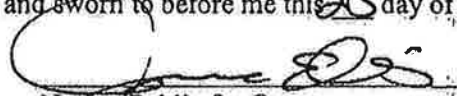
1 BARGAIN AND SALE DEED

FATC J. NO. 795660-LT

STATE OF OREGON)
)ss
County of Washington)

Personally appeared before me the above-named Robert James Claus and Susan L. Claus who acknowledged execution of the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 25 day of Sept, 2006.


Notary Public for Oregon
My Commission Expires 12-6-06

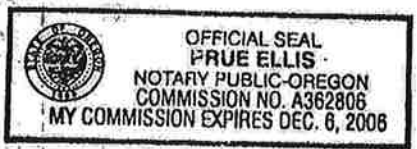


EXHIBIT "A" Page 1 of 2

Real property in the County of Washington, State of Oregon, described as follows:

A tract of land in the Southeast quarter of Section 30, Township 2 South, Range 1 West, of the Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon, being more particularly described as follows:

Beginning at a point of intersection of the Westerly line of that certain tract of land as described in Deed to Lloyd McFall, et ux, recorded in Book 372, Page 240 of the Washington County, Oregon Deed Records and the Northwestern right of way of State Highway 99W as relocated, being a point on a 14,253.94 foot radius curve to the left, the radius point of which bears Northwesternly and running thence, along said Northwesternly right of way on the arc of said curve (the long chord of which bears North 44°48'58" East 71.50 feet) 71.50 feet; thence North 44°40'21" East a distance of 115.50 feet; thence North 44°13'29" East, a distance of 283.77 feet; thence North 44°05'15" East a distance of 407.90 feet to a point that bears South 44°05'15" West a distance of 4.70 feet from the P.T. at Engineer's Centerline Station No. 433+03.26 and the true point of beginning; thence North 02°48'45" West a distance of 232.59 feet; thence North 55°20'24" West a distance of 128.85 feet; thence South 52°58'20" West a distance of 63.18 feet; thence South 46°24'35" West a distance of 118.52 feet; thence North 39°30'14" West a distance of 200.89 feet; thence North 79°11'21" West a distance of 126.13 feet; thence North 80°40'28" West a distance of 114.15 feet to a point on the Westerly line of said McFall Tract; thence along said Westerly line North 00°15'54" West to the Northwest corner of that tract conveyed to N.T. Andrews, et ux, by Deed recorded December 8, 1920 in Book 120, Page 21; thence Northeasterly along the Northerly line of said Andrews Tract 467.0 feet, more or less, to the most Northerly corner of said Andrews Tract; thence South 50°51' East, a distance of 665 feet, more or less, to a point that is 70 feet Northwesternly of the center line of the Southbound lane of the Pacific Highway West as said highway has been relocated which centerline is described in said McFall Deed; thence on a line which is parallel to and 70 feet Northwesternly of said centerline as described in McFall Deed, Southwesterly to the true point of beginning.

Excepting therefrom the following:

Beginning at a 5/8 inch iron rod located at the most Northerly corner of that property described in Fee No. 90-31406, Deed Records, in the City of Sherwood, County of Washington and State of Oregon, said point being located on the Northerly right-of-way of State Highway 99W and being 70.00 feet distant when measured at right angles from the centerline at Engineer's Station 432 + 89.35, and being in the Southeast quarter of the Southwest quarter of Section 30, Township 1 South, Range 1 West, of the Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon; thence North 02°47'15" West 205.10 feet to a 5/8 inch iron rod; thence North 55°19'36" West 128.82 feet to a 5/8 inch iron rod; thence South 53°01'19" West 63.18 feet to a 5/8 inch iron rod; thence South 46°24'22" West 91.80 feet; thence North 33°28'56" West 235.21 feet; thence North 55°46'10" East 122.97 feet; thence North 71°35'20" East 89.69 feet; thence South 10°57'39" East 169.59 feet; thence South 74°53'23" East 94.22 feet; thence South 57°38'46" East 45.15 feet; thence South 44°48'52" East 21.90 feet; thence South 24°11'55" East 40.61 feet; thence South 02°47'15" East 175.96 feet to a point on said Northerly right-of-way 70.00 feet when measured at right angles from the centerline thereof, said point being on a spiral curve; thence along said Northerly right-of-way and spiral curve (the chord of which bears South 44°05'35" West 37.54 feet to the point of beginning.

Excepting therefrom the following: Legal description set forth on Page 2.

EXHIBIT "A" Page 2 of 2

Real property in the County of Washington, State of Oregon, described as follows:

Two tracts of land in the Southeast quarter of Section 30, Township 2 South, Range 1 West, of the Willamette Meridian; in the City of Sherwood, County of Washington and State of Oregon, being more particularly described as follows:

PARCEL I:

Beginning at a point in the Northerly line of that parcel of land as described in Document Number 97-117980, Washington County Deed Records, which bears North $00^{\circ}03'20''$ East, 1011.91 feet and South $78^{\circ}35'19''$ East, 63.79 feet from the Southwest corner of that parcel as described in said Document Number 98-053733; thence, leaving the Northerly line of Document Number 97117980, East 147.86 feet to the beginning of a 332.00 foot radius curve right; thence along the arc of said curve, through a central angle of $09^{\circ}43'13''$ an arc length of 56.32 feet (chord bears South $85^{\circ}08'24''$ East, 56.26 feet) to a point on the most Northerly Westerly line of that parcel of land described by exception in said Document Number 98-053733, Washington County Deed Records; thence along said Northerly Westerly line South $33^{\circ}28'56''$ East, 196.47 feet to the most Northerly Southwest corner of said property as described by exception in Document Number 98053733, said point being further described as a point on the Northerly line of said property as described in Document Number 97-117980; thence tracing said Northerly line South $46^{\circ}24'22''$ West, 26.81 feet; thence continuing along said Northerly line North $39^{\circ}28'53''$ West, 201.01 feet; thence continuing along said Northerly line North $79^{\circ}11'12''$ West 126.12; thence continuing along said Northerly line North $78^{\circ}35'19''$ West 42.03 feet to the Point of Beginning.

PARCEL II:

Beginning at the Southeasterly corner of said property created by exception in Document Number 98-053733; thence tracing the Easterly line of said property North $02^{\circ}47'15''$ West, 38.69 feet; thence leaving said Easterly line South $45^{\circ}38'33''$ East, 28.25 feet to a point on the Northwesterly right of way line of State Highway 99 West; thence along said right of way line and along the arc of a 70.00 foot offset spiral curve an arc distance of 26.32 feet (the chord of which bears South $44^{\circ}05'58''$ West, 26.32 feet) to the point of beginning.

Tax Parcel Number: R2079740

Washington County, Oregon 2006-118572
10/04/2008 03:04:17 PM
D-DW Cnt=1 SIn=8 C PFEIFER
\$25.00 \$6.00 \$11.00 \$368.00 - Total = \$410.00



Richard W. Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.
Richard W. Hobernicht
Richard W. Hobernicht, Director of Assessment and Taxation, Ex-Officio County Clerk



WASHINGTON COUNTY
REAL PROPERTY TRANSFER TAX
\$368.00 10/4/06
FEE PAID DATE



AFTER RECORDING RETURN TO:

Michael G. Gunn
Attorney at Law
PO Box 1046
Newberg, OR 97132

SEND ALL TAX STATEMENTS TO:

Mr. and Ms. R. James Claus
22211 SW Pacific Hwy
Sherwood, OR 97140

WARRANTY DEED

KNOW ALL BY THESE PRESENTS that Lloyd W. McFall and Irene K. McFall also known of record as Lloyd William McFall and Irene Katherine McFall, husband and wife, hereinafter called grantors, for the consideration hereinafter stated, to grantors paid by Robert James Claus and Susan L. Claus, husband and wife, hereinafter called grantees, do hereby grant, bargain, sell and convey unto the grantees and grantees' heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Washington County, State of Oregon, described as follows, to-wit:

See attached Exhibit "A"

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

And grantors hereby covenant to and with grantees and grantees' heirs, successors and assigns, that grantors are lawfully seized in fee simple of the above granted premises, free from all encumbrances except (if no exceptions, so state): See attached Exhibit "B" for list of encumbrances,

and that grantors will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$367,504.87 as paid by a qualified accommodator pursuant to an IRC #1031 tax deferred exchange. However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the (indicate which) consideration.

This conveyance is subject to a life estate in favor of Grantors pursuant to the terms and conditions set forth on attached Exhibit "C"

25
11
6
42
308

FATCO. NO. 654246-LT

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In witness whereof, the grantor has executed this instrument on OCTOBER 3, 2006; if grantor is a corporation, it caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated this 3 day of October, 2006.

<i>Lloyd W McFall</i>	<i>Irene K McFall</i>
Lloyd W. McFall	Irene K. McFall
Aka Lloyd William McFall	Aka Irene Katherine McFall
Grantor	Grantor

STATE OF OREGON:)
)ss
 County of Washington)

Personally appeared before me the above-named Lloyd W. McFall aka Lloyd William McFall and Irene K. McFall aka Irene Katherine McFall who acknowledged execution of the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 3 day of October, 2006.

Prue Ellis
 Notary Public for Oregon
 My Commission Expires 12-6-06

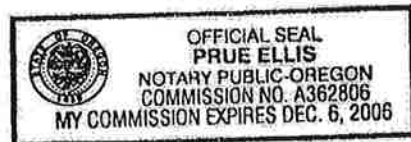


Exhibit "A"

Real property in the County of Washington, State of Oregon, described as follows:

Beginning at a 5/8 inch iron rod located at the most Northerly corner of that property described in Fee No. 90-31406, Deed Records, in the City of Sherwood, County of Washington and State of Oregon, said point being located on the Northerly right-of-way of State Highway 99W and being 70.00 feet distant when measured at right angles from the centerline at Engineer's Station 432+89.35, and being in the Southeast quarter of the Southwest quarter of Section 30, Township 1 South, Range 1 West, of the Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon; thence North 02°47'15" West 205.10 feet to a 5/8 inch iron rod; thence North 55°19'36" West 128.82 feet to a 5/8 inch iron rod; thence South 53°01'19" West 63.18 feet to a 5/8 inch iron rod; thence South 46°24'22" West 91.80 feet; thence North 33°28'56" West 235.21 feet; thence North 55°46'10" East 122.97 feet; thence North 71°35'20" East 89.69 feet; thence South 10°57'39" East 169.59 feet; thence South 74°53'23" East 94.22 feet; thence South 57°38'46" East 45.15 feet; thence South 44°48'52" East 21.90 feet; thence South 24°11'55" East 40.61 feet; thence South 02°47'15" East 175.96 feet to a point on said Northerly right-of-way 70.00 feet when measured at right angles from the centerline thereof, said point being on a spiral curve; thence along said Northerly right-of-way and spiral curve (the chord of which bears South 44°05'35" West 37.54 feet to the point of beginning.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TWO PARCELS:

PARCEL I: Beginning at the most Northerly Southwest corner of said parcel as created by exception; thence tracing the most Northerly Southerly line of said parcel North 33°28'56" West 196.47 feet; thence leaving said Southerly line and along the arc of a 332.00 foot radius non-tangent curve to the right (radius point bears South 09°43'13" West), through a central angle of 34°38'14", an arc distance of 200.71 feet (chord bears South 62°57'40" East, 197.66 feet); thence South 45°38'33" East, 7.94 feet to a point on the most Northerly Southerly line of said parcel; thence tracing said Southerly line South 53°01'19" West, 8.58 feet; thence continuing along said Southerly line South 46°24'22" West, 91.80 feet to the Point of Beginning.

PARCEL II: Beginning at the Southwesterly corner of said parcel described by exception in Document No. 98-053733; thence tracing the Westerly line of said property North 02°47'15" West, 93.89 feet; thence leaving Westerly line South 45°38'33" East, 40.57 feet to a point on the most Easterly line of said parcel; thence tracing said Easterly South 02°30'17" East, 38.48 feet to a point on the Northwesterly right-of-way line of State Highway 99 West; thence along said right-of-way line and along the arc of a 70.00 foot offset spiral curve to the left an arc distance of 37.55 feet (the chord of which bears South 44°04'59" West, 37.55 feet) the Point of Beginning.

Tax Parcel Number: R0548848

- 3. Statutory powers and assessments of Clean Water Services.
- 4. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
- 5. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of unnamed.
- 6. Limited access provisions contained in Deed from the State of Oregon, by and through State Highway Commission recorded August 8, 1955 in Book 372, Page 240 Deed of Records, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.

Modification and/or amendment by instrument:

Recording Information: October 20, 1977 in Book 1209, Page 753

- 7. Relinquishment of Access as contained in Deed/Suit No. in the Circuit Court/Superior Court, Washington County.

Recorded: August 8, 1955
 Recording No.: Book 372, Page 240
 From: State of Oregon, by and through its State Highway Commission
 To: Lloyd William McFall and Irene Katherine McFall, husband and wife

Modification and/or amendment by instrument:

Recording Information: October 20, 1977 in Book 1209, Page 753

- 8. An easement reserved in a deed, including the terms and provisions thereof;
 Recorded: August 8, 1955 in Book 372, Page 240
 From: State of Oregon, by and through its State Highway Commission
 To: Lloyd William McFall and Irene Katherine McFall, husband and wife
 For: Construct, operate and maintain a channel change to carry the waters of Cedar Creek

- 9. Easement, including terms and provisions contained therein:
 Recording Information: September 15, 1986 as Fee No. 86041530
 In Favor of: City of Sherwood, Oregon, a municipal corporation
 For: Sanitary sewer
 Affects: See recorded document for exact location



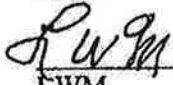

- 10. Easement, including terms and provisions contained therein:
 Recording Information: September 15, 1986 as Fee No. 86041531
 In Favor of: City of Sherwood, Oregon, a municipal corporation
 For: Sanitary sewer
 Affects: See recorded document for exact location

EXHIBIT "C" - TERMS AND CONDITIONS OF LIFE ESTATE

Grantors and Grantees agree that the said life estate in favor of Grantors shall terminate upon the occurrence of the following:

- 1). If either of the Grantors die during the time period of five (5) years from the date of execution by Grantors of this said Warranty Deed, the life estate terminates upon the earlier of five (5) years from the date of execution or the death of the second Grantor.
- 2). If neither of the Grantors die during the time period of five (5) years from the date of execution of this said Warranty Deed, the life estate terminates upon the death of the first Grantor.
- 3). Notwithstanding both paragraphs 1) and 2) set forth above, if both Grantors do not reside at the real said property for a period of at least three (3) consecutive months, the life estate terminates upon the expiration of the said three (3) consecutive month time period.

Grantors and Grantee further agree that the remaining terms and conditions of the said life estate are set forth in a separate document executed by both Grantors and Grantees in an earnest money agreement dated March 20, 2006.

 _____ RJC	 _____ SLC
 _____ LWM	 _____ IKM

80
5
112

Washington County, Oregon 2008-031882
04/09/2008 10:53:20 AM
D-088 Cite#1 Btm#7 K GRUNEWALD
\$20.00 \$5.00 \$11.00 - Total = \$36.00



01237422200800318820040044

I, Richard Hobemicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobemicht, Director of Assessment and Taxation, Ex-Officio County Clerk



After Recording Please
Return To:
Robert J. Claus and Susan L. Claus
22211 SW Pacific Hwy
Sherwood, OR 97140

Send Tax Statement To:
Same as above

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS Lloyd W. McFall and Irene K. McFall, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Robert James Claus AKA R James Claus and Susan L. Claus, as tenants by the entirety, hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the City of Sherwood, County of Washington and State of Oregon, described as follows, to-wit:

SEE EXHIBITS "A" AND "B" ATTACHED

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$ 0.

However the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 7th day of APRIL, 2008; if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

LAWYERS OF AS 92 117

RECORDED BY LAWYERS TITLE INS. CORP. AS AN ACCOMMODATION ONLY. NO LIABILITY IS ACCEPTED FOR THE CONDITION OF TITLE OR FOR THE VALIDITY, SUFFICIENCY, OR EFFECT OF THIS DOCUMENT.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007.

x Lloyd W. McFall x Irene K. McFall
Lloyd W. McFall Irene K. McFall

STATE OF OREGON)ss.
County of WASHINGTON)

The foregoing instrument was acknowledged before me on this 7th day of APRIL, 2008 by Lloyd W. McFall.

Frank W Lambert
Notary for Oregon
My commission expires: 3-13-12



STATE OF OREGON)ss.
County of WASHINGTON)

The foregoing instrument was acknowledged before me on this 7th day of APRIL, 2008 by Irene K. McFall.

Frank W Lambert
Notary for Oregon
My commission expires: 3-13-12





EXHIBIT "A"
LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN SECTION 30, T. 2 S., R. 1 W., W.M., WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD AT THE MOST NORTHERLY CORNER OF THAT TRACT OF LAND SURVEYED BY SURVEY NUMBER 27319, WASHINGTON COUNTY SURVEY RECORDS (SAID ROD IS FURTHER IDENTIFIED ON SAID SURVEY NUMBER 27319 AS BEING A "FOUND 5/8 INCH IRON ROD PER CARLILE SURVEY DATED MARCH, 1975"); THENCE ALONG A NORTHWESTERLY PROJECTION OF THE NORTHEASTERLY LINE OF SAID TRACT OF LAND SURVEYED BY SURVEY NUMBER 27319, WASHINGTON COUNTY SURVEY RECORDS, NORTH 50°51'54" WEST 65.79 FEET TO AN EXISTING WIRE FENCE LINE; THENCE ALONG SAID WIRE FENCE LINE THE FOLLOWING SIX (6) COURSES:

- 1) SOUTH 64°43'49" WEST 44.18 FEET;
- 2) THENCE SOUTH 65°38'55" WEST 51.28 FEET;
- 3) THENCE SOUTH 66°12'31" WEST 47.93 FEET;
- 4) THENCE SOUTH 67°20'16" WEST 137.13 FEET;
- 5) THENCE SOUTH 68°55'33" WEST 112.90 FEET;
- 6) THENCE SOUTH 68°38'14" WEST 48.33 FEET TO A POINT ON THE NORTHERLY LINE OF THE AFOREMENTIONED TRACT OF LAND SURVEYED BY SURVEY NUMBER 27319, WASHINGTON COUNTY SURVEY RECORDS, WHICH IS LOCATED NORTH 73°49'37" EAST 5.93 FEET FROM A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "AKS ENGR.,"

THENCE ALONG SAID NORTHERLY LINE NORTH 73°49'37" EAST 475.79 FEET TO THE POINT OF BEGINNING.

CONTAINS 12020 SQUARE FEET.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAMINCK
1634

Don Devlaminck 1/2/03

DATE of Renewal 12/31/03



FOUND 5/8" IRON ROD WITH
YELLOW PLASTIC CAP STAMPED
"ALPHA ENGR. INC."

FOUND 5/8" IRON ROD WITH
YELLOW PLASTIC CAP STAMPED
"AKS ENGR"

N00°03'37"E 137.63'

N73°49'37"E
6.93'

S65°58'14"W
25.32'

S65°58'14"W
112.50'

EXISTING WIRE
FENCE LINE

S72°01'0"W
137.15'

S61°12'11"W
35.17'

S61°12'11"W
35.17'

S61°12'11"W
35.17'

S61°12'11"W
35.17'

S61°12'11"W
35.17'

S61°12'11"W
35.17'

S61°12'11"W
35.17'

S61°12'11"W
35.17'



Scale: 1" = 50'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Don DeVlaeminck

OREGON
JULY 14, 1978
DON DEVLAMINCK
1834

DATE OF SIGNATURE: 12/03
DATE OF RENEWAL: 12/31/03

POINT OF BEGINNING

FOUND 5/8" IRON ROD AT MOST NORTHERLY
CORNER OF THAT TRACT OF LAND SURVEYED
BY SURVEY NUMBER 27319, WASHINGTON
COUNTY SURVEY RECORDS. (THIS MONUMENT
IS IDENTIFIED ON SURVEY NUMBER 27319 AS
A "FOUND 5/8" IRON ROD PER CARLILE SURVEY
DATED MARCH, 1976")

NORTHEASTERLY LINE OF TRACT
OF LAND SURVEYED BY SURVEY
NUMBER 27319, WASHINGTON COUNTY
SURVEY RECORDS.

EXHIBIT "B"

COMPASS ENGINEERING

ENGINEERING SURVEYING PLANNING

8564 S.E. LAKE ROAD (PH) 953-4083 PHONE
MELNBURK, OREGON 97222 WWW.COMPASS-ENGINEERING.COM

MAP OF PROPERTY
SITUATED IN SECTION 30, T2S, R1W, W.M.
WASHINGTON COUNTY, OREGON

COPY SMALLER THAN ORIGINALS



Oregon

Theodore R. Kulongoski, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregonstatelands.us.

November 4, 2008

State Land Board

James Claus
22211 SW Pacific Highway
Sherwood, Oregon 97140

Theodore R. Kulongoski
Governor

Bill Bradbury
Secretary of State

Randall Edwards
State Treasurer

Re: Wetland Delineation Report for Claus subdivision, 21805 SW Pacific Highway, Sherwood, Washington County; T 2S R 1W S 30D Tax Lots 1001, 1002 and 1000 (portion); WD #08-0468; Sherwood Local Wetlands Inventory wetland C-2 and C-17

Dear Mr. Claus:

The Department of State Lands has reviewed the wetland delineation report prepared by Schott and Associates for the site referenced above. [Please note that the study area includes only a portion of the tax lot described above (please see the attached map)]. Based upon the information presented in the report, a site visit on October 24, 2008, and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in the revised wetland map of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map. Within the study area, four wetlands (Wetlands A-D) (totaling approximately 3.37 acres) and two waterways (Cedar Creek and a tributary to Cedar Creek) were identified. Wetlands A, B, and C and both waterways are subject to the permit requirements of the state Removal-Fill Law. Because Wetland D was artificially-created wetland and less than one acre in size, it is not regulated by the state per OAR 141-085-0015(7a). A state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in the wetlands or below the ordinary high water line (OHWL) of a waterway (or the 2 year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will review the report and make a determination of jurisdiction for purposes of the Clean Water Act at the time that a permit application is submitted. We recommend that you attach a copy of this concurrence letter to both copies of any subsequent joint permit application to speed application review.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

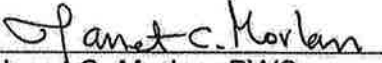


This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter, unless new information necessitates a revision. Circumstances under which the Department may change a determination and procedures for renewal of an expired determination are found in OAR 141-090-0045 (available on our web site or upon request). The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within 60 calendar days of the date of this letter.

Thank you for having the site evaluated. Please phone me at 503-986-5321 if you have any questions.

Sincerely,


Anna Buckley
Wetland Specialist

Approved by 
Janet C. Morlan, PWS
Wetlands Program Manager

Enclosures

ec: Cari Cramer, Schott and Associates
City of Sherwood Planning Department
James McMillan, Corps of Engineers, Portland office
Carrie Landrum, DSL
Damon Reische, Clean Water Services

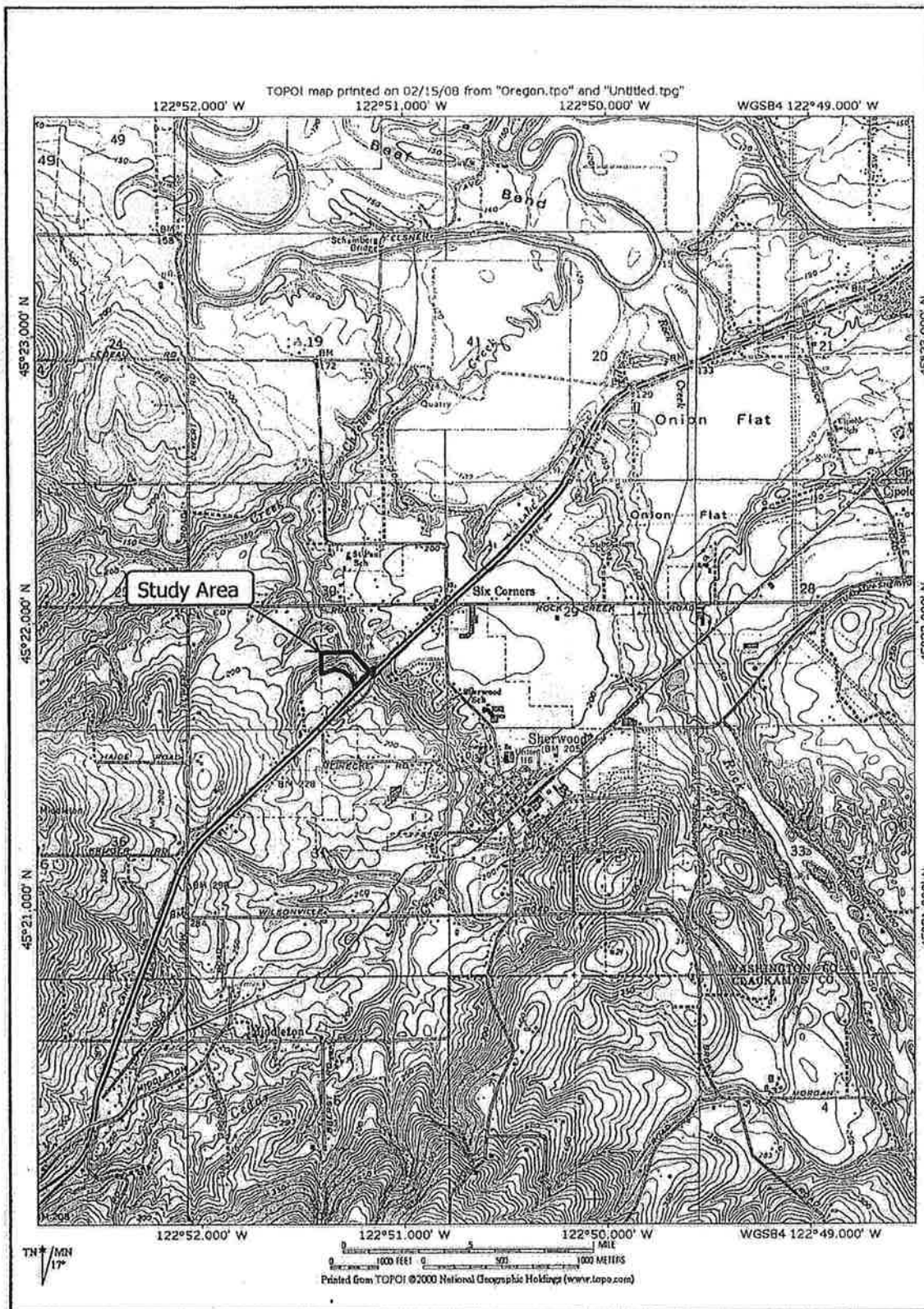


Figure 1: Location Map
Claus Subdivision
S&A # 2065

Schott & Associates
 P.O. Box 589
 Aurora, OR. 97002
 503.678.6007

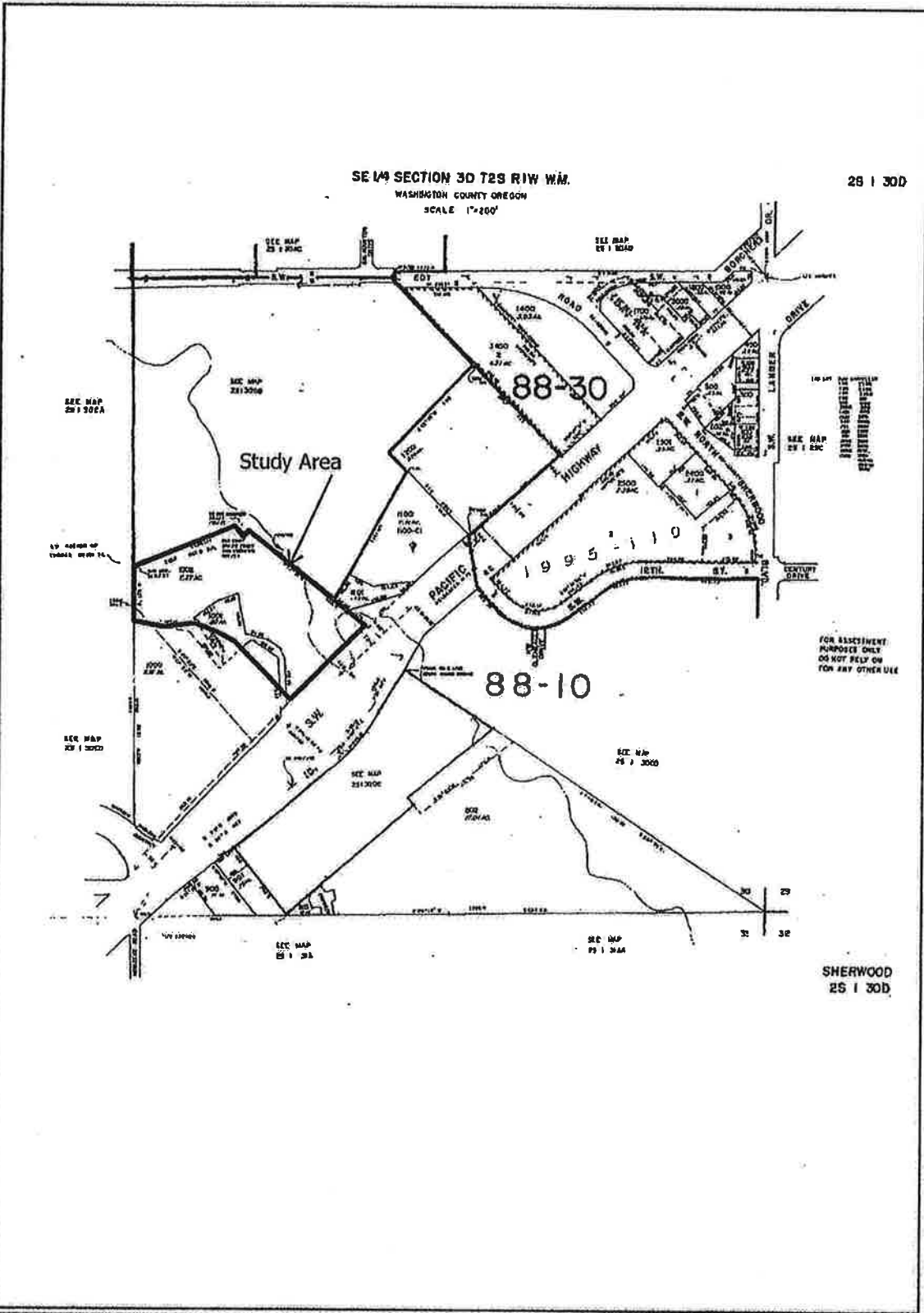
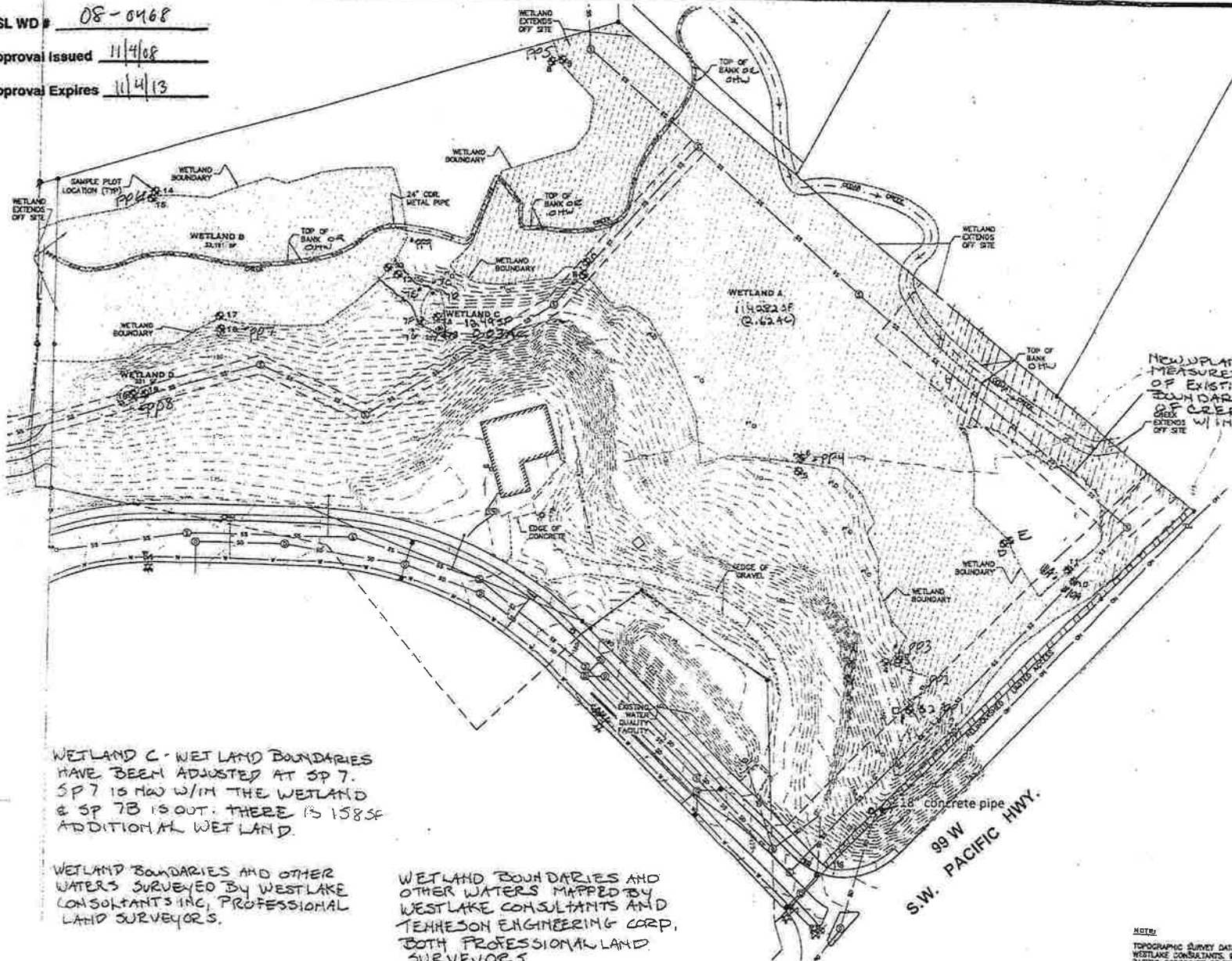


Figure 2: Tax Map
Claus Subdivision
S&A # 2065

Schott & Associates
P.O. Box 589
Aurora, OR, 97002
503.678.6007

DSL WD # 08-0468
 Approval Issued 11/4/08
 Approval Expires 11/4/13



NEW UPLAND BOUNDARY MEASURED FROM POINTS OF EXISTING FLAGGED BOUNDARIES AND POINTS OF CREEK. ACCURATE WITH 3 1/4."

WETLAND C - WETLAND BOUNDARIES HAVE BEEN ADJUSTED AT SP 7. SP 7 IS NOW WITHIN THE WETLAND & SP 7B IS OUT. THERE IS 158 SF ADDITIONAL WETLAND.

WETLAND BOUNDARIES AND OTHER WATERS SURVEYED BY WESTLAKE CONSULTANTS INC, PROFESSIONAL LAND SURVEYORS.

WETLAND BOUNDARIES AND OTHER WATERS MAPPED BY WESTLAKE CONSULTANTS AND TENNESON ENGINEERING CORP, BOTH PROFESSIONAL LAND SURVEYORS

PP=Photo Point



NOTE:
 TOPOGRAPHIC SURVEY DATA PROVIDED BY:
 WESTLAKE CONSULTANTS, INC. P.L.C.
 PACIFIC CORPORATE CENTER
 15115 S.W. 32000TH PARKWAY, SUITE 150
 TIGARD OREGON 97224

DESIGN	DESIGN	DESIGN	DESIGN
DATE: 11/4/08	DATE: 11/4/08	DATE: 11/4/08	DATE: 11/4/08
BY: KAV/SEA	BY: KAV/SEA	BY: KAV/SEA	BY: KAV/SEA
CHECKED: B/27/2008	CHECKED: B/27/2008	CHECKED: B/27/2008	CHECKED: B/27/2008
WORK ORDER NO.	WORK ORDER NO.	WORK ORDER NO.	WORK ORDER NO.
SCALE	SCALE	SCALE	SCALE
SCALE	SCALE	SCALE	SCALE

WETLAND MAP
 FOR
 JIM CLAUSE SUBDIVISION
 SHERWOOD OREGON
 WASHINGTON COUNTY, OREGON

TENNESON ENGINEERING CORP.
 CONSULTING ENGINEERS
 409 LINCOLN STREET
 THE DALLES, OREGON 97038
 PH. 841-266-9177 FAX 841-296-0657

NOT FOR CONSTRUCTION



WETLAND
 SHEET
1 3
 Work Order No. 13028

File Number

An on-site, water-quality-sensitive area reconnaissance was completed on:

Date 2/14/2008 By Cari L. Cramer

Title Wetland Scientist

Company Schott & Assoc.

A. Existence of Water-Quality-Sensitive Areas

As defined in the District's Design and Construction Standards, water-quality-sensitive areas:

do do not exist on site (check appropriate box).

do do not exist within 200' on adjacent properties, or unable to evaluate adjacent property (check appropriate box).

- If water-quality-sensitive areas exist, complete Section B below.
- If water-quality-sensitive areas do not exist, skip Section B, sign this form and submit to the District with plan approval package.

B. Types of Water-Quality-Sensitive Areas

The type(s) of water-quality-sensitive area(s) that occur on site or within 200 ft on adjacent properties are (check all that apply):

wetland(s) spring(s) intermittent stream(s) perennial stream(s) ponds

Sign this form and submit to the District with plan approval package and one (1) copy of the Natural Resources Assessment Report (information available through the District).

- The Natural Resources Assessment Report includes:
 - Wetland Delineation Report per DSL / Corps reporting requirements (if wetlands present).
 - Vegetated corridor documentation meeting the requirements of CWS Design and Construction Standards, Chapter 3 and Appendix C.

C. Area of Vegetated Corridor

Outer length of Vegetated Corridor on-site _____ 1,087 LF _____

Average width of Vegetated Corridor on-site _____ 50' _____

Total square feet of Vegetated Corridor on-site _____ 55,550 _____

By signing this form the Owner, or Owner's authorized agent or representative, acknowledges and agrees that employees of Clean Water Services have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related to the project site.

I certify that I am familiar with the information contained in this document, and to the best of my knowledge and belief, this information is true, complete, and accurate.

Applicant:

James Claus

Property owner

Print/Type Name

Print/Type Title

Signature

Date



SCHOTT & ASSOCIATES
Ecologists & Wetlands Specialists

21018 NE Hwy 99E • P.O. Box 589 • Aurora, OR 97002 • (503) 678-6007 • FAX: (503) 678-6011

COPY

SENSITIVE LANDS REPORT
FOR
CLAUS SUBDIVISION PROJECT

Prepared For:
James Claus
22211 SW Pacific Highway
Sherwood, Oregon 97140
503-625-5237

Prepared by:
Cari L Cramer

Project #: 2065
September 2008

INTRODUCTION

Site Location

The approximately 16.28 acre subject property is located northwest of SW Pacific Highway, Sherwood, Oregon (T2S R1W Sec. 30 TL# 1001, 1002 & a small portion of 1000). A prior delineation that included these tax lots was done in 2006 (#06-0016). The southeast property boundary is defined by Pacific Highway. The southwest property boundary is bordered by a new road leading into a new development to the south. The north and northeast property boundaries are partially bordered by commercial development and partially by residential development. To the west is undeveloped property. Surrounding land use is residential and commercial.

Site Description

The property sloped north, northeast from the southern property boundary approximately halfway across the property. The remainder of the site was flat. Seeps were observed at the lower end of the slope on the east portion of the property. Cedar Creek, a perennial waterway and tributary to Chicken Creek, flowed under Pacific Highway and entered the property from the northeast, flowing northwest for a short distance before leaving the property to the north. A tributary creek and a series of drain channels on the west half of the property eventually tied together and flowed to Cedar Creek.

At the time of the site visit a single family residence was located on tax lot 1001 on the southern portion of the site midway east west. The house was accessed by a concrete driveway to the south. An abandoned gravel roadway starting from the driveway extended southeast three fourths of the way to Pacific Highway before ending. Surrounding the house was a manicured lawn and ornamental shrubs and trees.

A water quality facility was located northwest of Pacific Highway adjacent to the new development road. An 18 inch concrete outlet pipe was located east of the water quality facility draining water northeast within a slight swale.

Vegetation within the sloped areas was a combination of forested area, grasses with scattered trees and large clusters of Himalayan blackberry (*Rubus discolor*). The forested area located at the east end of the slope had a canopy consisting mainly of red alder (*Alnus rubra*) and a few Oregon ash (*Fraxinus latifolia*). The understory at the very east end had recently been cleared but skunk cabbage (*Lysichiton americanum*) and Himalayan blackberry were growing back. The remaining understory consisted of clusters of horsetail (*Equisetum sp*) and sword fern (*Polystichum munitum*) bordered by Himalayan blackberry at the bottom of the slope. Toward the west end of the slope the area opened up into grasses and forbs with a scattering of trees such as English hawthorn (*Crataegus monogyna*), Douglas fir (*Pseudotsuga menziesii*) and western red cedar (*Thuja plicata*). Grasses were a mix of tall fescue (*Festuca arundinacea*), orchard grass (*Dactylis glomerata*), bentgrass (*Agrostis sp.*), slough sedge (*Carex obnupta*) and reed canary grass (*Phalaris arundinacea*) as well as a small patch of cattail (*Typha latifolia*)

northwest of the house. Portions of the slope bottom were bordered by Himalayan blackberry.

The rest of the site consisted mainly of open grass area bordered by forested area at the western half of the southern property boundary. The grasses were predominantly reed canary grass with areas of soft rush (*Juncus effusus*) and skunk cabbage. The bordering forested area consisted of a canopy of Red alder, Douglas fir and western red cedar with an understory consisting of sword fern, Himalayan blackberry, tall fescue, velvet grass (*Holcus lanatus*) and reed canary grass.

Project Objectives

The applicant proposes a subdivision with 9 lots plus one lot with an existing residence is to remain. Also proposed is to expand the water quality facility to the east and a portion of the CWS utility access road will be graveled off of the main entry road.

The purposes of this report are to determine the impacts of the proposed development within any onsite wetland buffer and assess current conditions to determine an appropriate restoration/enhancement plan for any onsite wetland vegetated corridors.

METHODS

The analysis of the sensitive areas on the project site was conducted using the Standard Site Assessment method outlined in Clean Water Services (CWS) Manual Chapter 3 and Appendix C. The analysis of wetlands conducted on the site was based on published methods for implementing Section 404 of the Clean Water Act. The Routine Onsite Determination Method (1987 manual, pp 52-69) was used to determine the wetland boundary.

SENSITIVE AREAS

A wetland delineation and sensitive lands assessment on tax lots 1001, 1002 and a portion of 1000 was completed in February 2008 by Schott and Associates. Four PEM wetlands were found on site. Wetland A, of 2.34 acres, was located south, southwest of Cedar Creek in the northeastern portion of the property. A large portion of the wetland extended all the way to Cedar Creek. The wetland ran offsite to the north and northwest. Wetland B, of 0.76 acres, was located just west of Wetland A and extended offsite to the west. Wetland B was separated from Wetland A by upland that used to be an old dam. Wetland B was an old pond that silted in and drained, breaching the old dam. A creek running through Wetland B connected to Wetland A by way of a culvert and ditching. The creek continued through Wetland A, connecting to Cedar Creek. Wetland C was a small isolated 0.01 acre wetland located just south of the upland separation between Wetland A and B. The hydrology appeared to be seepage due to excavation into the bank. Wetland C is less than an acre, manmade and isolated, therefore, not jurisdictional. Wetland D was a small, isolated, manmade pond of 0.005 acres located south of Wetland

B, near the west property boundary. Wetland D is considered non-jurisdictional as it is less than an acre, isolated and manmade within upland.

Cedar Creek, a perennial stream, entered the site from the north, near Pacific Highway, flowed northwest for a short distance and exited the site to the north. The creek continued flowing off site northwest, connecting to Chicken Creek. Cedar Creek is listed by the Stream Net website to contain anadromous fish.

A perennial creek flowed through the middle of the wetland furthest west (Wetland B). The creek was partially culverted and partially ditched through upland that previously had been an old dam, continuing through a portion of the large northern wetland at the west end and connecting to Cedar Creek to the north offsite.

Vegetated Corridor

As required by CWS regulations, a sensitive area assessment was performed for the vegetated corridor adjacent to the wetland (Tables 1-3). As required per 3.03.1c of CWS regulations, a 50 foot vegetated corridor is required. A slope analysis was done and where slopes exceeded 25%, the vegetative corridor was increased where applicable. The main vegetative community within the corridor on site was a grass field community with a few scattered trees. Within the grass field community most of the vegetated corridor consisted of non-native grasses and little or no canopy cover. The vegetated corridor was in degraded condition (Table 2 & 3). At the east end of the large wetland (Wetland A), bordering a part of the southern portion was a forested community. This portion of the vegetative corridor was in marginal condition as canopy cover was good but the percent cover of shrub and groundcover was low, The area mainly contained invasive species (Table 1).

Photo Point 1 represents the marginal vegetated corridor conditions bordering the wetlands to the north (Table 1). Photo Points 2, 3 and 4 represent the degraded vegetated corridor bordering the wetlands to the north (Table 2 & 3).

Table 1: Photo Point 1 Vegetated Corridor Plant Cover Data

Scientific Name	Common Name	Layer	% Cover
<i>Alnus rubra</i>	Red alder	Tree	55
<i>Rubus discolor</i>	Himalayan blackberry	Shrub/invasive	80
<i>Polystichum munitum</i>	Sword fern	Forb	10
<i>Equisetum arvense</i>	Horsetail	Forb	10
% cover by natives			75%
% tree canopy			55%
% invasive/noxious			80%
Corridor conditions			Marginal

Table 2: Photo Point 2 Vegetated Corridor Plant Cover Data

Scientific Name	Common Name	Layer	% Cover
Agrostis sp	Bent grass	Grass	20%
Festuca arundinacea	Tall fescue	Grass	30%
Phalaris arundinacea	Reed canary grass	Grass	20%
Dactylis glomerata	Orchard grass	Grass	10%
Carex obnupta	Slough sedge	Grass	20%
Fraxinus latifolia	Oregon ash	Tree	20%
Crataegus monogyna	English hawthorn	Tree	5%
% cover by natives			40%
% tree canopy			25%
% invasive/noxious			20%
Corridor condition			Degraded

Table 3: Photo Point 3 and 4 Vegetated Corridor Plant Cover Data

Scientific Name	Common Name	Layer	% Cover
Holcus lanatus	Velvet grass	Grass	25
Phalaris arundinacea	Reed canary grass	Grass	15
Festuca arundinacea	Tall fescue	Grass	15
Rubus discolor	Himalayan blackberry	Shrub/invasive	50
% cover by natives			0%
% tree canopy			0%
% invasive/noxious			65%
Corridor conditions			Degraded

Sensitive Areas Requirements and Conditions

As per 3.03.1c and Table 3-1 the onsite vegetated corridors shall extend 50 feet from the delineated wetland boundary. The topography on site was north sloping to flat. A slope analysis was done as portions of the slope exceeded 25%. At the southwest end of the large wetland (Wetland A) where the slopes exceeded 25%, slope percents were calculated in 25 foot increments. At the break in slope an additional 35 feet of vegetative corridor was added. The entire 35 feet is within an existing lot. A portion of the extended vegetative corridor is within an established fully landscaped portion of the property and the rest is within the location of the house. Therefore, vegetative corridor measurements include only up to the break in slope. Slopes that exceeded 25% slope at the east end of the large wetland were due to the presence of stacked boulders directly below a CWS utility access road. The stacked boulders are causing the slope to exceed 25% and the CWS road directly above it must remain for sewer line access. Additional vegetative corridor is not required here.

According to CWS regulations vegetated corridors for onsite wetlands that are degraded or marginal require enhancement to bring to "Good" corridor conditions. Removal of invasive species is required for the vegetated corridor followed by replacement of native

species per CWS standards. Within the degraded areas there are minimal to no trees and shrubs. Within the marginal area there are few shrubs. Further enhancement is required. Native plants will be installed per CWS standards within the first 50 feet.

IMPACTS

Impacts to Sensitive Areas

There will be impacts to one sensitive area, a 221 square feet, manmade pond with wetland fringe. The pond/wetland was manmade within upland and less than 1 acre, therefore, not DSL jurisdictional. There will be no other impacts to wetland areas.

Impacts to the Vegetated Corridor

The proposed development consists of a subdivision with nine new buildable lots and one lot which has an existing residence on it. Lots 1 and 2 at the west end of the proposed development will impact the vegetated corridor. The vegetated corridor is in degraded condition here and encroachments do not exceed 30% of the depth or 40% of the width. The maximum encroachment is 30% of the depth across lot 1 and part of lot 2. Only 14% of the length of the vegetated corridor is impacted.

The required vegetative buffer is 50 feet wide plus additional, when applicable, where the slope easement exceeded 25%. The total buffer length of the southern buffer edge is 1,087 lineal feet. The total square footage of buffer is 55,550. Total impact area is 1,800 sf. As per 3.07.3 Alternative Analysis, A Tier 1 Alternative Analysis is required.

Per CWS requirements, the area of permanent impacts must be mitigated at a 1:1 ratio and incorporated into the remaining vegetated corridor. 1,800 sq ft (0.04 acre) of degraded vegetated corridor is required to be mitigated.

Tier 1 Alternative Analysis

Clean Water Services requires a Tier 1 Analysis because in proposing to construct lots 1 and 2 approximately 30 percent of the vegetative corridor depth will be impacted and less than 14 percent of with length of the southern vegetative corridor boundary.

The preferred plan- The preferred plan is to develop a 10 lot subdivision which includes the existing house. The proposed lots 1 and 2 will impact 1,800 square feet of the vegetative corridor which is approximate 30% of the depth and 14% of the length. The lot encroachment into the vegetative corridor is unavoidable because of minimum lot size requirements set forth by the City of Sherwood. Minimum lot size is 5,000 sf. The lots cannot be made to be any smaller in size or they will not be functional to build on. The depth would be too short. The only alternative to impacting the depth of the vegetative corridor for the construction of lots 1 and 2 is to eliminate them. This is not financially feasible. They were already adjusted so as to impact as minimal area as possible but still allow for minimal lot size to build on. The public benefit of this plan is that the

developer will donate all of the undeveloped land to the City of Sherwood for a nature park.

Alternative one- Alternative plan one had lot depths of 95 feet causing an encroachment of 24 feet depth or 48 percent of the buffer width across lot 1 and part of lot 2. There would have been impacts of 2,556 square feet. This exceeds the maximum buffer depth encroachment. This alternative does not meet CWS's standards (see alt. 1 plan).

Alternative two- The other alternative plan was to omit one lot, leaving 8 new lots to build on rather than 9. The longest portion of lot 1 would lie east west. The width of the lot would be 65 feet and would not encroach into the vegetative buffer. However, the lot would be unbuildable as it would not meet front and backyard setbacks. In addition, the loss of one lot would cause a significant financial hardship to the developer.

Alternative three- Alternative three would be to omit the first two lots. Omitting the first two lots rather than building with minimal impacts to the vegetative corridor would cause a significant financial hardship on the client. The clients approach is to preserve as much of the natural area as possible rather than develop within it. The client would like to turn the wetlands and vegetative corridor over to the city as a protected natural area which could be enhanced as a public benefit. This leaves the client with a minimal amount of property to build on. He is proposing very minimal impact with 9 buildable lots and one existing lot, while turning over the large majority of the natural areas, hence developing a very small portion of the property. Having 9 buildable lots rather than 8 would maximize the owner's development potential while still preserving most of the property. The impacts of 1,800 sq feet with a 15 feet maximum depth is very minimal, but increases building potential greatly.

ENHANCEMENT

As per CWS regulations, enhancement of the portions of the vegetated corridor not already in good condition is required. Per 3.06.2 Required Vegetative Corridor Enhancement, the first 50 feet closest to the Sensitive Area are required to be enhanced to Good Conditions. The planting plan shows enhancement of the areas in degraded and marginal condition, not impacted, with an approximate enhancement area of 52,550 sq ft (1.24 acres). (Appendix E)

The enhancement plan calls for the removal and control of non-native grass species and Himalayan blackberry. The control method will be compatible with CWS requirements. The grass species and the Himalayan blackberry will be replaced by a scrub-shrub forested community to compliment the existing vegetation community. The portions of degraded vegetated area in the field grass community have little to no canopy and minimal native plant coverage. Trees and shrubs will be installed to bring the degraded vegetated corridor to good condition. The area in marginal condition has a good canopy. Shrubs and a few trees will be added to bring the area to good conditions. Areas within utility easements will be planted to shrubs only. The areas not restricted by easements will be planted to trees and shrubs. Plantings will include Douglas fir, Ponderosa pine (*Pinus ponderosa*), black cottonwood (*Populus balsamifera*), Oregon ash (*Fraxinus*

latifolia) (adjacent to wetland), tall Oregon grape (*Mahonia aquifolium*), snowberry (*Symphoricarpos albus*), serviceberry (*Amelanchier alnifolia*) and clustered rose (*Rosa pisocarpa*) (adjacent to wetland).

Native grasses such as native California brome (*Bromus carinatus*) and blue wildrye (*Elymus glaucus*) will be planted where areas are bare.

The enhancement plan was designed to meet CWS landscape requirements. Maintenance and monitoring of the Vegetated Corridor mitigation will be in accordance with CWS regulations.

MITIGATION

As per 3.08.2.a, impacts to the Vegetated Corridor require replacement at a 1:1 ratio. Currently the existing vegetated corridor is 55,550 sf (1.28 acres) and the proposed impact area is 1,800 sq ft (0.04 acres). To compensate for the lost vegetated corridor, the applicant proposes to mitigate an additional 1,800 sq ft (0.04 acres) (Appendix E).

The mitigation plan calls for the removal of non-native grass species and Himalayan blackberry. The control method will be compatible with CWS requirements. The grass species and Himalayan blackberry will be replaced by a scrub-shrub forested community to compliment the existing adjacent community. Plantings will include Douglas fir, Ponderosa pine, tall Oregon grape, snowberry and serviceberry. The mitigation plan was designed to meet CWS landscape requirements. Maintenance and monitoring of the Vegetated Corridor mitigation will be in accordance with CWS regulations.

APPENDICES

A: Site Vicinity Map

B: Existing Conditions Map

C: Site Development Plan, Vegetated Corridor Conditions w/ Photo Points

D: Vegetated Corridor Photographs

E: Enhancement and Mitigation Plan

F: Alternative Plans

G: Aerial view

H: Wetland Delineation Report

APPENDIX A: SITE VICINITY MAP

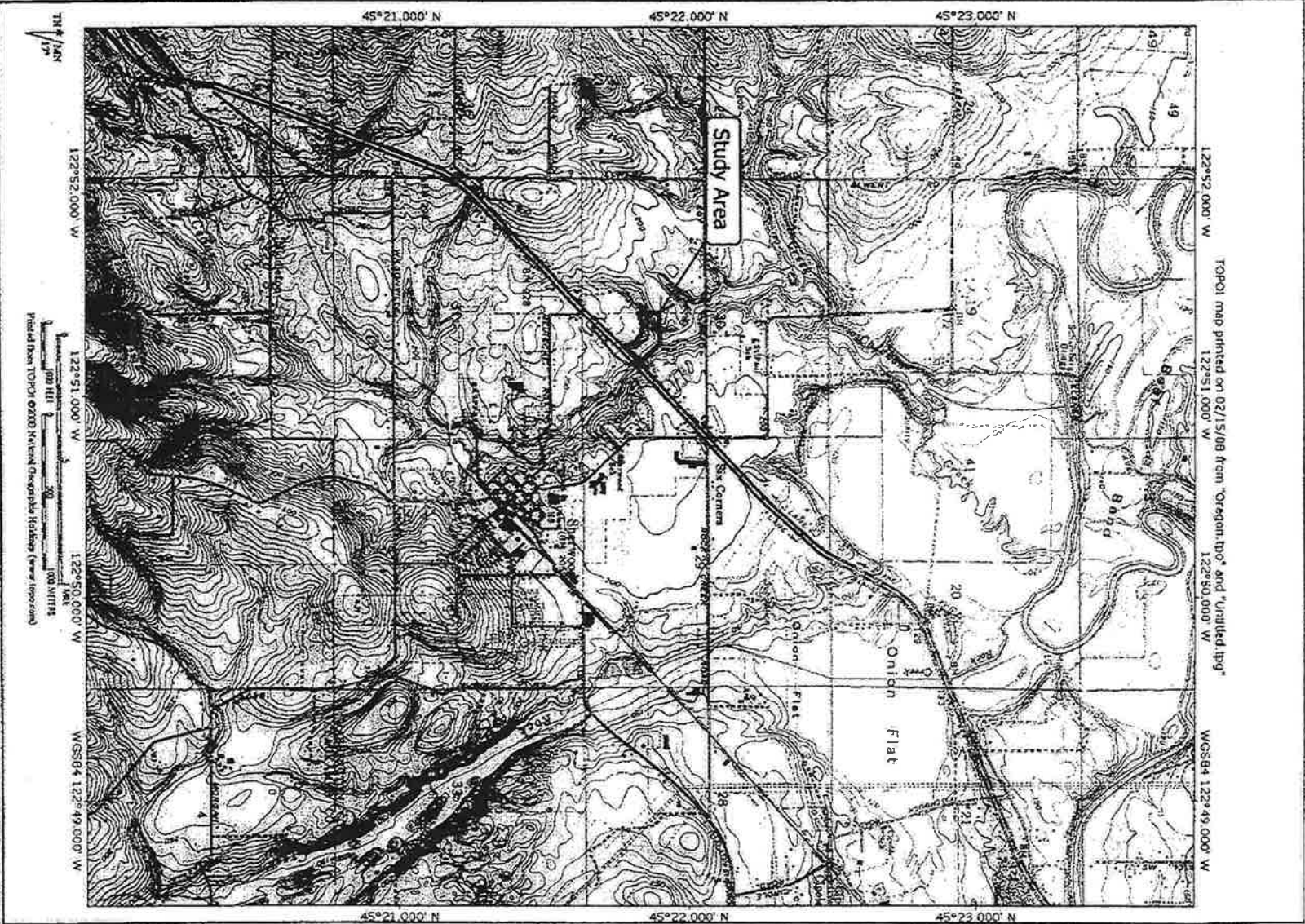


Figure 1: Location Map
 Claus Subdivision
 S&A # 2065

Schott & Associates
 P. O. Box 589
 Aurora, OR. 97002
 503.678.6007

**APPENDIX B:
EXISTING CONDITIONS MAP**

**APPENDIX C: SITE DEVELOPMENT PLAN, VEGETATED CORRIDOR
CONDITIONS WITH PHOTO POINTS**



APPENDIX D: VEGETATED CORRIDOR PHOTOGRAPHS



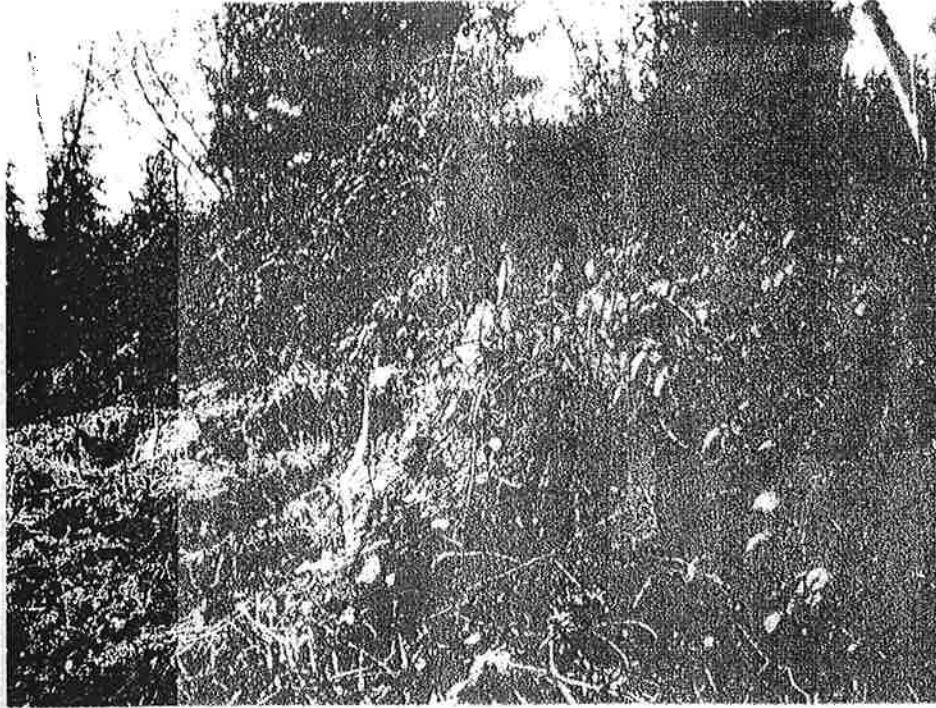


Photo Point 1 facing southeast

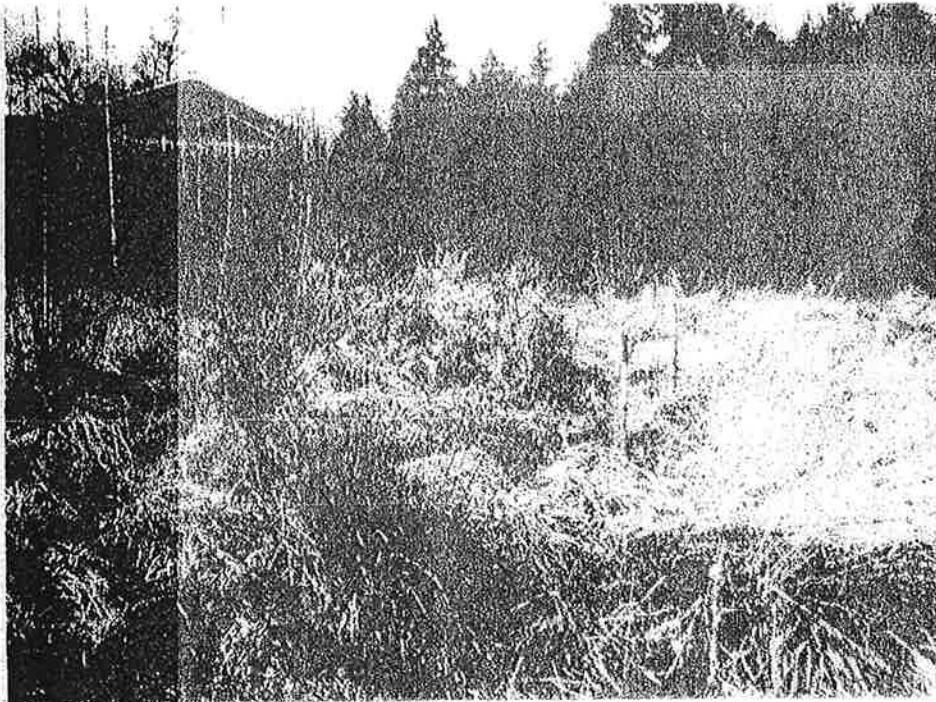


Photo Point 2 facing west

Claus Subdivision Project
Site Photographs
S&A # 2065

Schott & Associates
110 Box 287
Astoria, OR 97102

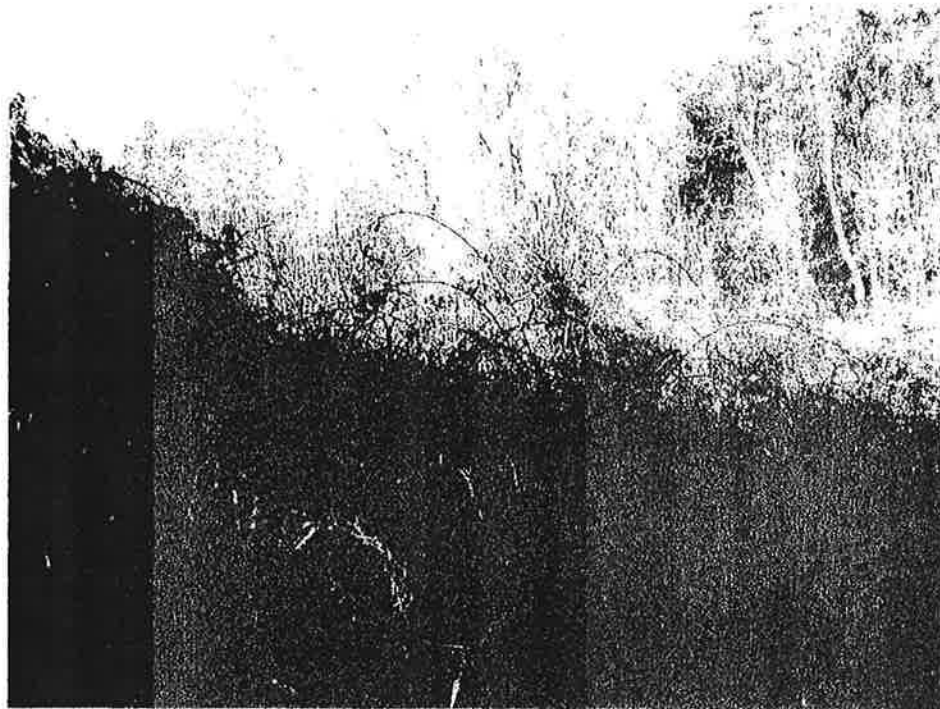


Photo Point 3 facing west

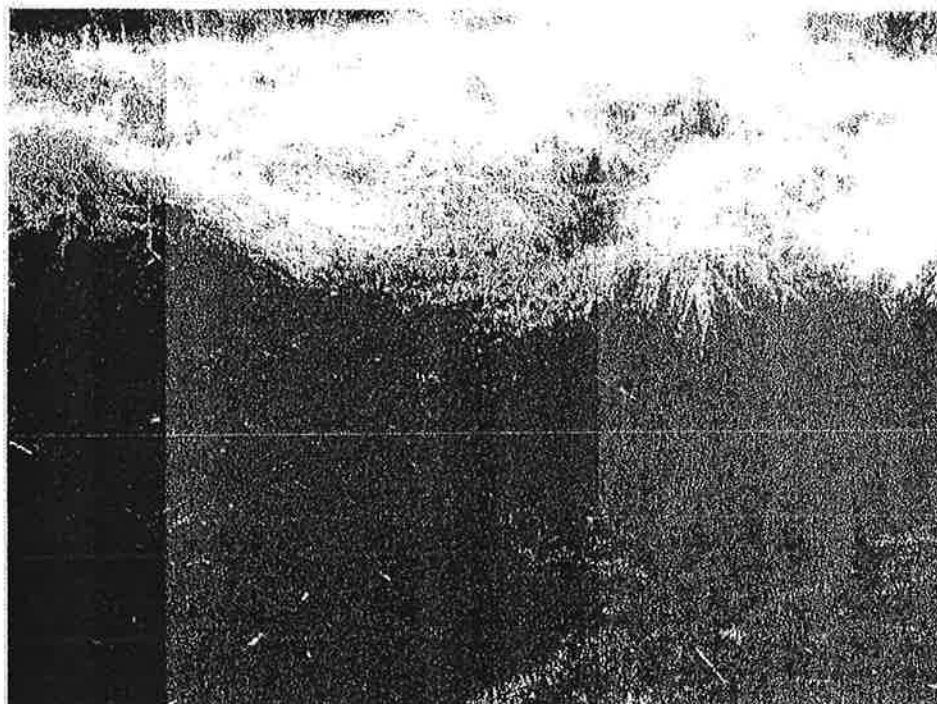


Photo Point 4 facing west

Claus Subdivision Project
Site Photographs
S&A 2065

Schott & Associates
P.O. Box 589
Aurora, OR 97002
503/613-6211

**Claus Subdivision Project Enhancement Planting Plan
41,250 sq degraded (not impacted)**

Plant Communities	Plant Category	Water Requirement	Light Requirement	Minimum Root Size	Minimum Plant Height	Spacing	Spacing Format	Qty
Douglas fir (<i>Pseudotsuga menziesii</i>)	Tree	Dry	Sun	2 gal.	3'	10'	Single	100
Ponderosa pine (<i>Pinus ponderosa</i>)	Tree	Dry	Sun	1 gal.	3'	10'	Single	112
Black cottonwood (<i>Populus balsamifera</i>)	Tree	Dry	Sun	1gal.	2'	10'	Single	112
Oregon Ash** (<i>Fraxinus latifolia</i>)	Tree	Moist	Part	2 gal	3'	10'	Single	92
Snowberry (<i>Symphoricarpos albus</i>)	Shrub	Dry	Part	1 gal.	1.5'	4-5'	Cluster	584
Serviceberry (<i>Almelanchier alnifolia</i>)	Shrub	Dry	Part	2 gal.	2'	4-5'	Single	325
Tall Oregon grape (<i>Mahonia aquifolium</i>)	Shrub	Dry	Sun	1 gal	6"	4-5'	Cluster	584
Clustered rose (<i>Rosa pisocarpa</i>) **	Shrub	wet	Part	1 gal	1.5'	4-5'	Cluster	584
Native California bromie (<i>Bromus carinatus</i>)*	Grass	Dry	Part	Seed	n/a	6 lbs per acre		
Blue Wildrye (<i>Elymus glaucus</i>)*	Grass	Dry	Part	Seed	n/a	6 lbs per acre		

* Native seed as needed in bare areas.

** Oregon ash and clustered rose to be planted adjacent to wetland.

Claus Subdivision Property Enhancement Planting Plan
12,500 sq marginal

Plant Communities	Plant Category	Water Requirement	Light Requirement	Minimum Root Size	Minimum Plant Height	Spacing	Spacing Format	Qty
Douglas fir (<i>Pseudotsuga menziesii</i>)	Tree	Dry	Sun	2 gal.	3'	10'	Single	23
Ponderosa pine (<i>Pinus ponderosa</i>)	Tree	Dry	Sun	1 gal.	3'	10'	Single	24
Black cottonwood (<i>Populus balsamifera</i>)	Tree	Dry	Sun	1 gal.	2'	10'	Single	23
Snowberry (<i>Symphoricarpos albus</i>)	Shrub	Dry	Part	1 gal.	1.5'	4-5'	Cluster	188
Serviceberry (<i>Almelanchier alnifolia</i>)	Shrub	Dry	Part	2 gal.	2'		Single	60
Tall Oregon grape (<i>Mahonia aquifolium</i>)	Shrub	Dry	Sun	1 gal.	6"	4-5'	Cluster	188
Clustered rose (<i>Rosa pisocarpa</i>)**	Shrub	Wet	Part	1 gal.	1.5'	4-5'	Cluster	188
Native California brome (<i>Bromus carinatus</i>)*	Grass	Dry	Part	Seed	n/a	6 lbs per acre		
Blue Wildrye (<i>Elymus glaucus</i>)*	Grass	Dry	Part	Seed	n/a	6 lbs per acre		

* Native grass seed as needed in bare areas.

** Clustered rose to be planted adjacent to wetland.

Existing plant notes;

The canopy for the marginal vegetative buffer is at 55%. 125 trees would be required to be planted in the marginal buffer. Due to the existing buffer cover, 70 additional trees will be planted for 100% canopy.

Claus Subdivision Project Mitigation Planting Plan
1,800 sq ft to be planted

Plant Communities	Plant Category	Water Requirements	Light Requirements	Minimum Rooting Size	Minimum Plant Height	On Center/ Seed rate	Spacing Format	Qty.
Douglas fir (<i>Pseudotsuga menziesii</i>)	Tree	Dry	Sun	2 gal.	3'	10'	Single	6
Ponderosa pine (<i>Pinus ponderosa</i>)	Tree	Dry	Sun	1 gal.	3'	10'	Single	6
Black cottonwood (<i>Populus balsamifera</i>)	Tree	Dry	Sun	1 gal.	2'	10'	Single	6
Tall Oregon grape (<i>Mahonia aquifolium</i>)	Shrub	Dry	Sun	1 gal.	6"	4-5'	Cluster	40
Snowberry (<i>Smphoricarpos albus</i>)	Shrub	Dry	Part	1 gal.	1.5'	4-5'	Cluster	40
Serviceberry (<i>Almelanchier alnifolia</i>)	Shrub	Dry	Part	2 gal.	2'	4-5'	Single	10
Native California brome (<i>Bromus carinatus</i>)*	Grass	Dry	Part	Seed	n/a	6 lbs per acre		
Blue Wildrye (<i>Elymus glaucus</i>)*	Grass	Dry	Part	Seed	n/a	6 lbs per acre		

*Native seed as needed in bare areas.

APPENDIX F: ALTERNATIVE PLANS

APPENDIX G: AERIAL VIEW



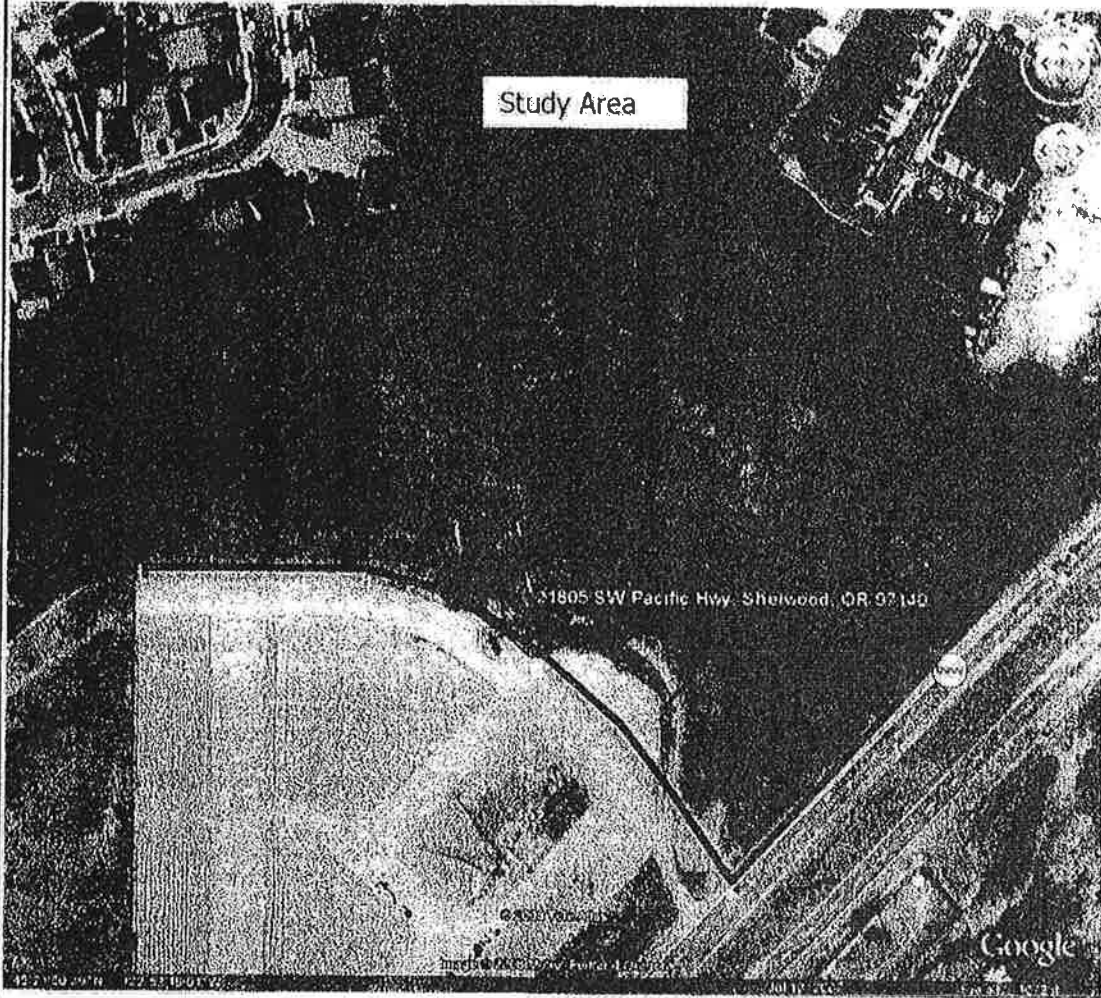


Figure 5: Aerial Photograph
Claus Subdivision
S&A # 6065

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Aurora, OR 97002
503.678.8007

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

This form must be included with any wetland delineation report submitted to the Department of State Lands for review and approval. A wetland delineation report submittal is not "complete" unless the fully completed and signed report cover form and the required fee are submitted. Attach the form to the front of an unbound report and submit to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279
Mail a copy of the completed form with payment of the required report review fee to: Oregon Department of State Lands, P.O. Box 4395, Unit 18, Portland, OR 97208-4395.
 For new credit card payment option, see DSL web site.

<input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner Name, Firm and Address: James Claus 22211 SW Pacific Highway Sherwood, Oregon 97140	Business phone # 503-625-5265 Mobile phone # (optional) FAX # 503-625-8051 E-mail: ClausSL@aol.com
<input checked="" type="checkbox"/> Authorized Legal Agent, Name and Address: Schott and Associates PO Box 589 Aurora, OR 97002	Business phone # 503-678-6007 FAX # 503-678-6011 Mobile phone # E-mail: carl@schottandassociates.com
I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact. Typed/Printed Name: <u>R James Claus</u> Signature: <u>[Signature]</u> Date: <u>9/2/08</u> Special instructions regarding site access: _____	

Project and Site Information (for latitude & longitude, use centroid of site or start & end points of linear project)

Project Name: Claus subdivision	Latitude: 45 21.858' N	Longitude: 122 51.236' W
Proposed Use: subdivision	Tax Map # 2S 1 30D	
Project Street Address (or other descriptive location): 1805 SW Pacific Hwy Northwest of Pacific Highway	Township 2S Range 1W Section 30 QQ D	
City: Sherwood County: Washington	Tax Lot (s) 1001, 1002 and part of 1000	
	Waterway: Cedar Creek	River Mile: 1.63
	NWI Quad(s): Sherwood	

Wetland Delineation Information

Wetland Consultant Name, Firm and Address: Carl Cramer Same	Phone # 503-678-6007 Mobile phone # FAX # 503-678-6011 E-mail: carl@schottandassociates.com
---	---

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.
 Consultant Signature: Carl Cramer Date: 9/2/08

Primary Contact for report review and site access is Consultant Applicant/Owner Authorized Agent

Wetland/Waters Present? Yes No Study Area size: **16.28** Total Wetland Acreage: **3.12**

Check Box Below If Applicable:

<input type="checkbox"/> R-F permit application submitted	<input checked="" type="checkbox"/> Fee payment submitted \$ 350.00
<input type="checkbox"/> Mitigation bank site	<input type="checkbox"/> Fee (\$100) for resubmittal of rejected report
<input type="checkbox"/> Wetland restoration/enhancement project (not mitigation)	Name of Payor: James Claus
<input type="checkbox"/> Industrial Land Certification Program Site	

Other Information:

Has previous delineation/application been made on parcel?	Y N	
	<input checked="" type="checkbox"/> <input type="checkbox"/>	If known, previous DSL # 06-0016
Does LWI, if any, show wetland or waters on parcel?	<input checked="" type="checkbox"/> <input type="checkbox"/>	

For Office Use Only

DSL Reviewer: _____	Fee Paid Date: ____/____/____	DSL WD # _____
Date Delineation Received: ____/____/____	DSL Project # _____	DSL Site # _____
Scanned: <input type="checkbox"/> Final Scan: <input type="checkbox"/>	DSL WN # _____	DSL App. # _____

**JURISDICTIONAL
WETLAND DETERMINATION
AND
DELINEATION
OF
CLAUS SUBDIVISION**

Prepared for:
James Claus
22211 SW Pacific Highway
Sherwood, Oregon 97140

Prepared by:
Cari L Cramer

Project #: 2065
August 2008

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(A) Landscape Setting and Land Use

The approximately 16.28-acre subject property is located northwest of SW Pacific Highway in Sherwood, Oregon (T2S R1W Sec.30 TL#1001 and 1002 and a small portion of TL 1000). A prior delineation that included these tax lots was done in 2006 (#06-0016). The southeast property boundary is defined by Pacific Highway. The southwest property boundary is bordered by a new road into a new development to the south. The north and northeast property boundaries are partially bordered by commercial development and partially by residential development. To the west is undeveloped property. Surrounding land use is residential and commercial.

The property sloped north, northeast from the southern property boundary approximately halfway across the property. The remainder of the site was flat. Seeps were observed at the lower end of the sloped area on the east portion of the property. Cedar Creek, a perennial waterway and tributary to Chicken Creek, flowed under Pacific Highway and entered the property from the northeast, flowing northwest for a short distance before leaving the property to the north. A tributary creek and a series of drain channels on the west half of the property eventually tied together and flowed to Cedar Creek.

At the time of the site visit a single family residence was located on tax lot 1001 on the southern portion of the site midway east west. The house was accessed by a concrete driveway to the south. An abandoned gravel roadway starting from the driveway extended southeast approximately three fourth of the way to Pacific Highway before ending. Surrounding the house was a manicured lawn and ornamental shrubs and trees.

A Water quality facility was located northwest of Pacific Highway adjacent to the new development road. An 18 inch concrete outlet pipe was located east of the water quality facility draining water northeast within a slight swale.

Vegetation within the sloped areas was a combination of forested area, grasses with scattered trees and large clusters of Himalayan blackberry (*Rubus discolor*). The forested area located at the east end of the slope had a canopy consisting mainly of red alder (*Alnus rubra*) with some Oregon ash (*Fraxinus latifolia*). The understory at the very east end had recently been cleared but new skunk cabbage (*Lysichiton americanum*) and Himalayan blackberry were growing back. The remaining understory consisted of clusters of horsetail (*Equisetum sp*) and sword fern (*Polystichum munitum*) bordered by Himalayan blackberry at the bottom of the slope. Toward the west end of the slope the area opened up into grasses and forbs with a scattering of trees such as English hawthorn (*Crataegus monogyna*), Douglas fir (*Pseudotsuga menziesii*) and western red cedar (*Thuja plicata*). Grasses were a mix of tall fescue (*Festuca arundinacea*), orchard grass (*Dactylis glomerata*), bentgrass (*Agrostis sp.*), slough sedge (*Carex obnupta*) and reed canary grass (*Phalaris arundinacea*) as well as a small patch of cattail (*Typha latifolia*) northwest of the house. Portions of the slope bottom were bordered by Himalayan blackberry.

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The rest of the site consisted mainly of open grass area bordered by forested area at the western half of the northern property boundary. The grasses were predominantly reed canary grass with areas of soft rush (*Juncus effusus*) and skunk cabbage. The bordering forested area consisted of a canopy of Red alder, Douglas fir and western red cedar with an understory consisting of sword fern, Himalayan blackberry, tall fescue, velvet grass (*Holcus lanatus*) and reed canary grass.

(B) Site Alterations

A house with a concrete driveway was located within tax lot 1001 on the southern portion of the site midway east, west. A gravel road starting from the driveway extended three fourths of the way across the property toward Pacific Highway before ending. This was the prior access to the existing house before the new development to the south and water quality facility went in. The water quality facility had been constructed adjacent to the new development road midway between the house and Pacific Highway. Adjacent to Pacific Highway a portion of the property had been re-graded for a storm water outfall forming a slight east, west swale sloping down to the north. At the head of the swale was a newly installed 18 inch concrete pipe with visible water flowing through. The side slopes of the swale had been newly cleared, erosion control netted and seeded. This was done as part of the subdivision work located to the south of the subject property.

(C) Precipitation Data and Analysis

Weather on the day of the February 13th site visit was partially cloudy with some sun and rain. Weather on the day of the February 14th site visit was cloudy in the morning and sunny for the rest of the day. At the Portland weather station recorded precipitation for February 13 was 0.04 inches. No precipitation was recorded for February 14th. A total of 2.6 inches of precipitation was recorded for the two weeks prior to the first site visit. Rainfall for the months of November and January were within normal range according to the Beaverton WETS table. Rainfall for the month of December was above average (See Precipitation Summary Table below). Between the dates of October 1st, 2007 and January 31, 2008 Portland recorded 19.79 inches of precipitation. This is 97 percent of the water year average through the month of January.

Table 1. Precipitation Summary

Month	2007-2008 Precipitation	WETS Average	WETS Range	Percent of Average
November	4.25"	5.88"	4.06"-7.00"	72%
December	7.57"	6.19"	4.34"-7.35"	122%
January	4.71	5.72"	3.49"-6.93"	82%

(D) Site Specific Methods

The site was visited on February 13th and 14th, 2008. Sample plots were placed to determine presence or absence of the three required wetland criteria. The Routine Onsite Determination Method (1987 manual, pp. 52-69) was used to determine presence or absence of State of Oregon wetland boundaries and the Federal jurisdictional wetlands. For each sample plot, data on vegetation, hydrology and soils was collected, recorded in the field and later transferred to data forms.

(E) Description of All Wetlands and Other Non-Wetland Waters

Based on soil, vegetation and hydrology data taken in the field four palustrine emergent (PEM) wetlands were delineated onsite. Total wetland area onsite was 3.12 acres.

Wetland A, a PEM wetland of 2.34 acres, was located south, southwest of Cedar Creek in the northeastern portion of the property. The hydrology source was a high groundwater table, seepage toward the bottom of the southern slope and surface runoff. A large portion of the wetland extended all the way to Cedar Creek, as well as offsite. The wetland ran offsite to the north and northwest. Vegetation was predominantly reed canary grass (sp 3, 6, 10, C, D) with smaller clusters of skunk cabbage (sp 1, 9), slough sedge, slender rush (sp 6) and velvet grass (sp 10, D). Soils were gleyed (sp 1, 3, 6), 10YR 3/1 with mottles (sp 10, D) or without mottles (sp 9, C). Hydrology ranged from 8 inches to surface saturation. The most southern finger of this wetland had been disturbed to construct a storm water outfall. This was done by the City of Sherwood or by the adjacent new development owners, but not by the current owner of this subject property. Soils were still hydric, saturation was observed and skunk cabbage was regrowing. Adjacent upland vegetation consisted mostly of Himalayan blackberry (sp 2, 4, 8, 11, E). Also observed were areas of reed canary grass (sp 11, E), bentgrass (sp 5, E), tall fescue, orchard grass and slough sedge (sp 5). Hydrology was not present except at sample plot 5 which had saturation at 4 inches, but soils were non hydric with a matrix color of 10YR 3/3. Soils were 10YR 3/3 throughout with the exception of sample plot E which had a matrix color of 10YR 3/1-3/2 with mottles.

Wetland B, a PEM wetland of 0.76 acres, was located just west of Wetland A and extended offsite to the west. Wetland B was separated from Wetland A by upland that used to be an old dam. A creek channel running through Wetland B connected to Wetland A by way of a culvert and ditching. The creek continued through Wetland A, connecting to Cedar Creek. The old dam had been located at the culvert connection of Wetland A and Wetland B within upland. Wetland B used to be a pond which had silted in. The dam was breached and the pond drained creating the wetland approximately 15 years ago. Vegetation consisted almost entirely of reed canary grass (sp 13, 15, 17) with small areas of soft rush, velvet grass (sp 15) and skunk cabbage (sp 17). The entire wetland was saturated to inundated with soil matrix colors of 10YR 3/1-3/1 with mottles (sp 13) or 10YR 3/1 without mottles (sp 15, 17). Adjacent uplands were partially bordered by Himalayan blackberry (sp 12, 14, 16) with open grass areas consisting of velvet grass, tall

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fescue (sp 12, 14, 16) and reed canary grass (sp 12, 14). Saturation was observed in sample plots 12 and 16 but soils were 10YR 3/3. Within sample plot 14 there was no hydrology and soil matrix color was 10YR 3/2 without mottles.

Wetland C was a small isolated, manmade wetland of 0.01 acres located just south of the upland separation to Wetland A and B. The hydrology source appeared to be seepage from excavation into the bank. As it was manmade due to construction, in upland area and less than an acre, it is considered non-jurisdictional. Vegetation was dominated by common cattail and reed canary grass. Surface saturation was observed and soils were hydric with a matrix color of 10YR 3/1 with mottles (sp 7A). Adjacent upland vegetation consisted of cattail, creeping butter cup (*Ranunculus repens*) and velvet grass. Soil matrix was a mix of 10YR 3/3, 4/4 and 4/6 without mottles. Saturation was observed at 4" within the upland plot (sp 7).

Wetland D was a small, isolated, manmade pond of 0.005 acres with wetland fringe located south of Wetland B, near the west property boundary. The pond is next to a man hole and probably man made via work on the sewer line. The pond is less than an acre and manmade within upland soils, therefore considered non-jurisdictional. The pond was inundated and the edges were saturated to the surface. Soil matrix color was 10YR 3/1 at the pond edge. Within the pond vegetation consisted of lesser duckweed (*Lemna minor*). Vegetation at the pond edge consisted of cattail, reed canary grass and velvet grass (sp 19). In the adjacent upland vegetation consisted of reed canary grass, velvet grass and moss. Soils were 10YR3/4 and no hydrology was observed (sp 18).

Cedar Creek entered the site from the north, near Pacific Highway, flowed northwest for a short distance and exited the site to the north. The creek continued flowing off site northwest, connecting to Chicken Creek. A tributary perennial creek flowed through the middle of the wetland furthest west (Wetland B). The creek was partially culverted and partially ditched through upland; continuing through a portion of the large northern wetland (Wetland A) at the west end and connecting to Cedar creek to the north offsite.

(F) Deviation from LWI or NWI

The Sherwood Wetland Inventory indicated a large contiguous wetland across a majority of the property corresponding approximately with the location of the wetlands mapped in the field. As delineated in the field, the wetland was not as extensive as mapped on the LWI and consisted of two large wetlands separated by upland that was an old dam, one small isolated wetland and a very small isolated manmade pond with wetland fringes. Cedar Creek is also mapped running through a part of the northern portion of the site and appears accurate with the creek surveyed onsite. The National Wetland Inventory (NWI) indicated a small PEMIY wetland corresponding approximately within the location of the wetland mapped in the field. The map also showed palustrine forested (PFOIY) class wetland corresponding approximately with the location of the creek mapped in the field. As delineated in the field, the wetland area was more extensive than what was mapped on

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the NWI and consisted of 4 separate areas rather than one single wetland. Wetland boundaries were based on the overlap of the three wetland criteria, hydrology, soils and vegetation. Where all three criteria were not met, a transition area between upland and wetland was defined.

(G) Mapping Method

Wetlands were delineated based on soil, vegetation and hydrology data gathered in the field. Wetlands were ^{marked with flags} flagged and the flags were surveyed by Westlake Consultants and Tenneson Engineering Corp., both Professional Land Surveyors.

(H) Additional Information

A wetland delineation was submitted for this site (TL 1001 and 1002) as well as the adjacent parcel (TL 1000) in 2006 by another delineation consulting firm (WD#06-0016). A concurrence was issued May 9, 2006. Tax lot 1000 has since been developed by the new property owners. The applicant and current property owner of LT 1001 and 1002 requested the completion of a new delineation of the subject property by Schott and Associates in 2008. The delineation is for tax lots 1001 and 1002 which have not been developed as well as a small portion of tax lot 1000 where a water quality facility has been installed. This small portion of tax lot 1000 has been deeded back to the original owner, but documentation has yet to be done. In the mean time it is included in the report as a study area within tax lot 1000. This delineation is generally consistent with information submitted by SWCA Environmental Consultants. Their delineation was to provide a wetland boundary to the north of a proposed new subdivision but was not done in completion for tax lot 1002. Within their report Wetland A and B were one. There is actually upland which was an old dam that separates them as well as continued upland that is in large Douglas fir trees continuing across the north border in the west portion of the property. There is also an area of upland in the northeast corner of the property. The new delineation covers the subject property in entirety.

Cedar Creek flows through a portion of the site at the northern property border on the west side of the property, eventually draining into Chicken Creek. Cedar Creek, a perennial stream, is listed as a fish bearing stream and does provide habitat to anadromous or other fish. Cedar Creek is listed by the StreamNet website as providing migration, spawning and rearing habitat for salmon and/or steelhead.

(I) Results and Conclusions

The local wetland inventory mapped a large wetland onsite. The National Wetland Inventory mapped PEMYI and PFOIY wetlands on site. The Washington County Soil Survey mapped Hillsboro loam, Huberly silt loam, Quatama loam and Wapato silty clay loam fairly equally on the site. A small area of McBee silt loam was mapped parallel to Pacific Highway. Huberly silt loam and Wapato silty clay loam, both mapped on the northern portion of the site, are poorly drained, hydric soils. McBee silty clay loam and

Quatama loam are moderately well drained soils with hydric inclusions. Hillsboro loam is a nonhydric well drained soil that was mapped in the sloped areas on the southern portion of the site. The topographic map for the site showed north and northeast sloping to flat. Cedar Creek was mapped flowing along a portion of the northern property boundary and then angling off site north.

Based on soil, vegetation and hydrology data taken onsite, 4 PEM wetlands, totaling 3.12 acres, were delineated. This current delineation differs some from the one done in 2006. The delineation done in 2006 showed Wetland A and B as one wetland that extended clear to the entire northern property line. During the site visits of the current delineation it was observed that Wetland A and B were separated by upland that had historically been an old dam. This portion of upland continues north and parallels the northern border within the western portion of the property. Also, upland was found in the northeast portion of the property.

(J) Disclaimer

This report documents the investigation, best professional judgment and the conclusions of the investigator. It is correct and complete to the best of my knowledge. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the Oregon Department of State lands in accordance with OAR 141-090-0005 through 141-090-0055.

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Appendix A: Maps

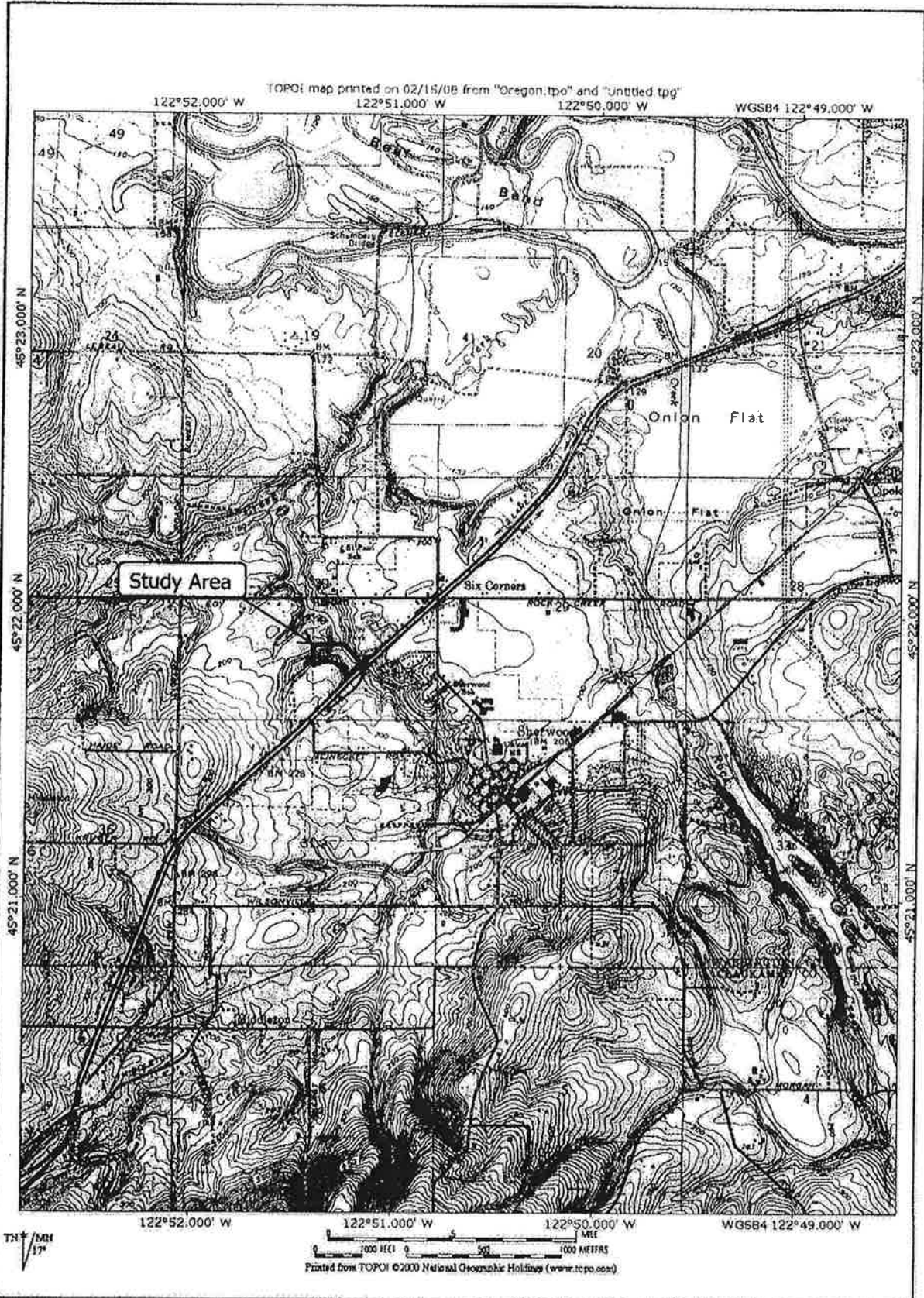
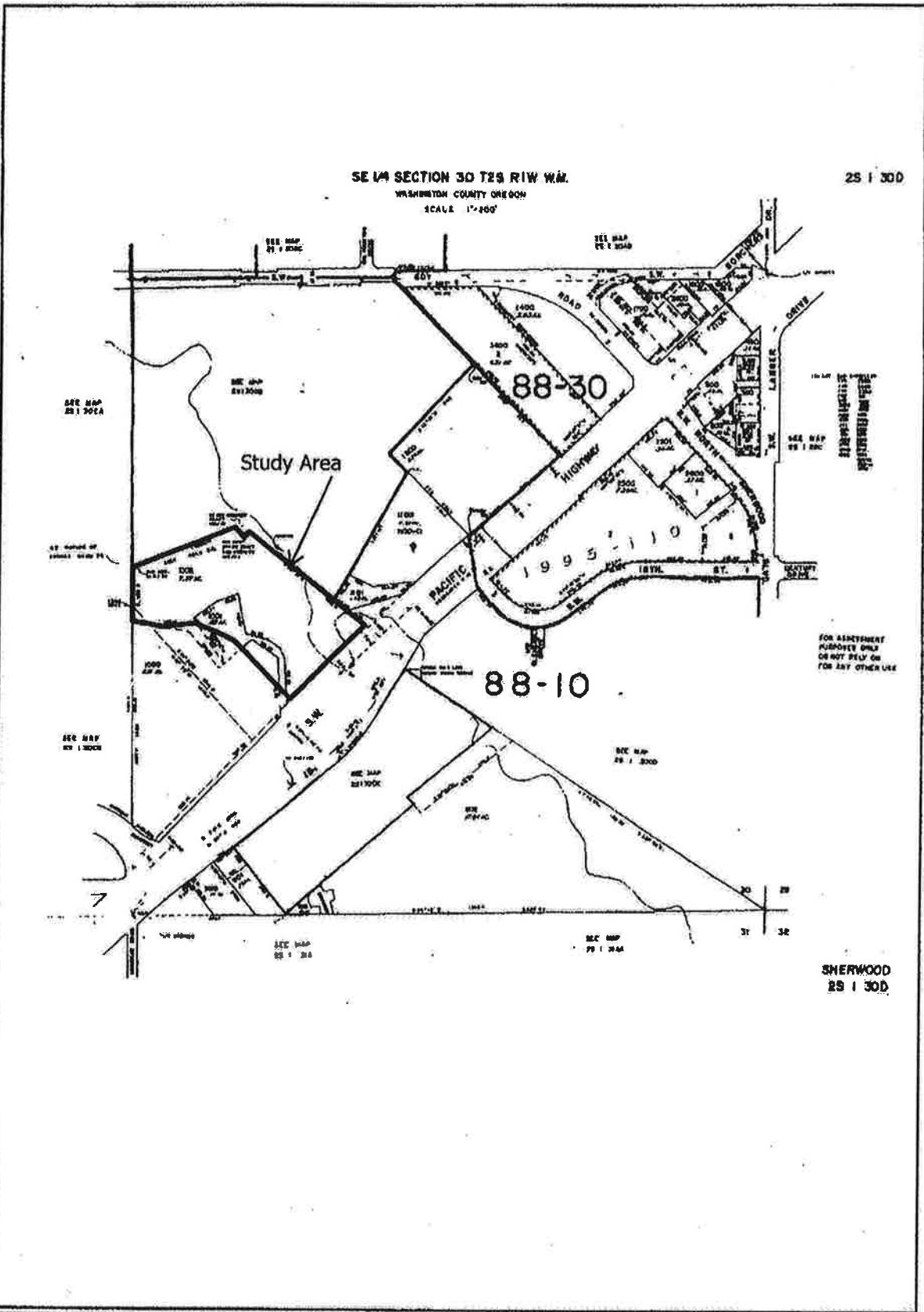


Figure 1: Location Map
 Claus Subdivision
 S&A # 2065

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 503.678.6007



<p>Figure 2: Tax Map Claus Subdivision S&A # 2065</p>	<p>Schott & Associates P.O. Box 589 Aurora, OR. 97002 503.678.6007</p>
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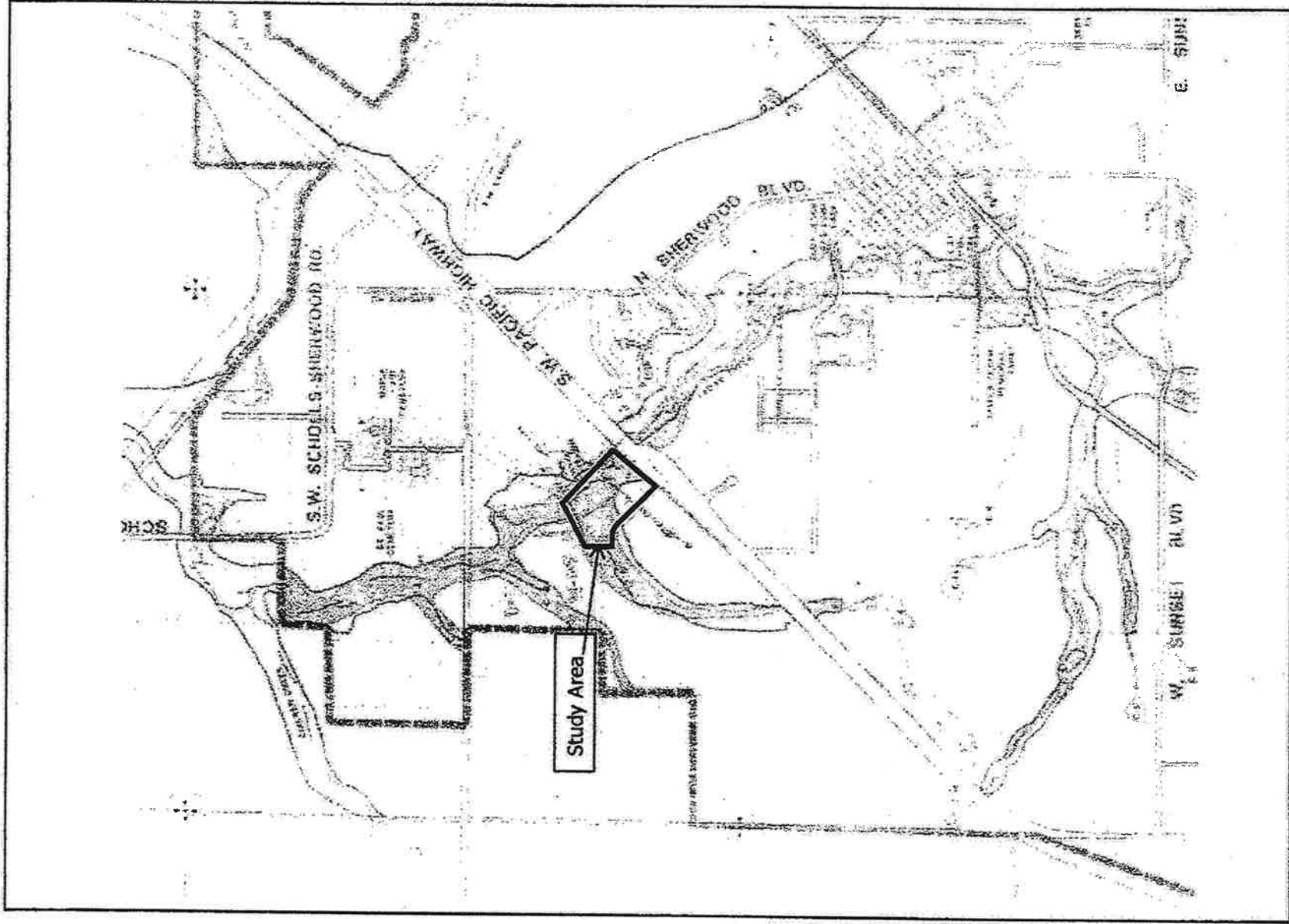
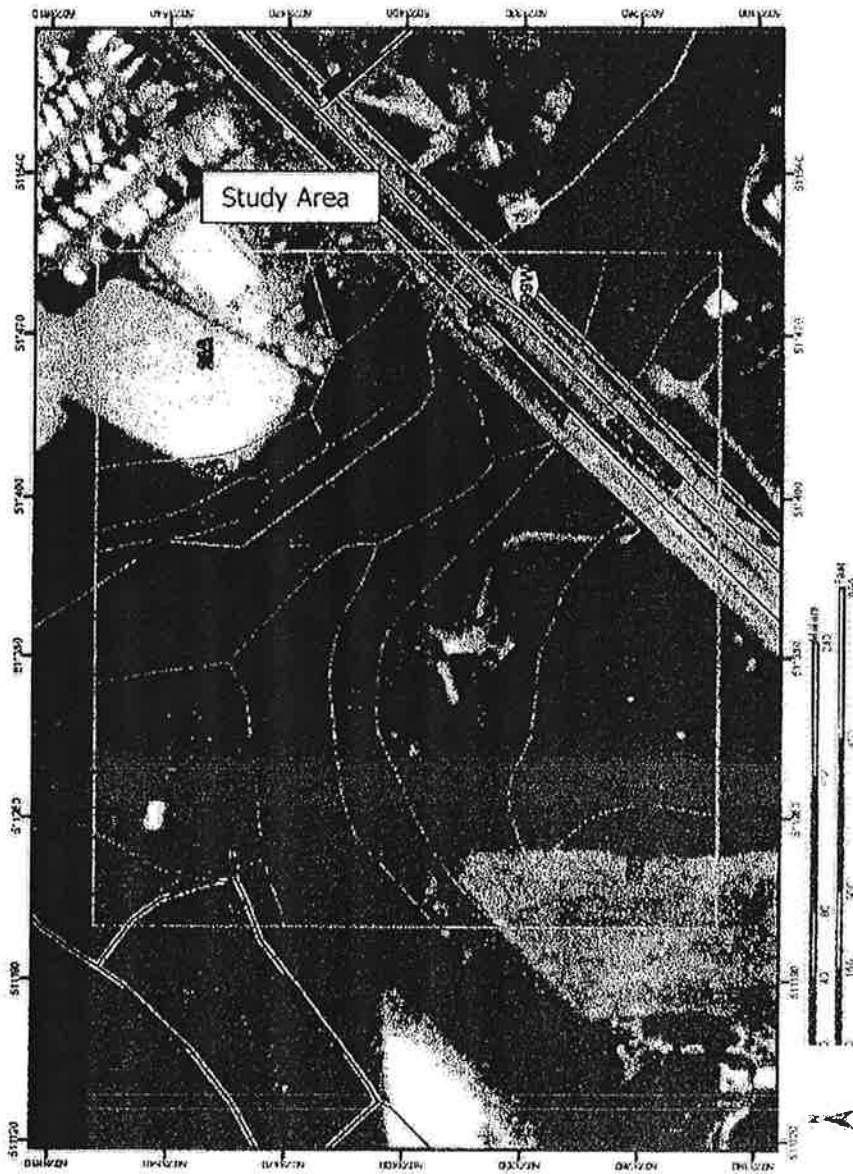


Figure 3: Local Wetland Inventory Map for Sherwood
 Claus Subdivision
 S&A # 2065

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Soil Map—Washington County, Oregon



8/25/2008
Page 1 of 3

Web Soil Survey 2.0
National Cooperative Soil Survey

USDA
Natural Resources
Conservation Service

- 21C Hillsboro Loam 7 to 12% slope
- 22 Huberly Silt Loam-Hydric
- 30 McBee Silty Clay Loam
- 37D Quatama Loam 12 to 20% slope
- 43 Wapato Silty Clay Loam-Hydric

Figure 4: Soil Survey Map / Washington County
Claus Subdivision
S&A # 2065

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Figure 5: Aerial Photograph
Claus Subdivision
S&A # 6065

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12/07

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood

Date: 02/13/08

File # 2065 Det. by: CLC Plot # 1

Project/Contact: Clause-Sherwood/Schott & Associates Plant Community: forested Plot location: south end of large wetland Recent Weather: cloudy, dry

Do normal environ. conditions exist? Y [X] N [] If No, explain: Has Vegetation [] Soil [] Hydrology [] been significantly disturbed? Explain:

VEGETATION

Tree Stratum

Total Plot Cover: 40% 50%: 20% 20%: 8% Status Raw % Cover

- 1. Alnus rubra* FAC 40 2. 3.

Herb Stratum

Total Plot Cover: 5% 50%: 2.5% 20%: 1% Status Raw % Cover

- 1. Lysichiton americanum* OBL 5 2. 3. bare 95 4. 5. 6. 7. 8. 9. 10. 11. 12.

Sapling/Shrub Stratum

Total Plot Cover: % 50%: % 20%: % Status Raw % Cover

- 1. 2. 3. 4. 5.

- 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12.

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 100% Other Hydrophytic Vegetation Indicators:

Criteria Met? YES [X] NO [] Comments: LYAM just starting to sprout, probably higher percent existing in plot

SOILS

Map Unit Name: Hillsboro loam

Drainage Class: well drained

On Hydric Soils List? Y [] N [X] Has hydric inclusions? Y [] N [X]

Table with 5 columns: Depth Range Horizon, Matrix Color, Redox Concentrations, Redox Depletions, Texture. Rows include 0-1" sediment layer and 1-18" Gley 1 3N.

Hydric Soil Indicators:

- [] Histosol [] Concretions/Nodules (w/in 3"; > 2mm) [] Histic Epipedon [] High organic content in surface (In Sandy Soils) [] Sulfidic Odor [] Organic streaking (In Sandy Soils) [] Reducing Conditions (tests positive) [] Organic pan (In Sandy Soils) [] Gleyed or low chroma colors and/or redox features within 10" [] Listed on Hydric Soils List (and soil profile matches) [] Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration) [] Supplemental indicator (e.g., NRCS field indicator): [] Other (Explain in Comments)

Criteria Met? YES [X] NO [] Comments:

HYDROLOGY

Recorded Data

[] Recorded Data Available [] Aerial Photos [] Stream gauge [] Other [X] No Recorded Data Available

Field Data

Depth of inundation: Depth to Saturation: surf Depth to free water: surf

Primary Hydrology Indicators:

Secondary Hydrology Indicators (2 or more required):

- [] Inundated [] Oxidized Root Channels (upper 12") [X] Saturated in upper 12 inches [] Water-stained Leaves [] Water Marks [] Local Soil Survey Data [] Drift Lines [] FAC-Neutral Test [] Sediment Deposits [] Other: [] Drainage Patterns

Criteria Met? YES [X] NO [] Comments:

DETERMINATION

WETLAND? YES [X] NO [] Comments: all wetland criteria met

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood

Date: 2/13/08

File # 2085

Project/Contact: Clause-Sherwood/Schott & Associates

Det. by: CLC

Plant Community: invasive

Plot # 2

Plot location: pr w/ sp 1

Recent Weather: cloudy, dry

Do normal environ. conditions exist? Y N If No, explain: _____

Has Vegetation Soil Hydrology been significantly disturbed?

Explain: RUDI cut back or removed

VEGETATION

Tree Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___%
Status Raw % Cover

- 1. _____
- 2. _____
- 3. _____

Herb Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___%
Status Raw % Cover

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____
- 12. _____

Sapling/Shrub Stratum

Total Plot Cover: 50% 50%: 25% 20%: 10%
Status Raw % Cover

- 1. Rubus discolor FACU 50
- 2. _____
- 3. _____
- 4. _____
- 5. _____

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 0%

Other Hydrophytic Vegetation Indicators: _____

Criteria Met? YES NO Comments: RUDI recently grubbed out, but growing back, probably larger percent cover

SOILS

Map Unit Name: Hillsboro Loam

Drainage Class: well drained

On Hydric Soils List? Y N

Has hydric Inclusions? Y N

| Depth Range of Horizon | Matrix Color | Redox Concentrations
* abund./size/contrast/color/location (matrix or pores/peds) | Redox Depletions | Texture |
|------------------------|--------------|--|------------------|---------|
| 0-14 | 10YR 3/3 | 10YR 4/6 fmd | none | CL |
| 14-18" | Gley 1 4N | none | none | C |

Hydric Soil Indicators:

- Histosol
- Histic Epipedon
- Sulfidic Odor
- Reducing Conditions (tests positive)
- Gleyed or low chroma colors and/or redox features within 10"
- Concretions/Nodules (w/in 3"; > 2mm)
- High organic content in surface (in Sandy Soils)
- Organic streaking (in Sandy Soils)
- Organic pan (in Sandy Soils)
- Listed on Hydric Soils List (and soil profile matches)
- Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration)
- Supplemental indicator (e.g., NRCS field indicator): _____
- Other (Explain in Comments)

Criteria Met? YES NO Comments: _____

HYDROLOGY

Recorded Data

Recorded Data Available Aerial Photos Stream gauge Other No Recorded Data Available

Field Data

Depth of Inundation: _____ Depth to Saturation: none Depth to free water: _____

Primary Hydrology Indicators:

- Inundated
- Saturated in upper 12 inches
- Water Marks
- Drift Lines
- Sediment Deposits
- Drainage Patterns

Secondary Hydrology Indicators (2 or more required):

- Oxidized Root Channels (upper 12")
- Water-stained Leaves
- Local Soil Survey Data
- FAC-Neutral Test
- Other: _____

Criteria Met? YES NO Comments: on slight slope

DETERMINATION

WETLAND? YES NO Comments: wetland criteria not met

12/07

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood
Project/Contact: Clause-Sherwood/Schott & Associates
Plant Community: grasses
Plot location: south side of large wetland
Recent Weather: cloudy, dry
Do normal environ. conditions exist? Y [X] N [] If No, explain:
Has Vegetation [] Soil [] Hydrology [] been significantly disturbed?
Explain: _____

Date: 2/13/08

File # 2065
Det. by: CLC
Plot # 3

VEGETATION

Tree Stratum
Total Plot Cover: 80% 50%: 40% 20%: 16%
Status Raw % Cover
1. Alnus rubra* FAC 80

Herb Stratum
Total Plot Cover: 100% 50%: 50% 20%: 20%
Status Raw % Cover
1. Phalaris arundinacea* FACW 100
2. Equisetum arvense FAC 1

Sapling/Shrub Stratum
Total Plot Cover: % 50%: % 20%: %
Status Raw % Cover
1. Rubus discolor FACU 1

- 3.
4.
5.
6.
7.
8.
9.
10.
11.
12.

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 100%

Other Hydrophytic Vegetation Indicators: _____

Criteria Met? YES [X] NO [] Comments: _____

SOILS

Map/Unit Name: Hillsboro Loam

Drainage Class: well drained

On Hydric Soils List? Y [] N [X]

Has hydric inclusions? Y [] N [X]

Table with 5 columns: Depth Range of Horizon, Matrix Color, Redox Concentrations, Redox Depletions, Texture. Rows for 0-8" and 8-18" horizons.

Hydric Soil Indicators:

- [] Histosol
[] Histic Epipedon
[] Sulfidic Odor
[] Reducing Conditions (tests positive)
[X] Gleyed or low chroma colors and/or redox features within 10"
[] Concretions/Nodules (w/in 3"; > 2mm)
[] High organic content in surface (in Sandy Soils)
[] Organic streaking (in Sandy Soils)
[] Organic pan (in Sandy Soils)
[] Listed on Hydric Soils List (and soil profile matches)
[] Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration)
[] Supplemental indicator (e.g., NRCS field indicator):
[] Other (Explain in Comments)

Criteria Met? YES [X] NO [] Comments: _____

HYDROLOGY

Recorded Data:

- [] Recorded Data Available [] Aerial Photos [] Stream gauge [] Other [X] No Recorded Data Available

Field Data:

Depth of inundation: Depth to Saturation: 4" Depth to free water: 8"

Primary Hydrology Indicators:

- [] Inundated
[X] Saturated in upper 12 inches
[] Water Marks
[] Drift Lines
[] Sediment Deposits
[] Drainage Patterns

Secondary Hydrology Indicators (2 or more required):

- [] Oxidized Root Channels (upper 12")
[] Water-stained Leaves
[] Local Soil Survey Data
[] FAC-Neutral Test
[] Other: _____

Criteria Met? YES [X] NO [] Comments: on slight slope, with seepage

DETERMINATION

WETLAND? YES [X] NO [] Comments: all wetland criteria met

12/07

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood
Project/Contact: Clause-Sherwood/Schott & Associates
Plant Community: Invasive
Plot location: pr w/ 3
Recent Weather: cloudy, dry

Date: 2/13/08

File # 2065
Det. by: CLC
Plot # 4

Do normal environ. conditions exist? Y [x] N [] If No, explain:
Has Vegetation [] Soil [] Hydrology [] been significantly disturbed?
Explain:

VEGETATION

Tree Stratum

Total Plot Cover: 80% 50%: 40% 20%: 16%
Status Raw % Cover
1. Alnus rubra* FAC 80

Herb Stratum

Total Plot Cover: 20% 50%: 10% 20%: 4%
Status Raw % Cover
1. Polystichum munitum* FACU 10
2. Equisetum arvense* FAC 10

Sapling/Shrub Stratum

Total Plot Cover: 80% 50%: 40% 20%: 16%
Status Raw % Cover
1. Rubus discolor* FACU 80

2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 50%
Other Hydrophytic Vegetation Indicators:

Criteria Met? YES [] NO [x] Comments:

SOILS

Map Unit Name: Hillsboro loam

Drainage Class: well drained

On Hydric Soils List? Y [] N [x] Has hydric inclusions? Y [] N [x]

Table with 5 columns: Depth Range of Horizon, Matrix Color, Redox Concentrations, Redox Depletions, Texture. Row 1: 0-8", 10YR 3/3, none, none, CL

Hydric Soil Indicators:

- [-] Histosol
[-] Histic Epipedon
[-] Sulfidic Odor
[-] Reducing Conditions (tests positive)
[-] Gleyed or low chroma colors and/or redox features within 10"
[-] Concretions/Nodules (w/in 3"; > 2mm)
[-] High organic content in surface (In Sandy Soils)
[-] Organic streaking (In Sandy Soils)
[-] Organic pan (In Sandy Soils)
[-] Listed on Hydric Soils List (and soil profile matches)
[-] Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration)
[-] Supplemental Indicator (e.g., NRCS field indicator):
[-] Other (Explain in Comments)

Criteria Met? YES [] NO [x] Comments: dug to 8" only too many roots

HYDROLOGY

Recorded Data

[-] Recorded Data Available [-] Aerial Photos [-] Stream gauge [-] Other [x] No Recorded Data Available

Field Data

Depth of inundation: Depth to Saturation: none Depth to free water:

Primary Hydrology Indicators:

- [-] Inundated
[-] Saturated in upper 12 inches
[-] Water Marks
[-] Drift Lines
[-] Sediment Deposits
[-] Drainage Patterns

Secondary Hydrology Indicators (2 or more required):

- [-] Oxidized Root Channels (upper 12")
[-] Water-stained Leaves
[-] Local Soil Survey Data
[-] FAC-Neutral Test
[-] Other:

Criteria Met? YES [] NO [x] Comments:

DETERMINATION

WETLAND? YES [] NO [x] Comments:

12/07

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood
Project/Contact: Clause-Sherwood/Schott & Associates
Plant Community: grasses
Plot location: south border of large wetland, east of dirt road
Recent Weather: cloudy, dry
Do normal environ. conditions exist? Y [x] N [] If No, explain:
Has Vegetation [] Soil [] Hydrology [] been significantly disturbed?
Explain: _____

Date: 2/13/08

File # 2085
Det. by: CLC
Plot # 5

VEGETATION

Tree Stratum
Total Plot Cover: 25%
50%: 12% 20%: 5%
Status Raw % Cover
1. Fraxinus latifolia* FACW 20
2. Crataegus monogyna* FACU+ 5

Herb Stratum
Total Plot Cover: 100%
50%: 50% 20%: 20%
Status Raw % Cover
1. Festuca arundinacea* FAC- 30
2. Agrostis sp* FAC 30
3. Carex obnupta* OBL 20
4. Dactylis glomerata* FACU 20

Sapling/Shrub Stratum
Total Plot Cover: ___%
50%: ___% 20%: ___%
Status Raw % Cover
1.
2.
3.
4.
5.

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 66%

Other Hydrophytic Vegetation Indicators: _____

Criteria Met? YES [x] NO [] Comments: _____

SOILS

Map Unit Name: Qualama loam

Drainage Class: moderately well drained

On Hydric Soils List? Y [] N [x]

Has hydric inclusions? Y [x] N []

Table with 5 columns: Depth Range of Horizon, Matrix Color, Redox Concentrations, Redox Depletions, Texture. Row 1: 0-18", 10YR 3/3, none, none, CL

Hydric Soil Indicators:

- [] Histsol
[] Histic Epipedon
[] Sulfidic Odor
[] Reducing Conditions (tests positive)
[] Gleyed or low chroma colors and/or redox features within 10"
[] Concretions/Nodules (w/in 3"; > 2mm)
[] High organic content in surface (in Sandy Soils)
[] Organic streaking (in Sandy Soils)
[] Organic pan (in Sandy Soils)
[] Listed on Hydric Soils List (and soil profile matches)
[] Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration)
[] Supplemental Indicator (e.g., NRCS field indicator):
[] Other (Explain in Comments)

Criteria Met? YES [] NO [x] Comments: _____

HYDROLOGY

Recorded Data

[] Recorded Data Available [] Aerial Photos [] Stream gauge [] Other [x] No Recorded Data Available

Field Data

Depth of Inundation: _____ Depth to Saturation: 4" Depth to free water: _____

Primary Hydrology Indicators:

- [] Inundated
[x] Saturated in upper 12 inches
[] Water Marks
[] Drift Lines
[] Sediment Deposits
[] Drainage Patterns

Secondary Hydrology Indicators (2 or more required):

- [] Oxidized Root Channels (upper 12")
[] Water-stained Leaves
[] Local Soil Survey Data
[] FAC-Neutral Test
[] Other: _____

Criteria Met? YES [x] NO [] Comments: on slight slope

DETERMINATION

WETLAND? YES [] NO [x] Comments: soil criteria not met

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood

Date: 2/13/08

File # 2065

Project/Contact: Clause-Sherwood/Schott & Associates

Det. by: CLC

Plant Community: emergents

Plot # g

Plot location: pr.w/5

Recent Weather: cloudy, dry

Do normal environ. conditions exist? Y N If No, explain: _____

Has Vegetation Soil Hydrology been significantly disturbed?

Explain: _____

VEGETATION

Tree Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___% Status Raw % Cover

- 1. _____
2. _____
3. _____

Sapling/Shrub Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___% Status Raw % Cover

- 1. _____
2. _____
3. _____
4. _____
5. _____

Herb Stratum

Total Plot Cover: 100% 50%: 50% 20%: 20% Status Raw % Cover

- 1. Carex obnupta* OBL 40
2. Phalaris arundinacea* FACW 50
3. Juncus tenuis FACW 10
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 100%

Other Hydrophytic Vegetation Indicators: _____

Criteria Met? YES NO Comments: _____

SOILS

Map Unit Name: Quatama loam

Drainage Class: moderately well drained

On Hydric Soils List? Y N

Has hydric Inclusions? Y N

Table with 5 columns: Range Horizon, Matrix Color, Redox Concentrations, Redox Depletions, Texture. Rows include 0-9" and 9-18" soil profiles.

Hydric Soil Indicators:

- Concretions/Nodules (w/in 3"; > 2mm)
High organic content in surface (in Sandy Soils)
Organic streaking (in Sandy Soils)
Organic pan (In Sandy Soils)
Listed on Hydric Soils List (and soil profile matches)
Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration)
Supplemental indicator (e.g., NRCS field indicator):
Other (Explain in Comments)

Criteria Met? YES NO Comments: _____

HYDROLOGY

Recorded Data

Recorded Data Available Aerial Photos Stream gauge Other No Recorded Data Available

Field Data

Depth of inundation: Depth to Saturation: 4" Depth to free water: 14"

Primary Hydrology Indicators:

- Inundated
Saturated in upper 12 inches
Water Marks
Drift Lines
Sediment Deposits
Drainage Patterns

Secondary Hydrology Indicators (2 or more required):

- Oxidized Root Channels (upper 12")
Water-stained Leaves
Local Soil Survey Data
FAC-Neutral Test
Other:

Criteria Met? YES NO Comments: _____

DETERMINATION

WETLAND? YES NO Comments: all wetland criteria met

12/07

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood

Date: 2/13/08

File # 2085

Project/Contact: Clause Sherwood/Schott & Associates

Det. by: CLC

Plant Community: emergent & grasses

Plot # 7

Plot location: by isolated wetland, nw of existing house

Recent Weather: cloudy, dry

Do normal environ. conditions exist? Y [x] N [] If No, explain: _____

Has Vegetation [] Soil [] Hydrology [] been significantly disturbed?

Explain: _____

VEGETATION

Tree Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___% Status Raw % Cover

- 1.
2.
3.

Sapling/Shrub Stratum

Total Plot Cover: 20% 50%: 10% 20%: 4% Status Raw % Cover

- 1. Fraxinus latifolia* FACW 20
2. Rubus discolor FACU 1
3.
4.
5.

Herb Stratum

Total Plot Cover: 90% 50%: 45% 20%: 18% Status Raw % Cover

- 1. Typha latifolia* OBL 80
2. Ranunculus repens* FACW 20
3. Holcus lanatus FAC 5
4. Unidentified grass 5
5.
6.
7.
8.
9.
10.
11.
12.

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 100%

Other Hydrophytic Vegetation Indicators: _____

Criteria Met? YES [x] NO [] Comments: _____

SOILS

Map Unit Name: Quatama loam

Drainage Class: moderately well drained

On Hydric Soils List? Y [] N [x]

Has hydric inclusions? Y [x] N []

Table with 5 columns: Depth Range of Horizon, Matrix Color, Redox Concentrations, Redox Depletions, Texture. Row 1: 0-18", 10YR 3/3 & 5YR, none, none, CL, char. Row 2: 4/4-4/8 mix chunks

Hydric Soil Indicators:

- [] Histosol [] Concretions/Nodules (w/in 3"; > 2mm)
[] Histic Epipedon [] High organic content in surface (In Sandy Soils)
[] Sulfidic Odor [] Organic streaking (in Sandy Soils)
[] Reducing Conditions (tests positive) [] Organic pan (In Sandy Soils)
[] Gleyed or low chroma colors and/or redox features within 10" [] Listed on Hydric Soils List (and soil profile matches)
[] Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration)
[] Supplemental Indicator (e.g., NRCS field indicator): _____
[] Other (Explain In Comments)

Criteria Met? YES [] NO [x] Comments: soil was mixed and contained chunks of charcoal

HYDROLOGY

Recorded Data

[] Recorded Data Available [] Aerial Photos [] Stream gauge [] Other [x] No Recorded Data Available

Field Data

Depth of Inundation: _____ Depth to Saturation: 4" Depth to free water: 8"

Primary Hydrology Indicators:

- [] Inundated
[x] Saturated in upper 12 inches
[] Water Marks
[] Drift Lines
[] Sediment Deposits
[] Drainage Patterns

Secondary Hydrology Indicators (2 or more required):

- [] Oxidized Root Channels (upper 12")
[] Water-stained Leaves
[] Local Soil Survey Data
[] FAC-Neutral Test
[] Other: _____

Criteria Met? YES [x] NO [] Comments: _____

DETERMINATION

WETLAND? YES [] NO [x] Comments: soil criteria not met

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood

Date: 2/13/08

File # 2065

Project/Contact: Clause Sherwood/Schott & Associates

Det. by: CLC

Plant Community: emergent grasses

Plot # ZA

Plot location: pr w/ 7 in isolated wetland

Recent Weather: cloudy, dry

Do normal environ. conditions exist? Y N If No, explain: _____

Has Vegetation Soil Hydrology been significantly disturbed?

Explain: _____

VEGETATION

Tree Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___% Status Raw % Cover

- 1. _____
2. _____
3. _____

Herb Stratum

Total Plot Cover: 100% 50%: 50% 20%: 20% Status Raw % Cover

- 1. Phalaris arundinacea* FACW 40
2. Typha latifolia* OBL 50
3. Holcus lanatus FAC 10
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Sapling/Shrub Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___% Status Raw % Cover

- 1. _____
2. _____
3. _____
4. _____
5. _____

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 100%

Other Hydrophytic Vegetation Indicators: _____

Criteria Met? YES NO Comments: _____

SOILS

Map Unit Name: Quatama loam

Drainage Class: moderately well drained

On Hydric Soils List? Y N

Has hydric inclusions? Y N

Table with 5 columns: Depth Range of Horizon, Matrix Color, Redox Concentrations, Redox Depletions, Texture. Row 1: 0-18", 10YR 3/1, 10YR 4/6cmd, none, C

Hydric Soil Indicators:

- Concretions/Nodules (w/in 3"; > 2mm)
High organic content in surface (in Sandy Soils)
Organic streaking (in Sandy Soils)
Organic pan (in Sandy Soils)
Listed on Hydric Soils List (and soil profile matches)
Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration)
Supplemental indicator (e.g., NRCS field indicator):
Other (Explain in Comments)

Criteria Met? YES NO Comments: _____

HYDROLOGY

Recorded Data

Recorded Data Available Aerial Photos Stream gauge Other No Recorded Data Available

Field Data

Depth of Inundation: _____ Depth to Saturation: surf Depth to free water: 6"

Primary Hydrology Indicators:

- Inundated
Saturated in upper 12 inches
Water Marks
Drift Lines
Sediment Deposits
Drainage Patterns

Secondary Hydrology Indicators (2 or more required):

- Oxidized Root Channels (upper 12")
Water-stained Leaves
Local Soil Survey Data
FAC-Neutral Test
Other:

Criteria Met? YES NO Comments: _____

DETERMINATION

WETLAND? YES NO Comments: all wetland criteria met

12/07

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood
Project/Contact: Clause-Sherwood/Schott & Associates
Plant Community: forested
Plot location: wooded area north end of big wetland, west border
Recent Weather: cloudy, dry
Do normal environ. conditions exist? Y [x] N [] If No, explain:
Has Vegetation [] Soil [] Hydrology [] been significantly disturbed?
Explain:

Date: 2/13/08

File # 2065
Det. by: CLC
Plot # 8

VEGETATION

Tree Stratum

Total Plot Cover: 100% 50%: 50% 20%: 20%
Status Raw % Cover
1. Sequoia sp* NOL 100

Herb Stratum

Total Plot Cover: 15% 50%: 7.5% 20%: 3%
Status Raw % Cover
1. Polystichum munitum* FACU 15

Sapling/Shrub Stratum

Total Plot Cover: 10% 50%: 5% 20%: 2%
Status Raw % Cover
1. Rubus discolor* FACU 10

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 0%

Other Hydrophytic Vegetation Indicators:

Criteria Met? YES [] NO [x] Comments:

SOILS

Map Unit Name: Hillsboro loam

Drainage Class: well drained

On Hydric Soils List? Y [x] N []

Has hydric inclusions? Y [] N [x]

Table with 5 columns: Depth Range of Horizon, Matrix Color, Redox Concentrations, Redox Depletions, Texture. Row 1: 0-8", 10YR 3/3, none, none, L

Hydric Soil Indicators:

- Hydric Soil Indicators: [] Histosol, [] Histic Epipedon, [] Sulfidic Odor, [] Reducing Conditions (tests positive), [] Gleyed or low chroma colors and/or redox features within 10", [] Concretions/Nodules (w/in 3", > 2mm), [] High organic content in surface (in Sandy Soils), [] Organic streaking (in Sandy Soils), [] Organic pan (in Sandy Soils), [] Listed on Hydric Soils List (and soil profile matches), [] Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration), [] Supplemental indicator (e.g., NRCS field indicator):, [] Other (Explain in Comments)

Criteria Met? YES [] NO [x] Comments: past 8" hard to dig roots

HYDROLOGY

Recorded Data

[] Recorded Data Available [] Aerial Photos [] Stream gauge [] Other [x] No Recorded Data Available

Field Data

Depth of Inundation: Depth to Saturation: none Depth to free water:

Primary Hydrology Indicators:

- Primary Hydrology Indicators: [] Inundated, [] Saturated in upper 12 inches, [] Water Marks, [] Drift Lines, [] Sediment Deposits, [] Drainage Patterns

Secondary Hydrology Indicators (2 or more required):

- Secondary Hydrology Indicators (2 or more required): [] Oxidized Root Channels (upper 12"), [] Water-stained Leaves, [] Local Soil Survey Data, [] FAC-Neutral Test, [] Other:

Criteria Met? YES [] NO [x] Comments:

DETERMINATION

WETLAND? YES [] NO [x] Comments: wetland criteria not met

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood

Date: 2/13/08

File # 2085

Project/Contact: Clause-Sherwood/Schott & Associates

Det. by: CLC

Plant Community: emergent

Plot # 9

Plot location: pr w/ 8

Recent Weather: cloudy, dry

Do normal environ. conditions exist? Y N If No, explain: _____

Has Vegetation Soil Hydrology been significantly disturbed?

Explain: _____

VEGETATION

Tree Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___%
Status Raw % Cover

- 1. _____
2. _____
3. _____

Herb Stratum

Total Plot Cover: 20% 50%: 10% 20%: 4%
Status Raw % Cover

- 1. Lysichiton americanum* OBL 20
2. _____
3. bare 75
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Sapling/Shrub Stratum

Total Plot Cover: 30% 50%: 15% 20%: 8%
Status Raw % Cover

- 1. Fraxinus latifolia* FACW 30
2. _____
3. _____
4. _____
5. _____

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 100%

Other Hydrophytic Vegetation Indicators: _____

Criteria Met? YES NO Comments: LYAM just starting to sprout, probably more w/in area

SOILS

Map Unit Name: Wapato silty clay loam

Drainage Class: poorly drained

On Hydric Soils List? Y N

Has hydric inclusions? Y N

Table with 5 columns: Depth Range of Horizon, Matrix Color, Redox Concentrations, Redox Depletions, Texture. Row 1: 0-18", 10YR 3/1, none, none, C

Hydric Soil Indicators:

- Histosol Concretions/Nodules (w/in 3"; > 2mm)
 Histic Epipedon High organic content in surface (in Sandy Soils)
 Sulfidic Odor Organic streaking (in Sandy Soils)
 Reducing Conditions (tests positive) Organic pan (in Sandy Soils)
 Gleyed or low chroma colors and/or redox features within 10" Listed on Hydric Soils List (and soil profile matches)
 Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration)
 Supplemental indicator (e.g., NRCS field indicator): _____
 Other (Explain in Comments)

Criteria Met? YES NO Comments: _____

HYDROLOGY

Recorded Data

Recorded Data Available Aerial Photos Stream gauge Other No Recorded Data Available

Field Data

Depth of Inundation: _____ Depth to Saturation: surf Depth to free water: 8"

Primary Hydrology indicators:

- Inundated
 Saturated in upper 12 inches
 Water Marks
 Drift Lines
 Sediment Deposits
 Drainage Patterns

Secondary Hydrology indicators (2 or more required):

- Oxidized Root Channels (upper 12")
 Water-stained Leaves
 Local Soil Survey Data
 FAC-Neutral Test
 Other: _____

Criteria Met? YES NO Comments: _____

DETERMINATION

WETLAND? YES NO Comments: all criteria met

12/07

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood
Project/Contact: Clause-Sherwood/Schott & Associates
Plant Community: grasses
Plot location: west of HWY 99
Recent Weather: cloudy, dry

Date: 2/13/08

File # 2065
Det. by: CLC
Plot # 10

Do normal environ. conditions exist? Y [X] N [] If No, explain:
Has Vegetation [] Soil [] Hydrology [] been significantly disturbed?
Explain:

VEGETATION

Tree Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___%
Status Raw % Cover

- 1.
2.
3.

Herb Stratum

Total Plot Cover: 42% 50%: 21% 20%: 8%
Status Raw % Cover

- 1. Phalaris arundinacea* FACW 40
2. Holcus lanatus FAC 2
3. bare ground 58
4.
5.
6.
7.
8.
9.
10.
11.
12.

Sapling/Shrub Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___%
Status Raw % Cover

- 1.
2.
3.
4.
5.

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 100%

Other Hydrophytic Vegetation Indicators:

Criteria Met? YES [X] NO [] Comments: PHAR just starting to sprout-probably more w/in the area

SOILS

Map Unit Name: McBee silty clay loam

Drainage Class: moderately well drained

On Hydric Soils List? Y [] N [X] Has hydric inclusions? Y [X] N []

Table with 5 columns: Depth Range of Horizon, Matrix Color, Redox Concentrations, Redox Depletions, Texture. Row 1: 0-18", 10YR 3/1, 10YR 4/6cmd, none, C

Hydric Soil Indicators:

- [] Histosol [] Concretions/Nodules (w/in 3"; > 2mm)
[] Histic Epipedon [] High organic content in surface (In Sandy Soils)
[] Sulfidic Odor [] Organic streaking (In Sandy Soils)
[] Reducing Conditions (tests positive) [] Organic pan (In Sandy Soils)
[X] Gleyed or low chroma colors and/or redox features within 10" [] Listed on Hydric Soils List (and soil profile matches)
[] Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration)
[] Supplemental indicator (e.g., NRCS field indicator):
[] Other (Explain in Comments)

Criteria Met? YES [X] NO [] Comments:

HYDROLOGY

Recorded Data

[] Recorded Data Available [] Aerial Photos [] Stream gauge [] Other [X] No Recorded Data Available

Field Data

Depth of inundation: Depth to Saturation: 8" Depth to free water:

Primary Hydrology Indicators:

- [] Inundated [X] Saturated in upper 12 inches
[] Water Marks
[] Drift Lines
[] Sediment Deposits
[] Drainage Patterns

Secondary Hydrology Indicators (2 or more required):

- [] Oxidized Root Channels (upper 12")
[] Water-stained Leaves
[] Local Soil Survey Data
[] FAC-Neutral Test
[] Other:

Criteria Met? YES [X] NO [] Comments:

DETERMINATION

WETLAND? YES [X] NO [] Comments: all wetland criteria met

12/07

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood

Date: 2/13/08

File # 2065
Det. by: GLC
Plot # 11

Project/Contact: Clause-Sherwood/Schott & Associates

Plant Community: grasses

Plot location: pr.w/10

Recent Weather: cloudy, dry

Do normal environ. conditions exist? Y N If No, explain: _____

Has Vegetation Soil Hydrology been significantly disturbed?

Explain: cobble brought to area

VEGETATION

Tree Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___%
Status Raw % Cover

1. _____
2. _____
3. _____

Sapling/Shrub Stratum

Total Plot Cover: 50% 50%: 25% 20%: 10%
Status Raw % Cover

1. Rubus discolor* FACU 50
2. _____
3. _____
4. _____
5. _____

Herb Stratum

Total Plot Cover: 50% 50%: 25% 20%: 10%
Status Raw % Cover

1. Phalaris arundinacea* FACW 50
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 50%

Other Hydrophytic Vegetation Indicators: _____

Criteria Met? YES NO Comments: _____

SOILS

Map Unit Name: McBee silty clay loam

Drainage Class: moderately well drained

On Hydric Soils List? Y N

Has hydric inclusions? Y N

| Range
Horizon | Matrix
Color | Redox Concentrations*
abund./size/contrast/color/location (matrix or pores/peds) | Redox Depletions | Texture |
|------------------|-----------------|--|-------------------|---------|
| 0-18" | 10YR 3/3 | none | none | CL |
| | | | | |
| | | | | |

Hydric Soil Indicators:

- | | |
|---|--|
| <input type="checkbox"/> Histosol | <input type="checkbox"/> Concretions/Nodules (w/in 3"; > 2mm) |
| <input type="checkbox"/> Histic Epipedon | <input type="checkbox"/> High organic content in surface (In Sandy Soils) |
| <input type="checkbox"/> Sulfidic Odor | <input type="checkbox"/> Organic streaking (In Sandy Soils) |
| <input type="checkbox"/> Reducing Conditions (tests positive) | <input type="checkbox"/> Organic pan (In Sandy Soils) |
| <input type="checkbox"/> Gleyed or low chroma colors and/or redox features within 10" | <input type="checkbox"/> Listed on Hydric Soils List (and soil profile matches) |
| | <input type="checkbox"/> Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration) |
| | <input type="checkbox"/> Supplemental indicator (e.g., NRCS field indicator): _____ |
| | <input type="checkbox"/> Other (Explain in Comments) |

Criteria Met? YES NO Comments: _____

HYDROLOGY

Recorded Data

Recorded Data Available Aerial Photos Stream gauge Other No Recorded Data Available

Field Data

Depth of inundation: _____ Depth to Saturation: none Depth to free water: _____

Primary Hydrology Indicators:

- Inundated
- Saturated in upper 12 inches
- Water Marks
- Drift Lines
- Sediment Deposits
- Drainage Patterns

Secondary Hydrology Indicators (2 or more required):

- Oxidized Root Channels (upper 12")
- Water-stained Leaves
- Local Soil Survey Data
- FAC-Neutral Test
- Other: _____

Criteria Met? YES NO Comments: _____

DETERMINATION

WETLAND? YES NO Comments: wetland criteria not met

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood
Project/Contact: Clause-Sherwood/Schott & Associates
Plant Community: grasses
Plot location: small wetland sw portion of property, east boundary
Recent Weather: sunny
Do normal environ. conditions exist? Y [x] N [] If No, explain:
Has Vegetation [] Soil [] Hydrology [] been significantly disturbed?
Explain:

Date: 02/14/08

File # 2065
Det. by: CLC
Plot # 12

VEGETATION

Tree Stratum
Total Plot Cover: ___% 50%: ___% 20%: ___%
Status Raw % Cover
1.
2.
3.
Sapling/Shrub Stratum
Total Plot Cover: 20% 50%: 10% 20%: 4%
Status Raw % Cover
1. Rubus discolor* FACU 20
2.
3.
4.
5.

Herb Stratum
Total Plot Cover: 80% 50%: 40% 20%: 16%
Status Raw % Cover
1. Holcus lanatus* FAC 30
2. Phalaris arundinacea* FACW 20
3. Festuca arundinacea* FAC- 20
4. Unknown grass 10
5.
6.
7.
8.
9.
10.
11.
12.

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 75%
Other Hydrophytic Vegetation Indicators:

Criteria Met? YES [x] NO [] Comments:

SOILS

Map Unit Name: Quatama loam

Drainage Class: moderately well drained

On Hydric Soils List? Y [] N [x] Has hydric inclusions? Y [x] N []

Table with 5 columns: Depth Range, Matrix Color, Redox Concentrations, Redox Depletions, Texture. Row 1: 0-16", 10YR 3/3, 10YR 4/6ff, L

Hydric Soil Indicators:

- Concretions/Nodules (w/in 3"; > 2mm)
High organic content in surface (in Sandy Soils)
Organic streaking (in Sandy Soils)
Organic pan (in Sandy Soils)
Listed on Hydric Soils List (and soil profile matches)
Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration)
Supplemental indicator (e.g., NRCS field indicator):
Other (Explain in Comments)

Criteria Met? YES [] NO [x] Comments:

HYDROLOGY

Recorded Data
[] Recorded Data Available [] Aerial Photos [] Stream gauge [] Other [x] No Recorded Data Available

Field Data
Depth of inundation: Depth to Saturation: 2" Depth to free water: 10"

- Primary Hydrology Indicators: Inundated, Saturated in upper 12 inches, Water Marks, Drift Lines, Sediment Deposits, Drainage Patterns
Secondary Hydrology Indicators (2 or more required): Oxidized Root Channels (upper 12"), Water-stained Leaves, Local Soil Survey Data, FAC-Neutral Test, Other:

Criteria Met? YES [x] NO [] Comments:

DETERMINATION

WETLAND? YES [] NO [x] Comments: soil criteria not met, on slight slope

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DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood
 Project/Contact: Clause-Sherwood/Schott & Associates
 Plant Community: grasses
 Plot location: pr w/ 12
 Recent Weather: sunny
 Do normal environ. conditions exist? Y N If No, explain: _____
 Has Vegetation Soil Hydrology been significantly disturbed?
 Explain: _____

Date: 2/14/08

File # 2085
 Det. by: CLC
 Plot # 13

VEGETATION

Tree Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___%
 Status Raw % Cover

1. _____
2. _____
3. _____

Herb Stratum

Total Plot Cover: 100% 50%: 50% 20%: 20%
 Status Raw % Cover

1. Phalaris arundinacea* Status: FACW Raw %: 100
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Sapling/Shrub Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___%
 Status Raw % Cover

1. _____
2. _____
3. _____
4. _____
5. _____

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 100%

Other Hydrophytic Vegetation Indicators: _____

Criteria Met? YES NO Comments: _____

SOILS

Map Unit Name: Qualama loam

Drainage Class: moderately well drained

On Hydric Soils List? Y N

Has hydric inclusions? Y N

| Soil Range
Horizon | Matrix
Color | Redox Concentrations
* abund./size/contrast/color/location (matrix or pores/peds) | Redox Depletions | Texture |
|-----------------------|-----------------|--|------------------|---------|
| 0-18" | 10YR 3/1,3/2 | 10YR 4/8cmd | none | C |

Hydric Soil Indicators:

- | | |
|--|--|
| <input type="checkbox"/> Histosol | <input type="checkbox"/> Concretions/Nodules (w/in 3"; > 2mm) |
| <input type="checkbox"/> Histic Epipedon | <input type="checkbox"/> High organic content in surface (in Sandy Soils) |
| <input type="checkbox"/> Sulfidic Odor | <input type="checkbox"/> Organic streaking (in Sandy Soils) |
| <input type="checkbox"/> Reducing Conditions (tests positive) | <input type="checkbox"/> Organic pan (in Sandy Soils) |
| <input checked="" type="checkbox"/> Gleyed or low chroma colors and/or redox features within 10" | <input type="checkbox"/> Listed on Hydric Soils List (and soil profile matches) |
| | <input type="checkbox"/> Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration) |
| | <input type="checkbox"/> Supplemental Indicator (e.g., NRCS field indicator): _____ |
| | <input type="checkbox"/> Other (Explain in Comments) |

Criteria Met? YES NO Comments: _____

HYDROLOGY

Recorded Data

Recorded Data Available Aerial Photos Stream gauge Other No Recorded Data Available

Field Data

Depth of inundation: _____ Depth to Saturation: 4" Depth to free water: _____

Primary Hydrology Indicators:

- Inundated
- Saturated in upper 12 inches
- Water Marks
- Drift Lines
- Sediment Deposits
- Drainage Patterns

Secondary Hydrology Indicators (2 or more required):

- Oxidized Root Channels (upper 12")
- Water-stained Leaves
- Local Soil Survey Data
- FAC-Neutral Test
- Other: _____

Criteria Met? YES NO Comments: slight saturation, very moist soil

DETERMINATION

WETLAND? YES NO Comments: _____

12/07

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood Date: 2/14/08 File # 2085
Project/Contact: Clause-Sherwood/Schott & Associates Det. by: CLC
Plant Community: grasses Plot # 14
Plot location: north border of small wetland
Recent Weather: sunny
Do normal environ. conditions exist? Y [X] N [] If No, explain:
Has Vegetation [] Soil [] Hydrology [] been significantly disturbed?
Explain:

VEGETATION

Tree Stratum
Total Plot Cover: 60% 50%: 30% 20%: 12%
Status Raw % Cover
1. Alnus rubra* FAC 20
2. Pseudotsuga menziesii* FACU 40
3.

Herb Stratum
Total Plot Cover: 90% 50%: 45% 20%: 18%
Status Raw % Cover
1. Holcus lanatus* FAC 40
2. Festuca arundinacea* FAC- 30
3. Phalaris arundinacea* FACW 20
4.
5.
6.
7.
8.
9.
10.
11.
12.

Sapling/Shrub Stratum
Total Plot Cover: 10% 50%: 5% 20%: 2%
Status Raw % Cover
1. Rubus discolor* FACU 10
2.
3.
4.
5.

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 66.6%

Other Hydrophytic Vegetation Indicators:

Criteria Met? YES [X] NO [] Comments:

SOILS

Map Unit Name: Hubertv silt loam

Drainage Class: poorly drained

On Hydric Soils List? Y [X] N []

Has hydric inclusions? Y [] N []

Table with 5 columns: Depth Range of Horizon, Matrix Color, Redox Concentrations, Redox Depletions, Texture. Row 1: 0-16", 10YR 3/2, none, none, CL

Hydric Soil Indicators:

- Hydric Soil Indicators: [] Histosol, [] Histic Epipedon, [] Sulfidic Odor, [] Reducing Conditions (tests positive), [] Gleyed or low chroma colors and/or redox features within 10", [] Concretions/Nodules (w/in 3"; > 2mm), [] High organic content in surface (in Sandy Soils), [] Organic streaking (in Sandy Soils), [] Organic pan (in Sandy Soils), [] Listed on Hydric Soils List (and soil profile matches), [] Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration), [] Supplemental indicator (e.g., NRCS field indicator):, [] Other (Explain in Comments)

Criteria Met? YES [] NO [X] Comments:

HYDROLOGY

Recorded Data

[] Recorded Data Available [] Aerial Photos [] Stream gauge [] Other [X] No Recorded Data Available

Field Data

Depth of inundation: Depth to Saturation: none Depth to free water:

Primary Hydrology Indicators:

- Primary Hydrology Indicators: [] Inundated, [] Saturated in upper 12 inches, [] Water Marks, [] Drift Lines, [] Sediment Deposits, [] Drainage Patterns

Secondary Hydrology Indicators (2 or more required):

- Secondary Hydrology Indicators (2 or more required): [] Oxidized Root Channels (upper 12"), [] Water-stained Leaves, [] Local Soil Survey Data, [] FAC-Neutral Test, [] Other:

Criteria Met? YES [] NO [X] Comments:

DETERMINATION

WETLAND? YES [] NO [X] Comments: soil and hydrology criteria not met

12/07

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood

Date: 2/14/08

File # 2085

Project/Contact: Clause-Sherwood/Scholt & Associates

Det. by: CLC

Plant Community: grasses

Plot # 15

Plot location: pr w 14

Recent Weather: sunny

Do normal environ. conditions exist? Y N If No, explain: _____

Has Vegetation Soil Hydrology been significantly disturbed?

Explain: _____

VEGETATION

Tree Stratum

Total Plot Cover: _____% 50%: _____% 20%: _____%
Status Raw % Cover

- 1. _____
- 2. _____
- 3. _____

Herb Stratum

Total Plot Cover: 100% 50%: 50% 20%: 20%
Status Raw % Cover

- 1. Phalaris arundinacea* FACW 70
- 2. Juncus effusus* FACW 20
- 3. Holcus lanatus FAC 10
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____
- 12. _____

Sapling/Shrub Stratum

Total Plot Cover: _____% 50%: _____% 20%: _____%
Status Raw % Cover

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 100%

Other Hydrophytic Vegetation Indicators: _____

Criteria Met? YES NO Comments: _____

SOILS

Map Unit Name: Huberly silt loam

Drainage Class: poorly drained

On Hydric Soils List? Y N

Has hydric inclusions? Y N

| Depth Range of Horizon | Matrix Color | Redox Concentrations*
* abund./size/contrast/color/location (matrix or pores/peds) | Redox Depletions* | Texture |
|------------------------|--------------|---|-------------------|---------|
| 0-10" | 10YR 3/1 | none | none | C |

Hydric Soil Indicators:

- Histosol
- Histic Epipedon
- Sulfidic Odor
- Reducing Conditions (tests positive)
- Gleyed or low chroma colors and/or redox features within 10"
- Concretions/Nodules (w/in 3"; > 2mm)
- High organic content in surface (in Sandy Soils)
- Organic streaking (in Sandy Soils)
- Organic pan (in Sandy Soils)
- Listed on Hydric Soils List (and soil profile matches)
- Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration)
- Supplemental Indicator (e.g., NRCS field indicator): _____
- Other (Explain in Comments)

Criteria Met? YES NO Comments: _____

HYDROLOGY

Recorded Data

Recorded Data Available Aerial Photos Stream gauge Other No Recorded Data Available

Field Data

Depth of inundation: _____ Depth to Saturation: surf Depth to free water: surf

Primary Hydrology Indicators:

- Inundated
- Saturated in upper 12 inches
- Water Marks
- Drift Lines
- Sediment Deposits
- Drainage Patterns

Secondary Hydrology Indicators (2 or more required):

- Oxidized Root Channels (upper 12")
- Water-stained Leaves
- Local Soil Survey Data
- FAC-Neutral Test
- Other: _____

Criteria Met? YES NO Comments: _____

DETERMINATION

WETLAND? YES NO Comments: all wetland criteria met

12/07

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood

Date: 2/14/08

File # 2065

Project/Contact: Clause Sherwood/Schott & Associates

Det. by: CLC

Plant Community: Invasive

Plot # 16

Plot location: south border of small wetland

Recent Weather: sunny

Do normal environ. conditions exist? Y N If No, explain: _____

Has Vegetation Soil Hydrology been significantly disturbed?

Explain: _____

VEGETATION

Tree Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___%
Status Raw % Cover

1. _____
2. _____
3. _____

Herb Stratum

Total Plot Cover: 30% 50%: 15% 20%: 6%
Status Raw % Cover

1. Holcus lanatus* FAC 20
2. Festuca arundinacea* FAC- 10
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Sapling/Shrub Stratum

Total Plot Cover: 70% 50%: 35% 20%: 14%
Status Raw % Cover

1. Rubus discolor* FACU 70
2. _____
3. _____
4. _____
5. _____

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 66.6%

Other Hydrophytic Vegetation Indicators: _____

Criteria Met? YES NO Comments: RUDI, high dominance, grasses at edge

SOILS

Map Unit Name: Quatama loam

Drainage Class: moderately well drained

On Hydric Soils List? Y N

Has hydric inclusions? Y N:

| Depth Range
Horizon | Matrix
Color | Redox Concentrations*
* abund./size/contrast/color/location (matrix or pores/peds) | Redox Depletions* | Texture |
|------------------------|-----------------|---|-------------------|---------|
| 0-16" | 10YR 3/3, 3/2 | none | none | CL |

Hydric Soil Indicators:

- Histosol
- Histic Epipedon
- Sulfidic Odor
- Reducing Conditions (tests positive)
- Gleyed or low chroma colors and/or redox features within 10"
- Concretions/Nodules (w/in 3"; > 2mm)
- High organic content in surface (in Sandy Soils)
- Organic streaking (in Sandy Soils)
- Organic pan (in Sandy Soils)
- Listed on Hydric Soils List (and soil profile matches)
- Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration)
- Supplemental Indicator (e.g., NRCS field indicator): _____
- Other (Explain in Comments)

Criteria Met? YES NO Comments: _____

HYDROLOGY

Recorded Data

Recorded Data Available Aerial Photos Stream gauge Other No Recorded Data Available

Field Data

Depth of inundation: _____ Depth to Saturation: surf Depth to free water: _____

Primary Hydrology Indicators:

- Inundated
- Saturated in upper 12 inches
- Water Marks
- Drift Lines
- Sediment Deposits
- Drainage Patterns

Secondary Hydrology Indicators (2 or more required):

- Oxidized Root Channels (upper 12")
- Water-stained Leaves
- Local Soil Survey Data
- FAC-Neutral Test
- Other: _____

Criteria Met? YES NO Comments: _____

DETERMINATION

WETLAND? YES NO Comments: vegetation and soil criteria not met

12/07

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood

Date: 2/14/08

File # 2065

Project/Contact: Clause-Sherwood/Schott & Associates

Det. by: CLC

Plant Community: grasses

Plot # 17

Plot location: gr w/ 16

Recent Weather: sunny

Do normal environ. conditions exist? Y N If No, explain: _____

Has Vegetation Soil Hydrology been significantly disturbed?

Explain: _____

VEGETATION

Tree Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___% Status Raw % Cover

- 1. _____
2. _____
3. _____

Herb Stratum

Total Plot Cover: 70% 50%: 35% 20%: 14% Status Raw % Cover

- 1. Phalaris arundinacea* FACW 60
2. Lysichiton americanum OBL 10
3. _____
4. bare 30
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Sapling/Shrub Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___% Status Raw % Cover

- 1. _____
2. _____
3. _____
4. _____
5. _____

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 100%

Other Hydrophytic Vegetation Indicators: _____

Criteria Met? YES NO Comments: LYAM just starting to sprout, probably more w/in area

SOILS

Map Unit Name: Huberly silt loam

Drainage Class: poorly drained

On Hydric Soils List? Y N

Has hydric Inclusions? Y N

Table with 4 columns: Depth Range of Horizon, Matrix Color, Redox Concentrations, Redox Depletions, Texture. Row 1: 0-8", 10YR 3/1, none, none, C

Hydric Soil Indicators:

- Concretions/Nodules (w/in 3"; > 2mm)
High organic content in surface (in Sandy Soils)
Organic streaking (in Sandy Soils)
Organic pan (in Sandy Soils)
Listed on Hydric Soils List (and soil profile matches)
Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration)
Supplemental indicator (e.g., NRCS field indicator): _____
Other (Explain in Comments)

Criteria Met? YES NO Comments: dug to 8", inundation, soil would not hold together

HYDROLOGY

Recorded Data

Recorded Data Available Aerial Photos Stream gauge Other No Recorded Data Available

Field Data

Depth of Inundation: 2 Depth to Saturation: _____ Depth to free water: _____

Primary Hydrology Indicators:

- Inundated
Saturated in upper 12 inches
Water Marks
Drift Lines
Sediment Deposits
Drainage Patterns

Secondary Hydrology Indicators (2 or more required):

- Oxidized Root Channels (upper 12")
Water-stained Leaves
Local Soil Survey Data
FAC-Neutral Test
Other: _____

Criteria Met? YES NO Comments: _____

DETERMINATION

WETLAND? YES NO Comments: all wetland criteria met

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood Date: 2/13/08 File # 2065
 Project/Contact: Clause-Sherwood/Schott & Associates Det. by: CLC
 Plant Community: grasses Plot # 18
 Plot location: by small pond sw portion property by new dev. rd
 Recent Weather: sunny
 Do normal environ. conditions exist? Y N If No, explain: _____
 Has Vegetation Soil Hydrology been significantly disturbed?
 Explain: pond was man made

VEGETATION

Tree Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___%
 Status Raw % Cover
 1. _____
 2. _____
 3. _____

Herb Stratum

Total Plot Cover: 40% 50%: 20% 20%: 8%
 Status Raw % Cover
 1. Phalaris arundinacea* FACW 10
 2. Holcus lanatus* FAC 30
 3. Moss 50
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____
 11. _____
 12. _____

Sapling/Shrub Stratum

Total Plot Cover: 10% 50%: 5% 20%: 2%
 Status Raw % Cover
 1. Rubus discolor* FACU 10
 2. _____
 3. _____
 4. _____
 5. _____

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 86%

Other Hydrophytic Vegetation Indicators: _____

Criteria Met? YES NO Comments: _____

SOILS

Map Unit Name: Hillsboro loam

Drainage Class: well drained

On Hydric Soils List? Y N

Has hydric inclusions? Y N

| Depth Range of Horizon | Matrix Color | Redox Concentrations
* abund./size/contrast/color/location (matrix or pores/peds) | Redox Depletions | Texture |
|------------------------|--------------|--|------------------|---------|
| 0-18" | 10YR 3/4 | none | none | CL |

Hydric Soil Indicators:

- Histosol
- Histic Epipedon
- Sulfidic Odor
- Reducing Conditions (tests positive)
- Gleyed or low chroma colors and/or redox features within 10"
- Concretions/Nodules (w/in 3"; > 2mm)
- High organic content in surface (In Sandy Soils)
- Organic streaking (In Sandy Soils)
- Organic pan (In Sandy Soils)
- Listed on Hydric Soils List (and soil profile matches)
- Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration)
- Supplemental Indicator (e.g., NRCS field Indicator): _____
- Other (Explain in Comments)

Criteria Met? YES NO Comments: _____

HYDROLOGY

Recorded Data

Recorded Data Available Aerial Photos Stream gauge Other No Recorded Data Available

Field Data

Depth of inundation: _____ Depth to Saturation: none Depth to free water: _____

Primary Hydrology Indicators:

- Inundated
- Saturated in upper 12 inches
- Water Marks
- Drift Lines
- Sediment Deposits
- Drainage Patterns

Secondary Hydrology Indicators (2 or more required):

- Oxidized Root Channels (upper 12")
- Water-stained Leaves
- Local Soil Survey Data
- FAC-Neutral Test
- Other: _____

Criteria Met? YES NO Comments: _____

DETERMINATION

WETLAND? YES NO Comments: soil and hydrology criteria not met

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood

Date: 2/14/08

File # 2065

Project/Contact: Clouse-Sherwood/Schott & Associates

Det. by: CLC

Plant Community: emergents

Plot # 19

Plot location: pr w/ 18

Recent Weather: sunny

Do normal environ. conditions exist? Y N If No, explain: _____

Has Vegetation Soil Hydrology been significantly disturbed?

Explain: man made pond

VEGETATION

Tree Stratum

Total Plot Cover: ___% 50%: 0% 20%: ___%
Status Raw % Cover

- 1. _____
2. _____
3. _____

Herb Stratum

Total Plot Cover: 100% 50%: 50% 20%: 20%
Status Raw % Cover

- 1. Typha latifolia* OBL 20
- 2. Phalaris arundinacea FACW 10
- 3. Holcus lanatus* FAC 20
- 4. Lemna minor* OBL 50
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____
- 12. _____

Sapling/Shrub Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___%
Status Raw % Cover

- 1. _____
2. _____
3. _____
4. _____
5. _____

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 100%

Other Hydrophytic Vegetation Indicators: _____

Criteria Met? YES NO Comments: LEM w/in water, rest wetland fringe

SOILS

Map Unit Name: Hillsboro loam

Drainage Class: well drained

On Hydric Soils List? Y N

Has hydric Inclusions? Y N

Table with 5 columns: Depth Range of Horizon, Matrix Color, Redox Concentrations, Redox Depletions, Texture. Row 1: 0-8", 10YR 3/1, 10YR 4/6mmp, none, C

Hydric Soil Indicators:

- Histosol
- Histc Epipedon
- Sulfidic Odor
- Reducing Conditions (tests positive)
- Gleyed or low chroma colors and/or redox features within 10"
- Concretions/Nodules (w/in 3"; > 2mm)
- High organic content in surface (In Sandy Soils)
- Organic streaking (In Sandy Soils)
- Organic pan (in Sandy Soils)
- Listed on Hydric Soils List (and soil profile matches)
- Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration)
- Supplemental indicator (e.g., NRCS field indicator): _____
- Other (Explain in Comments)

Criteria Met? YES NO Comments: dug to 8", below soil would not hold, too much water

HYDROLOGY

Recorded Data

Recorded Data Available Aerial Photos Stream gauge Other No Recorded Data Available

Field Data

Depth of Inundation: _____ Depth to Saturation: surf Depth to free water: surf

Primary Hydrology Indicators:

- Inundated
- Saturated in upper 12 inches
- Water Marks
- Drift Lines
- Sediment Deposits
- Drainage Patterns

Secondary Hydrology Indicators (2 or more required):

- Oxidized Root Channels (upper 12")
- Water-stained Leaves
- Local Soil Survey Data
- FAC-Neutral Test
- Other: _____

Criteria Met? YES NO Comments: edges saturated, the rest inundated

DETERMINATION

WETLAND? YES NO Comments: all wetland criteria met

12/07

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood Date: 2/14/08
Project/Contact: Clause-Sherwood/Schott & Associates
Plant Community: Invasive
Plot location: west end of large wetland
Recent Weather: sunny
Do normal environ. conditions exist? Y [x] N [] If No, explain:
Has Vegetation [] Soil [] Hydrology [] been significantly disturbed?
Explain: _____

File # 2065
Det. by: CLC
Plot # B

VEGETATION

Tree Stratum
Total Plot Cover: 10% 50%: 5% 20%: 2%
Status Raw % Cover
1. Thuja plicata* FAC 10
2.
3.
Sapling/Shrub Stratum
Total Plot Cover: 60% 50%: 30% 20%: 12%
Status Raw % Cover
1. Rubus discolor* FACU 50
2. Pseudotsuga menziesii FACU 10
3.
4.
5.

Herb Stratum
Total Plot Cover: ___% 50%: ___% 20%: ___%
Status Raw % Cover
1. moss 50
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 33.3%
Other Hydrophytic Vegetation Indicators:
Criteria Met? YES [] NO [x] Comments: _____

SOILS

Map Unit Name: Quatama loam Drainage Class: moderately well drained
On Hydric Soils List? Y [] N [x] Has hydric inclusions? Y [x] N []

Table with 5 columns: Depth Range / Horizon, Matrix Color, Redox Concentrations, Redox Depletions, Texture. Row 1: 0-18", 10YR 3/3, none, none, CL

Hydric Soil Indicators:

- Hydric Soil Indicators: [] Histosol, [] Histic Epipedon, [] Sulphid Odor, [] Reducing Conditions (tests positive), [] Gleyed or low chroma colors and/or redox features within 10", [] Concretions/Nodules (w/in 3"; > 2mm), [] High organic content in surface (in Sandy Soils), [] Organic streaking (in Sandy Soils), [] Organic pan (in Sandy Soils), [] Listed on Hydric Soils List (and soil profile matches), [] Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration), [] Supplemental Indicator (e.g., NRCS field Indicator): _____, [] Other (Explain in Comments)

Criteria Met? YES [] NO [x] Comments: _____

HYDROLOGY

Recorded Data
[] Recorded Data Available [] Aerial Photos [] Stream gauge [] Other [x] No Recorded Data Available

Field Data
Depth of inundation: _____ Depth to Saturation: none Depth to free water: _____

- Primary Hydrology Indicators: [] Inundated, [] Saturated in upper 12 inches, [] Water Marks, [] Drift Lines, [] Sediment Deposits, [] Drainage Patterns
Secondary Hydrology Indicators (2 or more required): [] Oxidized Root Channels (upper 12"), [] Water-stained Leaves, [] Local Soil Survey Data, [] FAC-Neutral Test, [] Other: _____

Criteria Met? YES [] NO [x] Comments: soil moist

DETERMINATION

WETLAND? YES [] NO [x] Comments: no wetland criteria was met

12/07

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood

Date: 2/14/08

File # 2085

Project/Contact: Clause-Sherwood/Schott & Associates

Det. by: CLC

Plant Community: grasses

Plot # C

Plot location: pr w/ B

Recent Weather: sunny

Do normal environ. conditions exist? Y N If No, explain: _____

Has Vegetation Soil Hydrology been significantly disturbed?

Explain: _____

VEGETATION

Tree Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___% Status Raw % Cover

- 1. _____
2. _____
3. _____

Herb Stratum

Total Plot Cover: 100% 50%: 50% 20%: 20% Status Raw % Cover

- 1. Phalaris arundinacea* FACW 100
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Sapling/Shrub Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___% Status Raw % Cover

- 1. _____
2. _____
3. _____
4. _____
5. _____

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 100%

Other Hydrophytic Vegetation Indicators: _____

Criteria Met? YES NO Comments: _____

SOILS

Map Unit Name: Quatama loam

Drainage Class: moderately well drained

On Hydric Soils List? Y N

Has hydric inclusions? Y N

Table with 5 columns: Jth Range of Horizon, Matrix Color, Redox Concentrations, Redox Depletions, Texture. Row 1: 0-18", 10YR 3/1, none, none, C

Hydric Soil Indicators:

- Concretions/Nodules (w/in 3"; > 2mm)
High organic content in surface (in Sandy Soils)
Organic streaking (in Sandy Soils)
Organic pan (in Sandy Soils)
Listed on Hydric Soils List (and soil profile matches)
Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration)
Supplemental indicator (e.g., NRCS field Indicator):
Other (Explain in Comments)

Criteria Met? YES NO Comments: _____

HYDROLOGY

Recorded Data

Recorded Data Available Aerial Photos Stream gauge Other No Recorded Data Available

Field Data

Depth of inundation: Depth to Saturation: surf Depth to free water:

Primary Hydrology Indicators:

- Inundated
Saturated in upper 12 inches
Water Marks
Drift Lines
Sediment Deposits
Drainage Patterns

Secondary Hydrology Indicators (2 or more required):

- Oxidized Root Channels (upper 12")
Water-stained Leaves
Local Soil Survey Data
FAC-Neutral Test
Other:

Criteria Met? YES NO Comments: _____

DETERMINATION

WETLAND? YES NO Comments: all wetland criteria was met

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood
Project/Contact: Clause-Sherwood/Schott & Associates
Plant Community: grasses
Plot location: north portion of large wetland, south of creek
Recent Weather: sunny
Do normal environ. conditions exist? Y [X] N [] If No, explain:
Has Vegetation [] Soil [] Hydrology [] been significantly disturbed?
Explain: _____

Date: 2/14/08

File # 2065
Det. by: CLC
Plot # D

VEGETATION

Tree Stratum
Total Plot Cover: ___% 50%: ___% 20%: ___%
Status Raw % Cover
1.
2.
3.
Sapling/Shrub Stratum
Total Plot Cover: ___% 50%: ___% 20%: ___%
Status Raw % Cover
1.
2.
3.
4.
5.

Herb Stratum
Total Plot Cover: 100% 50%: 50% 20%: 20%
Status Raw % Cover
1. Holcus lanatus* FAC 30
2. Phalaris arundinacea* FACW 70
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 100%
Other Hydrophytic Vegetation Indicators:
Criteria Met? YES [X] NO [] Comments: _____

SOILS

Map Unit Name: Wapato silty clay loam Drainage Class: poorly drained

On Hydric Soils List? Y [X] N [] Has hydric inclusions? Y [] N []

Table with 5 columns: Depth Range / Horizon, Matrix Color, Redox Concentrations, Redox Depletions, Texture. Row 1: 0-18", 10YR 3/1, 10YR 4/6mmp, none, C

Hydric Soil Indicators:

- [] Histosol
[] Histic Epipedon
[] Sulfidic Odor
[] Reducing Conditions (tests positive)
[X] Gleyed or low chroma colors and/or redox features within 10"
[] Concretions/Nodules (w/in 3"; > 2mm)
[] High organic content in surface (in Sandy Soils)
[] Organic streaking (in Sandy Soils)
[] Organic pan (in Sandy Soils)
[] Listed on Hydric Soils List (and soil profile matches)
[] Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration)
[] Supplemental Indicator (e.g., NRCS field indicator):
[] Other (Explain in Comments)

Criteria Met? YES [X] NO [] Comments: _____

HYDROLOGY

Recorded Data
[] Recorded Data Available [] Aerial Photos [] Stream gauge [] Other [X] No Recorded Data Available

Field Data
Depth of inundation: Depth to Saturation: 8" Depth to free water:

- Primary Hydrology Indicators:
[] Inundated
[X] Saturated in upper 12 inches
[] Water Marks
[] Drift Lines
[] Sediment Deposits
[] Drainage Patterns
Secondary Hydrology Indicators (2 or more required):
[] Oxidized Root Channels (upper 12")
[] Water-stained Leaves
[] Local Soil Survey Data
[] FAC-Neutral Test
[] Other:

Criteria Met? YES [X] NO [] Comments: _____

DETERMINATION

WETLAND? YES [X] NO [] Comments: all wetland criteria met

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM

County: Washington City: Sherwood

Date: 2/14/08

File # 2065
Det. by: CLC
Plot # E

Project/Contact: Clause-Sherwood/Schott & Associates

Plant Community: grasses

Plot location: pr w/ D

Recent Weather: sunny

Do normal environ. conditions exist? Y N If No, explain: _____

Has Vegetation Soil Hydrology been significantly disturbed?

Explain: _____

VEGETATION

Tree Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___%
Status Raw % Cover

- 1. _____
2. _____
3. _____

Sapling/Shrub Stratum

Total Plot Cover: 40% 50%: 20% 20%: 0%
Status Raw % Cover

- 1. Rubus discolor* FACU 40
2. _____
3. _____
4. _____
5. _____

Herb Stratum

Total Plot Cover: 80% 50%: 30% 20%: 12%
Status Raw % Cover

- 1. Phalaris arundinacea* FACW 50
2. Agrostis sp FAC 10
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 50%

Other Hydrophytic Vegetation Indicators: _____

Criteria Met? YES NO Comments: _____

SOILS

Map Unit Name: Wapato silty clay loam

Drainage Class: poorly drained

On Hydric Soils List? Y N

Has hydric inclusions? Y N

| Depth Range or Horizon | Matrix Color | Redox Concentrations*
* abund./size/contrast/color/location (matrix or pores/peds) | Redox Depletions* | Texture |
|------------------------|--------------|---|-------------------|---------|
| 0-18" | 10YR 3/1-3/2 | 10YR 4/6cmf | none | C |

Hydric Soil Indicators:

- Histosol
- Histic Epipedon
- Sulfidic Odor
- Reducing Conditions (tests positive)
- Gleyed or low chroma colors and/or redox features within 10"
- Concretions/Nodules (w/in 3"; > 2mm)
- High organic content in surface (in Sandy Soils)
- Organic streaking (in Sandy Soils)
- Organic pan (in Sandy Soils)
- Listed on Hydric Soils List (and soil profile matches)
- Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration)
- Supplemental indicator (e.g., NRCS field indicator): _____
- Other (Explain in Comments)

Criteria Met? YES NO Comments: _____

HYDROLOGY

Recorded Data

Recorded Data Available Aerial Photos Stream gauge Other No Recorded Data Available

Field Data

Depth of inundation: _____ Depth to Saturation: none Depth to free water: _____

Primary Hydrology Indicators:

- Inundated
- Saturated in upper 12 inches
- Water Marks
- Drift Lines
- Sediment Deposits
- Drainage Patterns

Secondary Hydrology Indicators (2 or more required):

- Oxidized Root Channels (upper 12")
- Water-stained Leaves
- Local Soil Survey Data
- FAC-Neutral Test
- Other: _____

Criteria Met? YES NO Comments: _____

DETERMINATION

WETLAND? YES NO Comments: vegetation and hydrology criteria not met

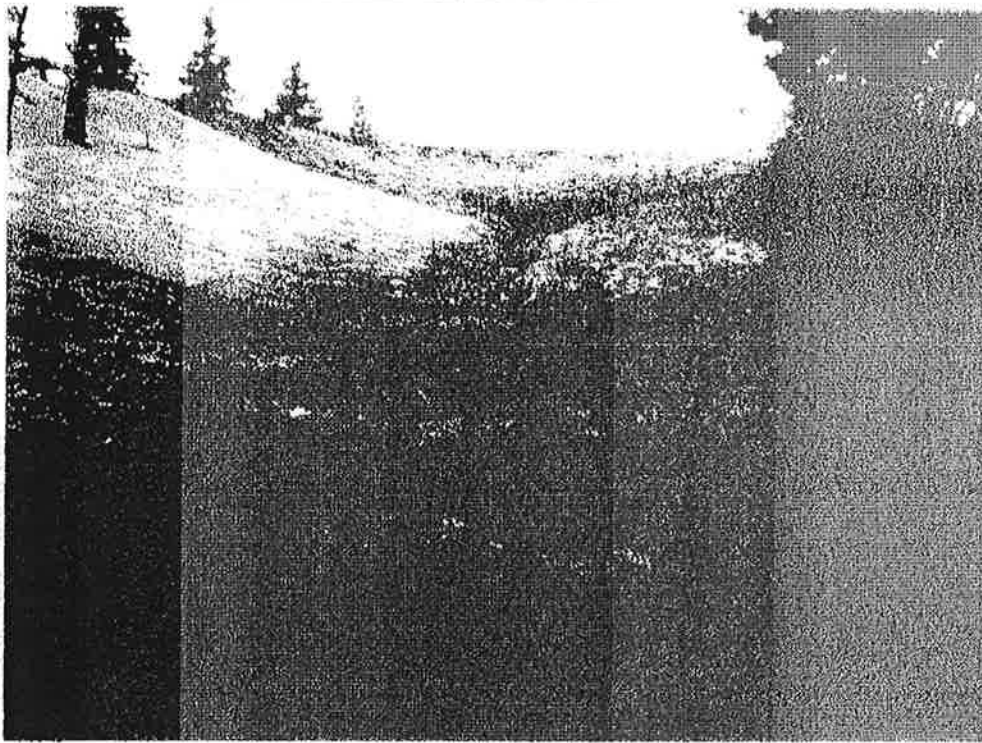


Photo Point 1, facing south, southeast

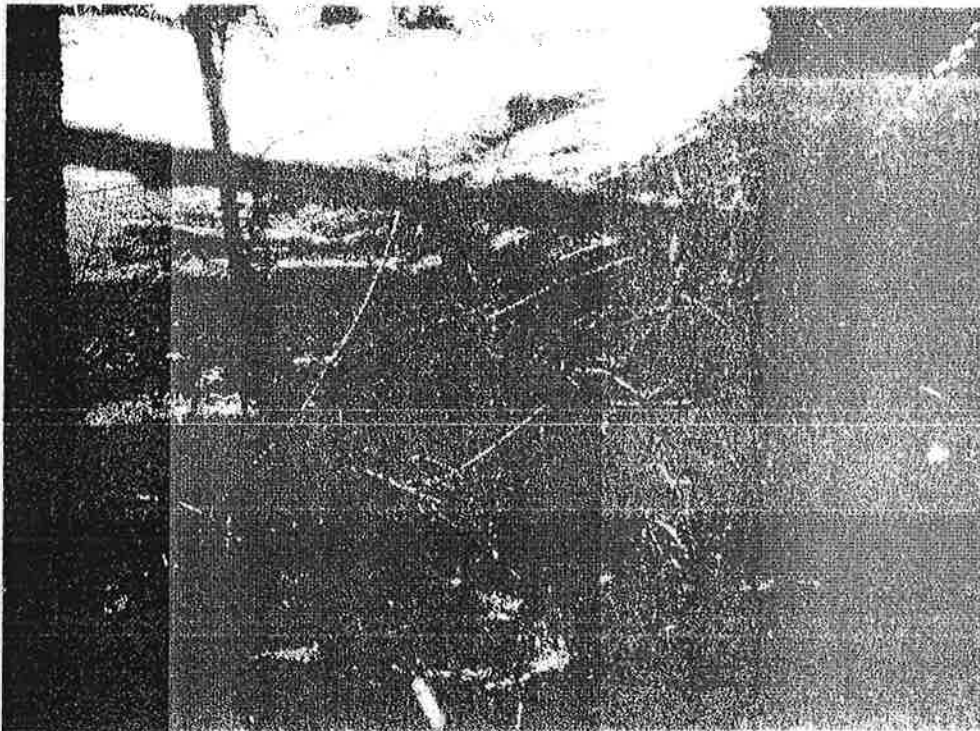


Photo Point 2 facing south

Claus Project
Site photographs
S&A 2065

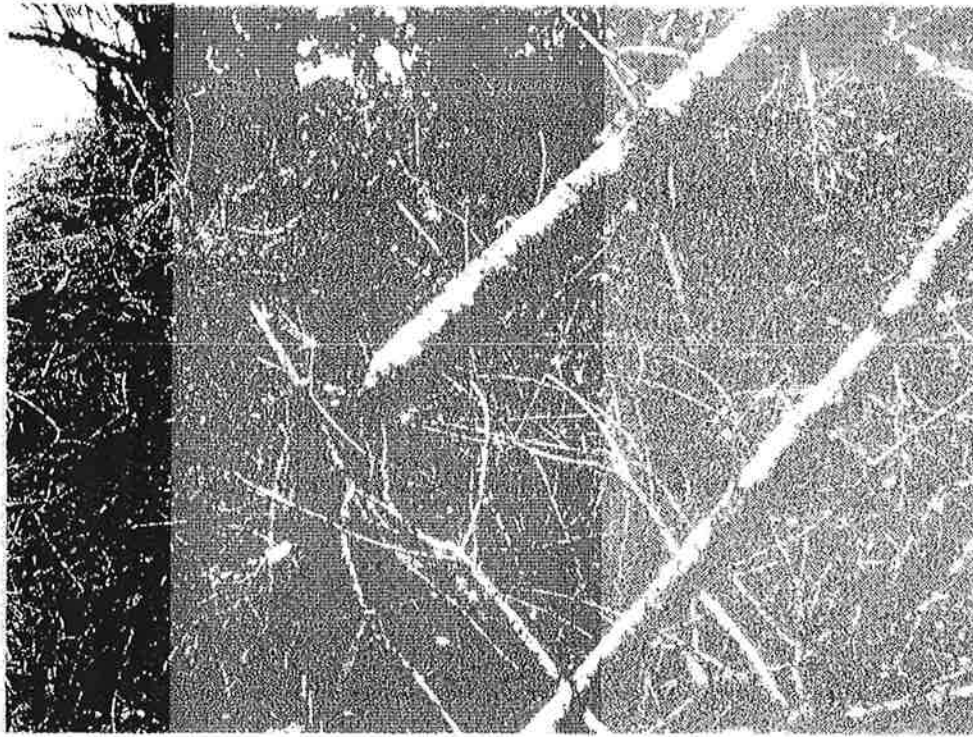


Photo Point 2 (North, looking West)

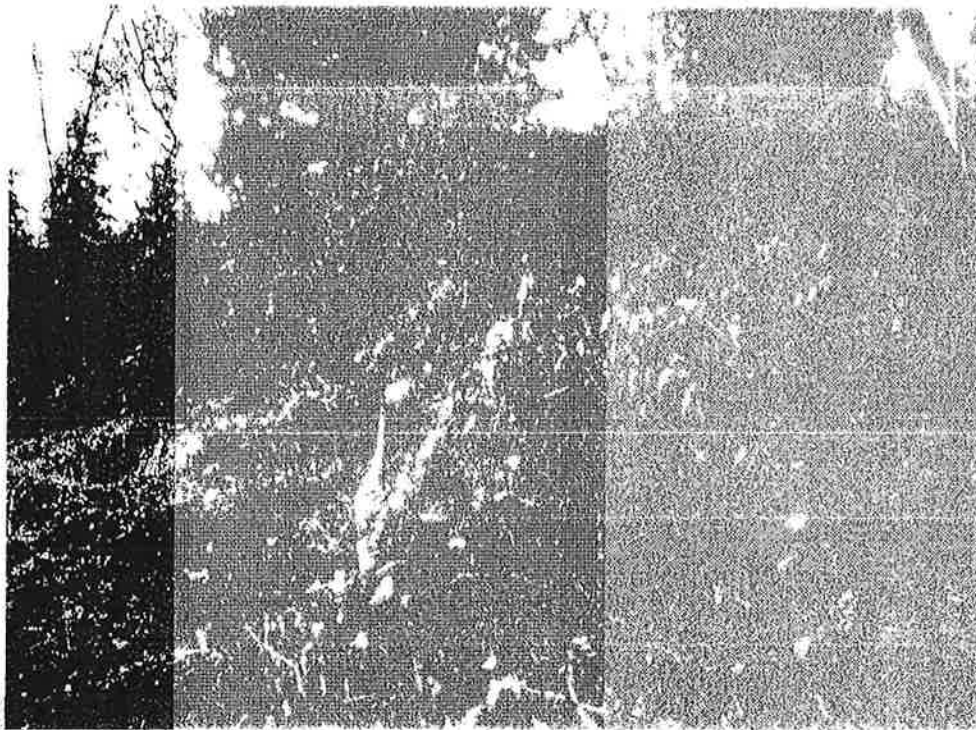


Photo Po

Claus Project
Site Photographs
S&A 2065

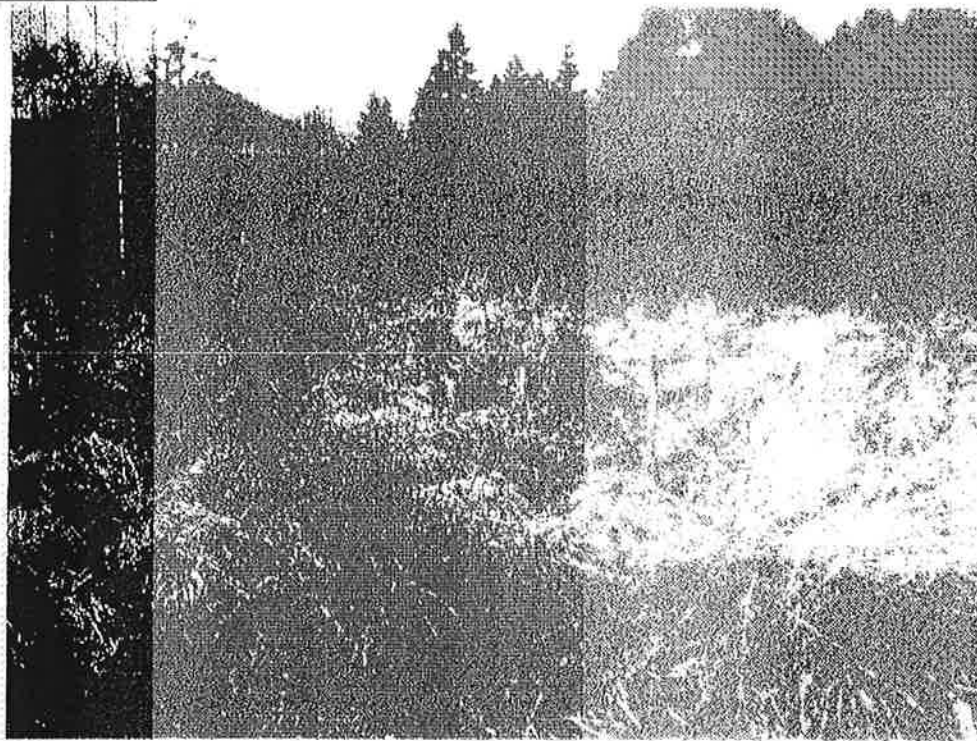


Photo point 1 facing west

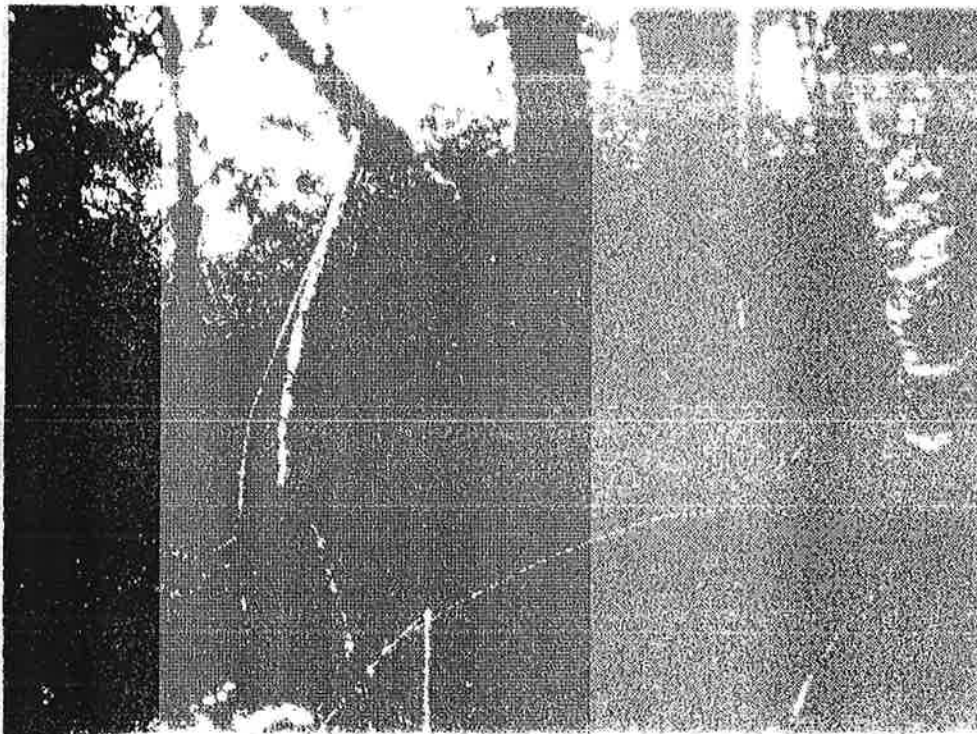


Photo p

Claus Project
Site Photographs
S&A # 2065

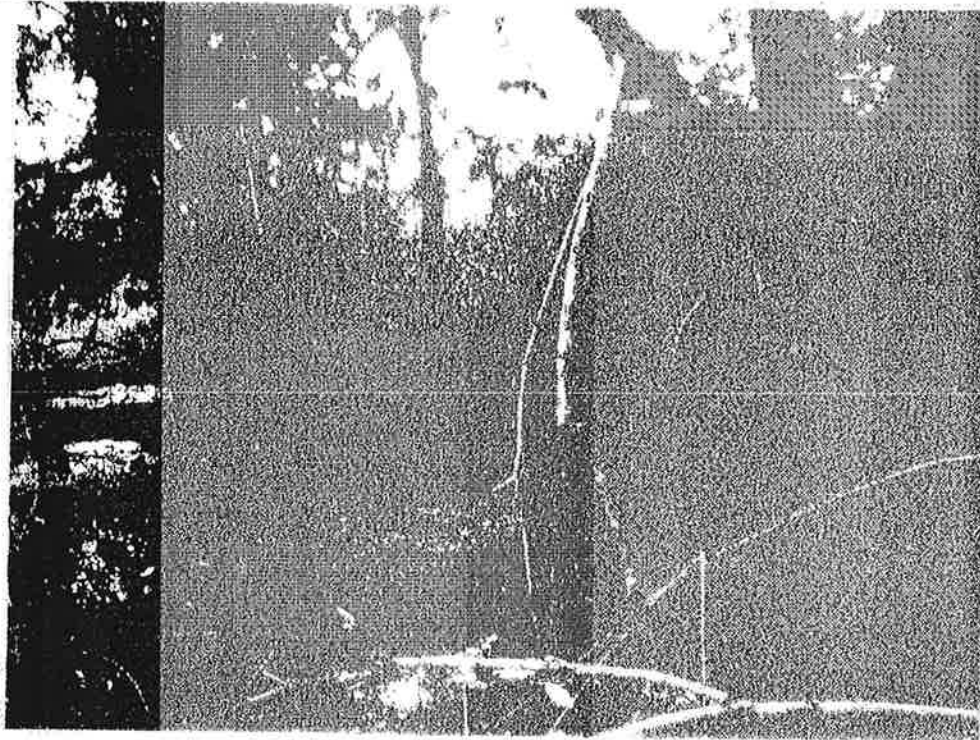


Photo point 15 facing north



Photo point

Claus Project
Site Photograph
S&A # 2065

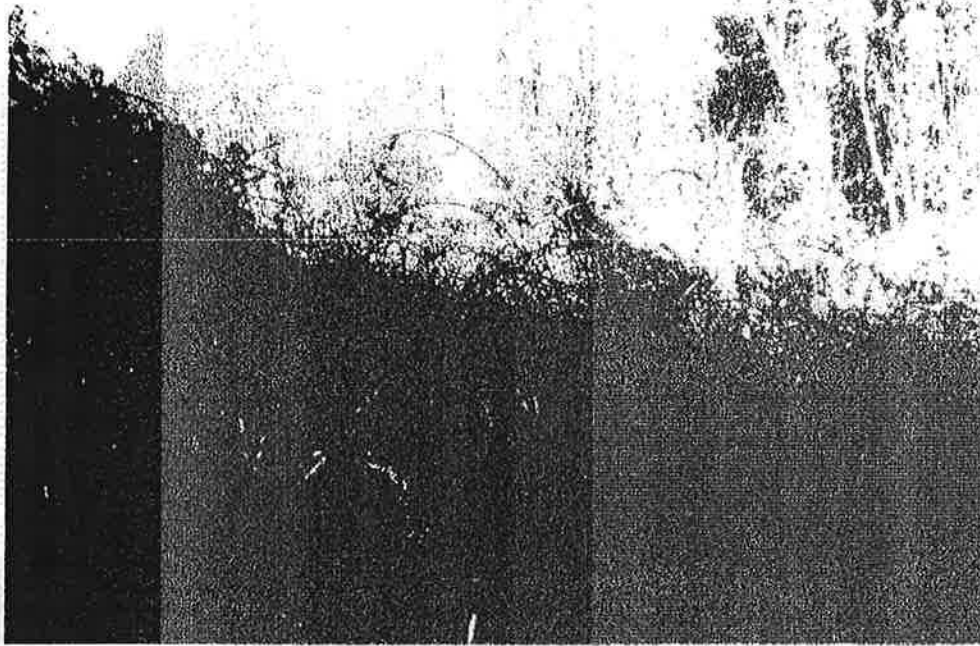


Photo point 7 facing west

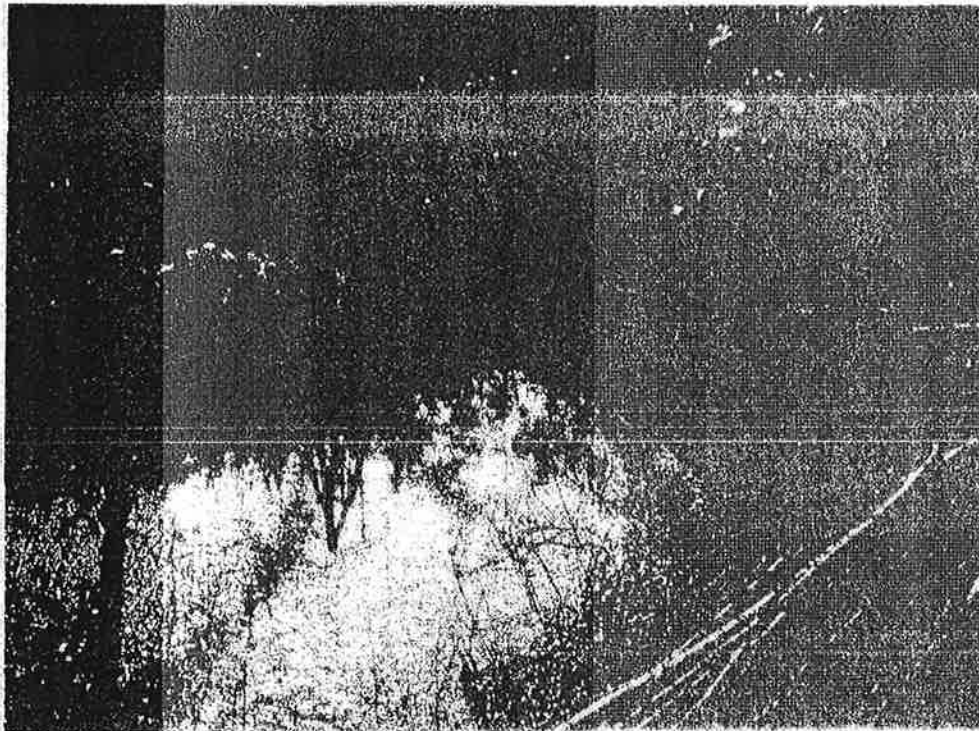


Photo point 8- looking down on small p

Claus Project
Site Photographs
S&A # 2065

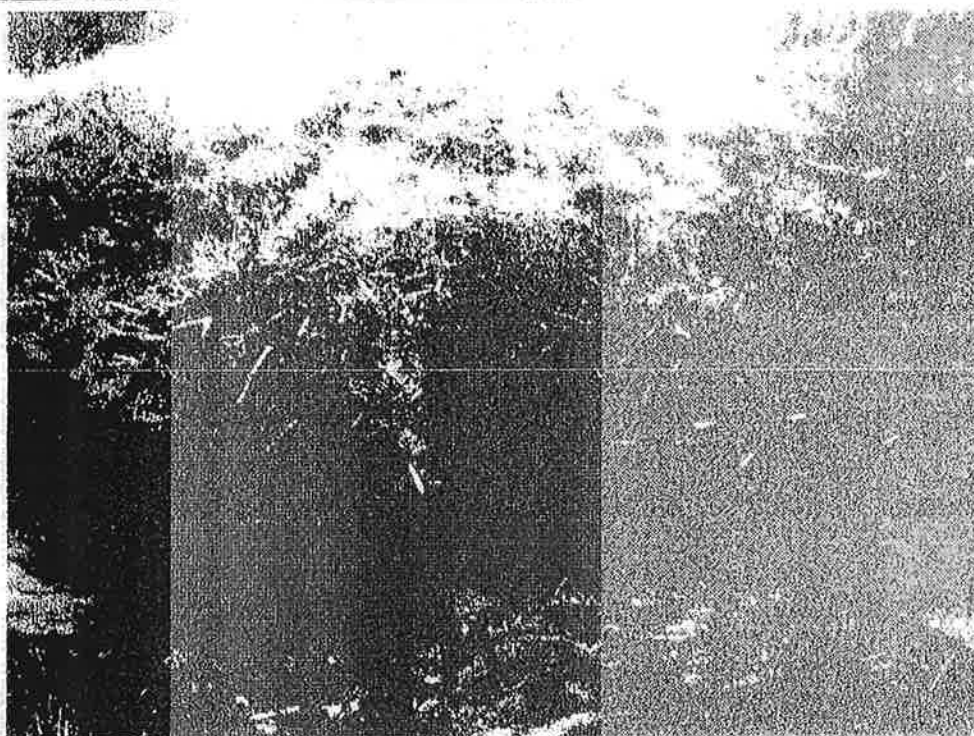


Photo point 9 facing east closeup

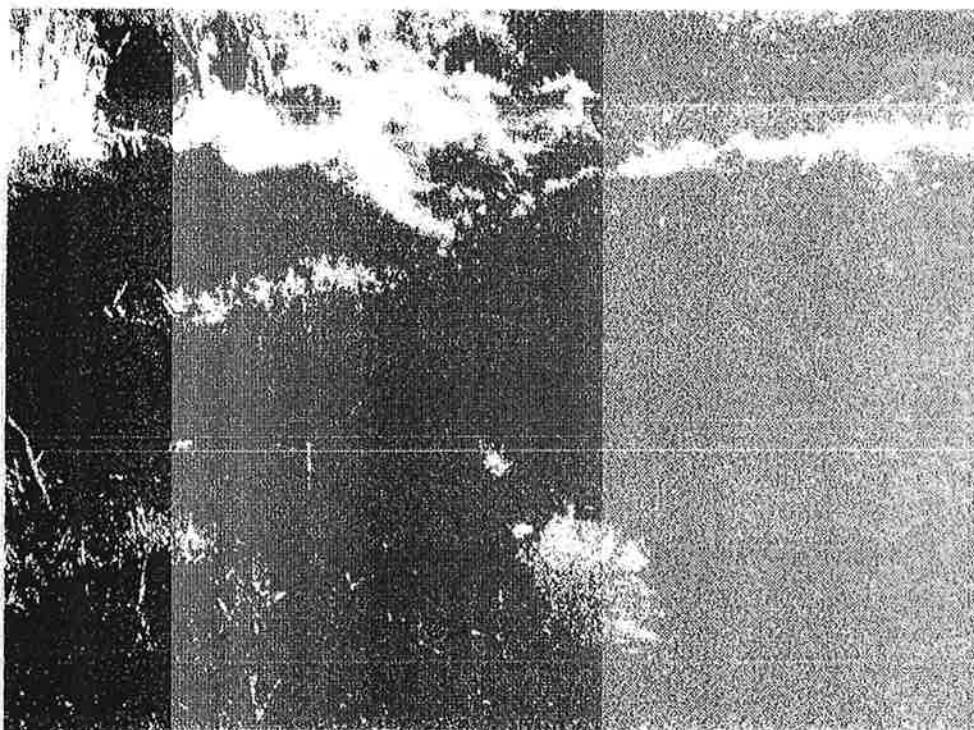


Photo point 9 facing east

Claus Project
Site Photograph
S&A # 2065

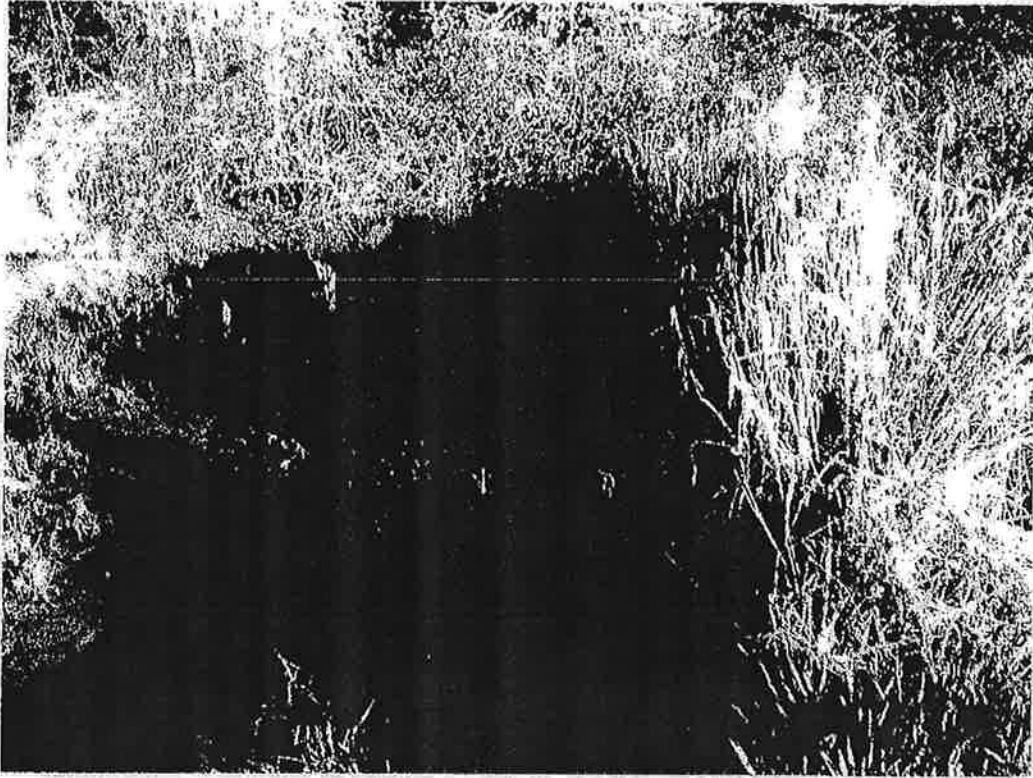


Photo point 9 facing west

Claus Project
Site Photographs
S&A # 2065

Schott & Associates
P.O. Box 589
Aurora, OR 97002
503.678.6007

Appendix D: References

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- Federal Register, 1982. Title 33, *Navigation and Navigable Waters; Chapter II, Regulatory Programs of the Corps of Engineers*. Vol. 47, No. 138, p. 31810, U.S. Govt. Printing Office, Washington, D.C.
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Pacific Northwest Title of Oregon, Inc.

9020 SW Washington Sq. Rd.
Suite 220
Tigard, OR 97223
Phone: (503) 671-0505 Fax: (503) 643-3746

PRELIMINARY SUBDIVISION GUARANTEE

PROPOSED PLAT: MCFALL SUBDIVISION

Order No.: 07293665-W
Premium: \$350.00
5th SUPPLEMENTAL REPORT

Pacific Northwest Title Guarantees:

Date: March 5, 2009

The Oregon Real Estate Commissioner, and any County or City within which said subdivision or proposed subdivision is located.

That according to the public records which impart constructive notice of matters affecting title to the premises hereinafter referred to, we find:

That the last Deed of record runs to:

Robert James Claus and Susan L. Claus, as to Parcels I and II
Robert James Claus also shown of record as R. James Claus and Susan L. Claus,
as tenants by the entirety, as to Parcel III,
R. James Claus and Susan L. Claus, as tenants by the entirety, as to Parcel IV

We also find the following apparent encumbrances, which includes "Blanket Encumbrances" as defined by ORS 92.305(1), and also easements, restrictive covenants and right of way prior to February 25, 2009 the effective date hereof:

1. The herein described premises are within the boundaries of and subject to the statutory powers, including the power of assessment, of Clean Water Services.
2. Rights of the public in and to any portion of the herein described premises lying within the boundaries of SW Pacific Highway West (State Hwy 99).
3. Rights of the public and governmental bodies in and to any portion of the premises herein described lying below the high water mark of the Cedar Creek.
4. Access Restrictions, including the terms and provisions thereof in Deed:
To : State of Oregon, by and through its State Highway Commission
Recorded : August 8, 1955
Book : 372
Page : 240

As modified by Indenture and Grant of Access:

Recorded : October 20, 1977
Book : 1209
Page : 753

PRELIMINARY SUBDIVISION GUARANTEE (CONTINUED)

As further recorded in Deed:

Recorded : June 18, 1990
Recording No. : 90-31406

As further recorded in Deed:

Recorded : June 26, 1998
Recording No. : 98068923

As further in Court Case C021659CV as recorded:

Recorded : January 24, 2005
Recording No. : 2005-008029

As further recorded:

Recorded : August 17, 2007
Recording No. : 2007-090735

5. Easement, including the terms and provisions thereof reserved in Deed:
- For : Construct, operate and maintain a channel change to carry the water of Cedar Creek
- From : State of Oregon, by and through its State Highway Commission
- To : Lloyd William McFall and Irene Katherine McFall, husband and wife
- Recorded : August 8, 1955
- Book : 372
- Page : 240
5. Covenants, Conditions and Restrictions, including the terms and provisions thereof, in Declaration:
- Recorded : August 08, 1955
- Book : 372
- Page : 240
6. Easement as reserved indeed, including the terms and provisions thereof:
- For : Roadway, water and electrical utilities
- Recorded : November 16, 1982
- Recording No. : 82029916
- As Amended in Deed:
- Recorded : June 28, 1988
- Recording No. : 88-027899
6. Easement, including the terms and provisions thereof:
- For : Sanitary sewer
- Granted to : City of Sherwood, Oregon, a municipal corporation
- Recorded : September 15, 1986
- Recording No. : 86041530
- Affects : See recorded document for exact location
7. Easement, including the terms and provisions thereof:
- For : Sanitary sewer
- Granted to : City of Sherwood, Oregon, a municipal corporation
- Recorded : September 15, 1986
- Recording No. : 86041531
- Affects : See recorded document for exact location

PRELIMINARY SUBDIVISION GUARANTEE (CONTINUED)

7. Covenants, Conditions and Restrictions, including the terms and provisions thereof, in Deed:
From : The State of Oregon, by and through its Department of Transportation, Highway Division
To : West Coast Soccer League, a California corporation
Recorded : June 18, 1990
Recording No. : 90-031406
8. Easement as shown on the Partition Plat no. 1995-029:
For : Public sanitary sewer
TO : City of Sherwood
Affects Parcel IV : Variable in width, as shown on recorded plat
9. Covenants, Conditions and Restrictions, including the terms and provisions thereof, in Declaration:
Recorded : June 26, 1998
Recording No. : 98068923
10. Covenants, Conditions and Restrictions, including the terms and provisions thereof, in Washington County Circuit Court Case No. C021659CV:
Recorded : January 24, 2005
Recording No. : 2005-008029
11. Agreement for Easements, including the terms and provisions thereof:
Between : Robert James Claus, Susan L. Claus, James R. Groh both individually and as Trustee of the James R. Groh Trust, dated August 22, 1995
And : Lloyd W. McFall and Irene K. McFall, husband and wife and K & F Development, LLC, an Oregon limited liability company, or its assigns
Recorded : July 28, 2005
Recording No. : 2005-089380
Affects Parcel II
12. Declaration Re Roads, Easement, including the terms and provisions thereof:
Recorded : July 28, 2005
Recording No. : 2005-089381
Affects Parcel II
13. Sanitary Sewer and Storm Drainage Easement Agreement, including the terms and provisions thereof:
Recorded : October 04, 2006
Recording No. : 2006-118564
Affects Parcel II
8. Trust Deed, including the terms and provisions thereof to secure the amount noted below and other amounts secured thereunder, if any:
Grantor : Robert James Claus and Susan L. Claus, husband and wife
Trustee : First American Title Company
Beneficiary : Lloyd W. McFall and Irene K. McFall, husband and wife
Dated : October 10, 2006
Recorded : October 13, 2006
Recording No. : 2006-122148
Amount : \$100,000.00

PRELIMINARY SUBDIVISION GUARANTEE (CONTINUED)

9. Trust Deed, including the terms and provisions thereof to secure the amount noted below and other amounts secured thereunder, if any:

Grantor : Robert James Claus and Susan L. Claus, husband and wife
Trustee : First American Title Company
Beneficiary : Lloyd W. McFall and Irene K. McFall, husband and wife
Dated : October 4, 2006
Recorded : October 4, 2006
Recording No. : 2006-118574
Amount : \$52,111.78

10. Subject to the life estate as provided by instrument:

Life Tenant : Lloyd W. McFall and Irene K. McFall
Recorded : October 4, 2006
Recording No. : 2006 118572
Affects Parcel I

14. Easement, including the terms and provisions thereof:

For : Sanitary Sewer and Storm drainage
Granted to : City of Sherwood, an Oregon municipal corporation, its successors and assigns
Recorded : August 08, 2008
Recording No. : 2008-069244
Affects Parcel II

NOTE: Taxes paid in full for 2008-2009:

Levied Amount : \$3,102.77
Map & Tax Lot : 2S130D-01001
Levy Code : 088.10
Key No. : R548848
Property Address : 21805 SW Pacific Hwy, Sherwood, OR 97140
Affects Parcel I

NOTE: Taxes paid in full for 2008-2009:

Levied Amount : \$469.15
Map & Tax Lot : 2S130D-01002
Levy Code : 088.10
Key No. : R2079740
Property Address : No situs
Affects Parcel II & III

NOTE: Taxes paid in full for 2008-2009:

Levied Amount : \$4.89
Map & Tax Lot : 2S130CD-00200
Levy Code : 088.10
Key No. : R2048710
Property Address : Tract A, Partition Plat 1995-29
Affects Parcel IV

REQUIREMENTS:

NONE

LEGAL DESCRIPTION:

The premises are in the County of Washington and are described as follows:

PRELIMINARY SUBDIVISION GUARANTEE (CONTINUED)

See Exhibit A Attached hereto and made a part hereof

THIS IS NOT A REPORT issued preliminary to the issuance of a Title Insurance Policy. Our search is limited to the time specified in this Guarantee and the use hereof is intended as an informational report only, to be used in conjunction with the development of Real Property. Liability hereunder is limited to an aggregate sum of not to exceed \$1,000.00.

PACIFIC NORTHWEST TITLE OF OREGON, INC.

By Sharon Luttrell
Sharon Luttrell, Title Officer

SRL:RLF:srl

Exhibit A

PARCEL I (TL 1001)

BEGINNING at a 5/8 inch iron rod located at the most Northerly corner of that property described in Fee No. 90-31406, Deed Records, in the City of Sherwood, County of Washington and State of Oregon, said point being located on the Northerly right-of-way of State Highway 99W and being 70.00 feet distant when measured at right angles from the centerline at Engineer's Station 432+89.35, and being in the Southeast quarter of the Southwest quarter of Section 30, Township 1 South, Range 1 West, of the Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon; thence North 02°47'15" West 205.10 feet to a 5/8 inch iron rod; thence North 55°19'36" West 128.82 feet to a 5/8 inch iron rod; thence South 53°01'19" West 63.18 feet to a 5/8 inch iron rod; thence South 46°24'22" West 91.80 feet; thence North 33°28'56" West 235.21 feet; thence North 55°46'10" East 122.97 feet; thence North 71°35'20" East 89.69 feet; thence South 10°57'39" East 169.59 feet; thence South 74°53'23" East 94.22 feet; thence South 57°38'46" East 45.15 feet; thence South 44°48'52" East 21.90 feet; thence South 24°11'55" East 40.61 feet; thence South 02°47'15" East 175.96 feet to a point on said Northerly right-of-way 70.00 feet when measured at right angles from the centerline thereof, said point being on a spiral curve; thence along said Northerly right-of-way and spiral curve (the chord of which bears South 44°05'35" West 37.54 feet) to the point of beginning.

EXCEPTING THEREFROM the following Parcel:

BEGINNING at the most Northerly Southwest corner of said parcel as created by exception; thence tracing the most Northerly Southerly line of said parcel North 33°28'56" West 196.47 feet; thence leaving said Southerly line and along the arc of a 332.00 foot radius non-tangent curve to the right (radius point bears South 09°43'13" West), through a central angle of 34°38'14", an arc distance of 200.71 feet (chord bears South 62°57'40" East, 197.66 feet); thence South 45°38'33" East, 7.94 feet to a point on the most Northerly Southerly line of said parcel; thence tracing said Southerly line South 53°01'19" West, 8.58 feet; thence continuing along said Southerly line South 46°24'22" West, 91.80 feet to the point of beginning.

FURTHER EXCEPTING THEREFROM the following Parcel:

BEGINNING at the Southwesterly corner of said parcel described by exception in Document No. 98-053733; thence tracing the Westerly line of said property North 02°47'15" West, 93.89 feet; thence leaving Westerly line South 45°38'33" East, 40.57 feet to a point on the most Easterly line of said parcel; thence tracing said Easterly line South 02°30'17" East, 38.48 feet to the a point on the Northwesterly right-of-way line of State Highway 99 West; thence along said right-of-way line and along the arc of a 70.00 foot offset spiral curve to the left an arc distance of 37.55 feet (the chord of which bears South 44°04'59" West, 37.55 feet) to the point of beginning.

PARCEL II (TL 1002)

A tract of land in the Southeast quarter of Section 30, Township 2 South, Range 1 West, of the Willamette meridian, in the City of Sherwood, County of Washington and State of Oregon, being more particularly described as follows:

BEGINNING at a point of intersection of the Westerly line of that certain tract of land as described in Deed to Lloyd McFall, et ux, recorded in Book 372, Page 240 of the Washington County, Oregon Deed Records and the Northwesterly right of way of State Highway 99W as relocated, being a point on a 14,253.94 foot radius curve to the left, the radius point of which bears Northwesterly and running thence, along said Northwesterly right of way on the arc of said curve (the long chord of which bears North 44°48'58" East 71.50 feet) 71.50 feet; thence North 44°40'21" East a distance of 115.50 feet; thence North 44°13'29" East, a distance of 283.77 feet; thence North 44°05'15" East a distance of 407.90 feet to a point that bears South 44°05'15" West a distance of 4.70 feet from the P.T. at Engineer's Centerline Station No. 433+03.26 and the true point of beginning; thence North 02°48'45" West a distance of 232.59 feet; thence North 55°20'24" West a distance of 128.85 feet; thence south 52°58'20"

West a distance of 63.18 feet; thence south 46°24'35" West a distance of 118.52 feet; thence North 39°30'14" West a distance of 200.89 feet; thence North 79°11'21" West a distance of 126.13 feet; thence North 80°40'28" West a distance of 114.15 feet to a point on the Westerly line of said McFall Tract; thence along said Westerly line North 00°15'54" West to the Northwest corner of that tract conveyed to N.T. Andrews, et ux, by Deed recorded December 9, 1920 in Book 120, Page 21; thence Northeasterly along the Northerly line of said Andrews Tract 467.0 feet, more or less, to the most Northerly corner of said Andrews Tract; thence South 50°51' East, a distance of 665 feet, (along the West line of Edy Village subdivision) more or less, to a point that is 70 feet Northwesterly of the center line of the southbound lane of the Pacific Highway west as said highway has been relocated which centerline is described in said McFall Deed; thence on a line which is parallel to and 70 feet Northwesterly of said centerline as described in McFall Deed, Southwesterly to the true Point of Beginning.

EXCEPTING THEREFROM any portion in the Bluffs at Cedar Creek subdivision, recorded in Washington County.

ALSO EXCEPTING THEREFROM the following Parcel:

BEGINNING at a 5/8 inch iron rod located at the most Northerly corner of that property described in Fee No. 90-31406, Deed Records, in the City of Sherwood, County of Washington and State of Oregon, said point being located on the Northerly right-of-way of State Highway 99W and being 70.00 feet distant when measured at right angles from the centerline at Engineer's Station 432+89.35, and being in the Southeast quarter of the Southwest quarter of Section 30, Township 1 South, Range 1 West, of the Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon; thence North 02°47'15" West 205.10 feet to a 5/8 inch iron rod; thence North 55°19'36" West 128.82 feet to a 5/8 inch iron rod; thence South 53°01'19" West 63.18 feet to a 5/8 inch iron rod; thence South 46°24'22" West 91.80 feet; thence North 33°28'56" West 235.21 feet; thence North 55°46'10" East 122.97 feet; thence North 71°35'20" East 89.69 feet; thence South 10°57'39" East 169.59 feet; thence South 74°53'23" East 94.22 feet; thence South 57°38'46" East 45.15 feet; thence South 44°48'52" East 21.90 feet; thence South 24°11'55" East 40.61 feet; thence South 02°47'15" East 175.96 feet to a point on said Northerly right-of-way 70.00 feet when measured at right angles from the centerline thereof, said point being on a spiral curve; thence along said Northerly right-of-way and spiral curve (the chord of which bears South 44°05'35" West 37.54 feet) to the point of beginning.

FURTHER EXCEPTING THEREFROM the following Parcels:

Real property in the County of Washington, State of Oregon, described as follows:

Two Tracts of land in the Southeast quarter of Section 30, Township 2 South, Range 1 West, of the Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon, being more particularly described as follows:

Parcel I Excepted out:

BEGINNING at a point in the Northerly line of that parcel of land as described in Document No. 97-117980, Washington County Deed Records, which bears North 00°03'20" East, 1011.91 feet and South 78°35'19" East, 63.79 feet from the Southwest corner of that parcel as described in said Document No. 98-053733; thence, leaving the Northerly line of Document No. 97-117980, East 147.86 feet to the beginning of a 332.00 foot radius curve right; thence along the arc of said curve, through a central angle of 09°43'13" an arc length of 56.32 feet (chord bears South 85°08'24" East, 56.26 feet) to a point on the most Northerly Westerly line of that parcel of land described by exception in said Document No. 98-053733, Washington County Deed Records; thence along said Northerly Westerly line South 33°28'56" East, 196.47 feet to the most Northerly Southwest corner of said property as described by exception in Document No. 98053733, said point being further described as a point on the Northerly line of said property as described in Document no. 97-117980; thence tracing said Northerly line south 46°24'22" West, 26.81 feet; thence continuing along said Northerly line North 39°28'53" West, 201.01 feet; thence continuing along said Northerly line North 79°11'12" West 126.12; thence continuing along said Northerly line North 78°35'19" West 42.03 feet to the Point of Beginning.

Parcel II Excepted out:

BEGINNING at the southeasterly corner of said property created by exception in Document No. 98-053733; thence tracing the Easterly line of said property North $02^{\circ}47'15''$ West, 38.69 feet; thence leaving said Easterly line south $45^{\circ}38'33''$ East, 28.25 feet to a point on the Northwesternly right of way line of State Highway 99 West; thence along said right of way line and along the arc of a 70.00 foot offset spiral curve an arc distance of 26.32 feet (the chord of which bears South $44^{\circ}05'58''$ West, 26.32 feet) the Point of Beginning.

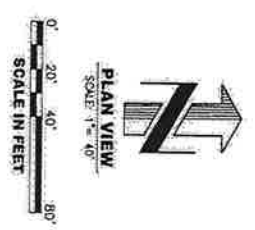
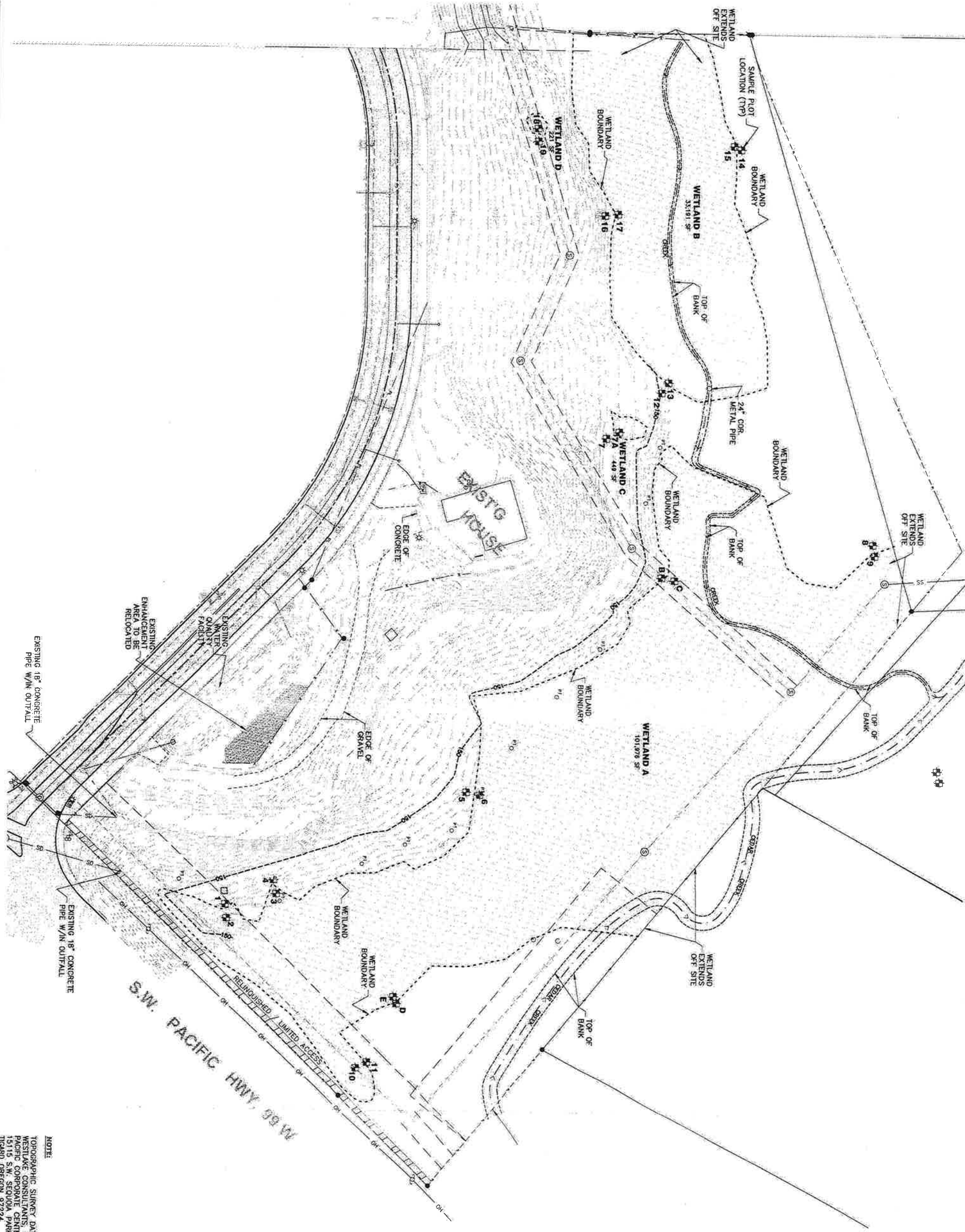
PARCEL III (a portion of Tax Lot 1002)

A parcel of land situated in Section 30, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington and State of Oregon, being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod at the most Northerly corner of that tract of land surveyed by survey number 27319, Washington County survey records (said rod is further identified on said survey number 27319 as being a "Found 5/8 inch iron rod per Carlile Survey dated March, 1975"); thence along a Northwesternly projection of the Northeasterly line of said tract of land surveyed by survey number 27319, Washington County survey records, North $50^{\circ}51'54''$ West 65.79 feet to an existing wire fence line; thence along said wire fence line the following six (6) courses: South $64^{\circ}43'49''$ West 44.18 feet; Thence South $65^{\circ}36'55''$ West 51.28 feet; Thence South $66^{\circ}12'31''$ West 47.93; Thence South $67^{\circ}20'16''$ West 137.13 Feet; Thence South $66^{\circ}55'33''$ West 112.90 feet; Thence South $68^{\circ}38'14''$ West 48.33 feet to a point on the Northerly line of the aforementioned tract of land surveyed by survey number 27319, Washington County survey records, which is located North $73^{\circ}49'37''$ East 5.93 feet from a 5/8 inch iron rod with yellow plastic cap stamped "AKS ENGR."; Thence along said Northerly line North $73^{\circ}49'37''$ East 475.79 feet to the Point of Beginning.

PARCEL IV (TL 200)

Tract A of PARTITION PLAT NO. 1995-029, in the County of Washington and State of Oregon.



NOTE:
 TOPOGRAPHIC SURVEY DATA PROVIDED BY:
 WESTLAKE CONSULTANTS, INC.
 PACIFIC CORPORATE CENTER
 15115 S.W. SEQUOIA PARKWAY, SUITE 150
 TIGARD OREGON 97224

WETLAND
 SHEET **1**
2

REVISION DATE: 12/21/08

NOT FOR CONSTRUCTION

TENNESON ENGINEERING CORP.
 CONSULTING ENGINEERS
 409 LINCOLN STREET
 THE DALLES, OREGON 97058
 PH: 541-296-9177 FAX 541-296-6657

EXISTING CONDITIONS

FOR
JIM CLAUSE SUBDIVISION
SHERWOOD OREGON

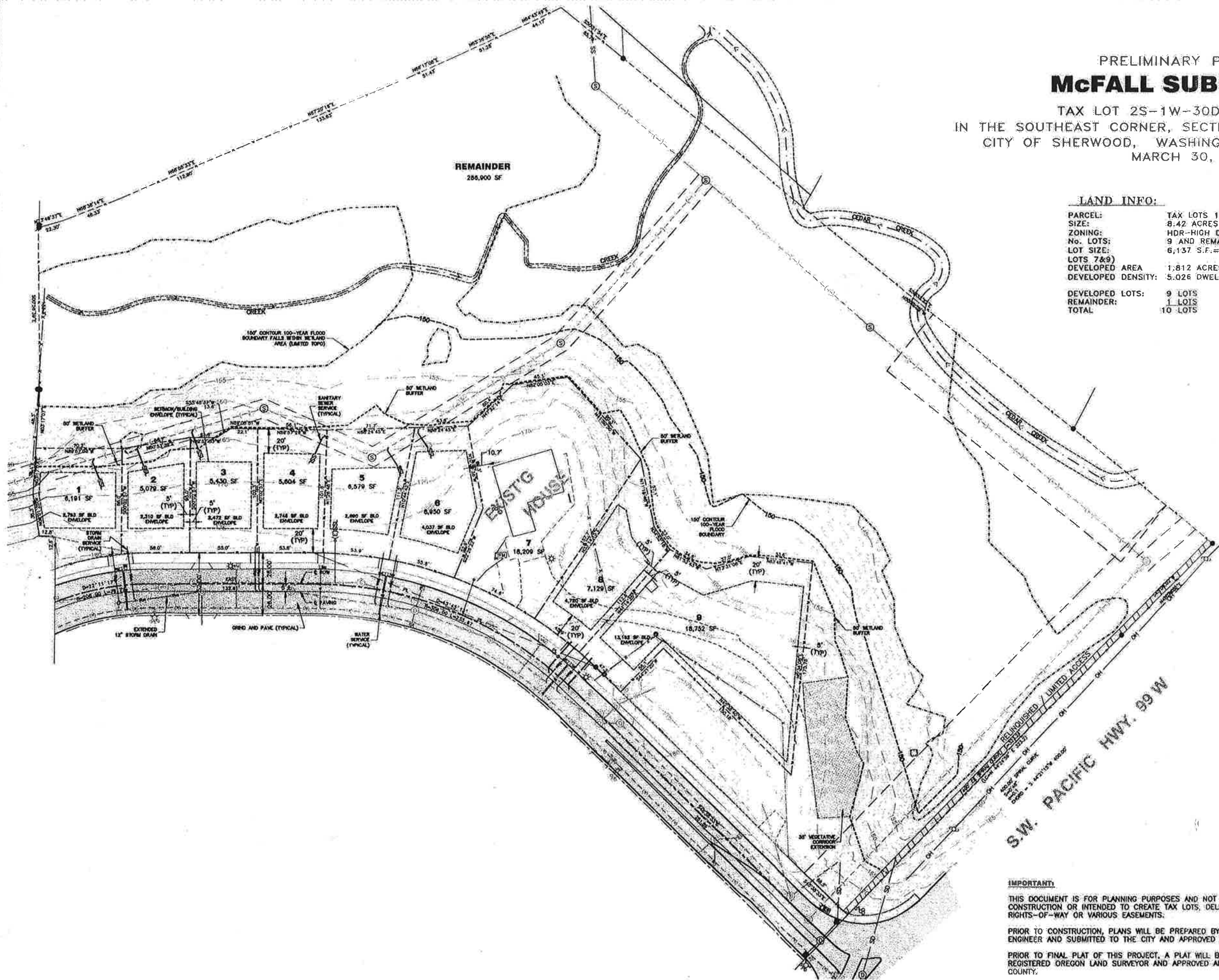
WASHINGTON COUNTY, OREGON

| | | | |
|----------------|---|--------|--------|
| Design | DESIGN | Survey | SURVEY |
| DWG. No. | K:\ACAD\130001\13028\XREF\0_SITE_13028L.DWG | | |
| Date | 10/14/2008 | Drawn | DRAWN |
| Work Order No. | WORKORDER | Scale | ### |

Work Order No.
 13028

PRELIMINARY PLAN FOR McFALL SUBDIVISION

TAX LOT 2S-1W-30D 1001 & 1002
IN THE SOUTHEAST CORNER, SECTION 30, TWP.2R. R.1W. W.M.
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON
MARCH 30, 2009



LAND INFO:

| | |
|--------------------|---|
| PARCEL: | TAX LOTS 1001 & 1002, 2S-1W-30D |
| SIZE: | 8.42 ACRES |
| ZONING: | HDR-HIGH DENSITY RESIDENTIAL (5,000 S.F. MIN.) |
| No. LOTS: | 9 AND REMAINDER |
| LOT SIZE: | 6,137 S.F.= 0.14 AC. (AVERAGE TYPICAL LOT-EXCLUDING LOTS 7&9) |
| DEVELOPED AREA: | 1.812 ACRES |
| DEVELOPED DENSITY: | 5.026 DWELLINGS/ACRE (DEVELOPED AREA) |
| DEVELOPED LOTS: | 9 LOTS |
| REMAINDER: | 1 LOTS |
| TOTAL: | 10 LOTS |

OWNER:

JIM & SUSAN CLAUS
22211 SW PACIFIC HWY
SHERWOOD, OR. 97140
PH. (503) 313-2785

NOTES:

SETBACKS:
FRONT - 20'
SIDES - 5'
REAR - 20'

NOTE:

TOPOGRAPHIC SURVEY DATA PROVIDED BY:
WESTLAKE CONSULTANTS, INC.
PACIFIC CORPORATE CENTER
15115 S.W. SEQUOIA PARKWAY, SUITE 150
TIGARD OREGON 97224

S.W. PACIFIC HWY. 99 W

IMPORTANT:

THIS DOCUMENT IS FOR PLANNING PURPOSES AND NOT INTENDED FOR CONSTRUCTION OR INTENDED TO CREATE TAX LOTS, DELINEATE LOT LINES, RIGHTS-OF-WAY OR VARIOUS EASEMENTS.
PRIOR TO CONSTRUCTION, PLANS WILL BE PREPARED BY A REGISTERED OREGON ENGINEER AND SUBMITTED TO THE CITY AND APPROVED PRIOR TO CONSTRUCTION.
PRIOR TO FINAL PLAT OF THIS PROJECT, A PLAT WILL BE PREPARED BY A REGISTERED OREGON LAND SURVEYOR AND APPROVED AND RECORDED WITH THE COUNTY.



PLAN VIEW
SCALE: 1" = 40'



| | |
|----------------|--|
| Survey | SURVEY |
| Design | DESIGN |
| DWG. No. | KV-0501-00001-1002A-PLAT-0_SITE_1-1002B-.DWG |
| Date | 3/30/2009 |
| Drawn | Drawn |
| Work Order No. | WORKORDER |
| Scale | #/#/# |

PERLIMINARY PLAN
FOR
McFALL SUBDIVISION
SHERWOOD OREGON
WASHINGTON COUNTY, OREGON

TENNESON ENGINEERING CORP.
CONSULTING ENGINEERS
3313 WEST SECOND STREET
THE DALLES, OREGON 97058
PH. 541-296-9177 FAX 541-296-6657

NOT FOR CONSTRUCTION

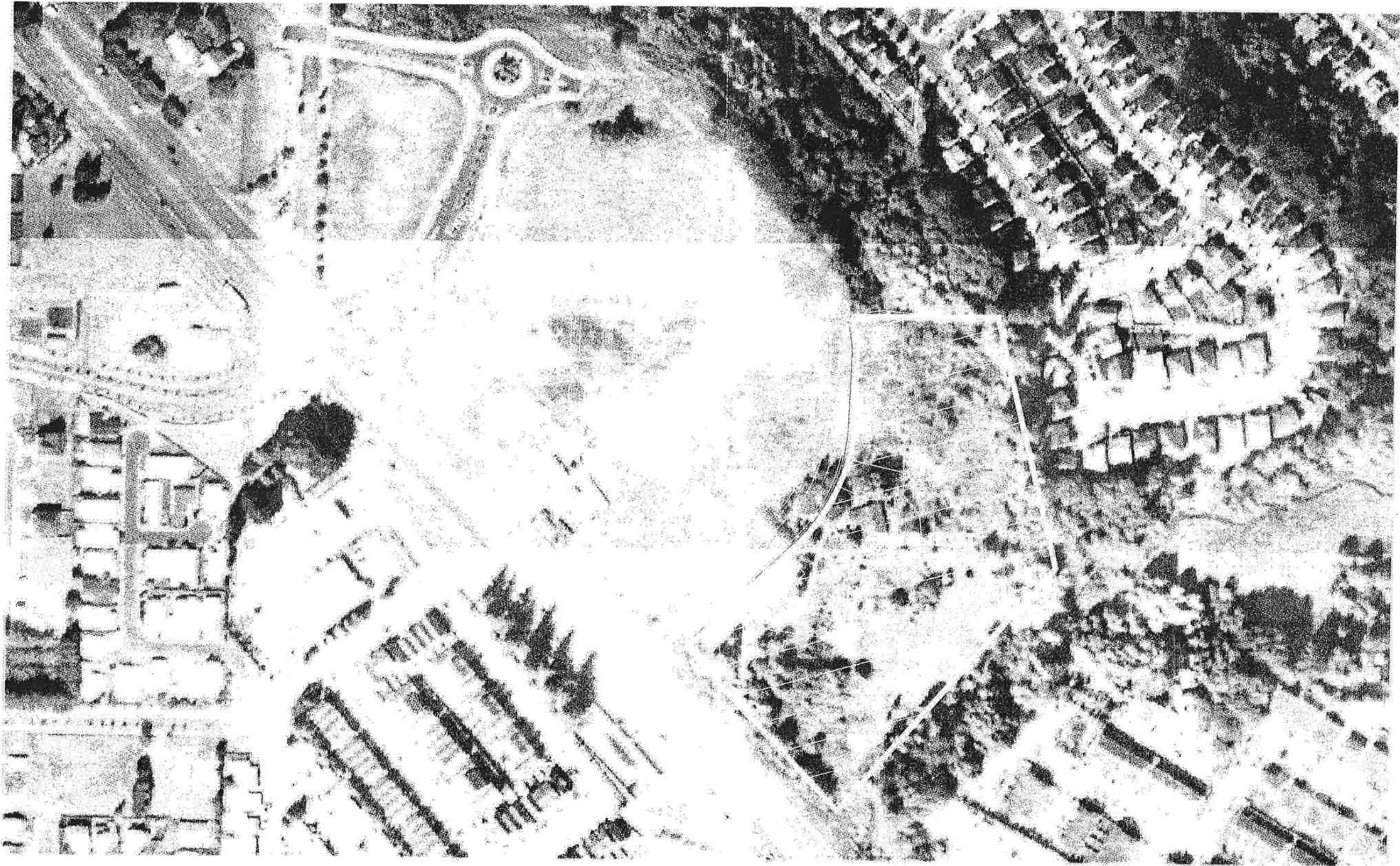
1"
IF THIS BAR IS NOT ONE INCH,
THEN ADJUST SCALES ACCORDINGLY



PRELIMINARY
SHEET
2 2
Work Order No.
13028



0' 50' 100' 200'
SCALE IN FEET



NOTES:

THIS MAP IS FOR PLANNING PURPOSES ONLY.
TENNESON ENGINEERING CORP. DOES NOT DELINEATE
OR IMPLY THE VARIOUS PROPERTY LINES OR
RIGHT-OF-WAYS ON THIS MAP.

| | | | |
|----------|---------------------------------------|----------------|-----------|
| Design | DESIGN | Survey | SURVEY |
| DWG. No. | KV42013000\1302B\1302B_SITL_1302B.dwg | Drawn | Drawn |
| Date | 3/31/2009 | Work Order No. | WORKORDER |
| | | Scale | ##/## |

AERIAL PHOTO

FOR
JIM CLAUSE SUBDIVISION
SHERWOOD OREGON
WASHINGTON COUNTY, OREGON

TENNESON ENGINEERING CORP.

CONSULTING ENGINEERS
3313 WEST SECOND STREET, SUITE 100
THE DALLES, OREGON 97058
PH: 541-296-9177 FAX 541-296-6657

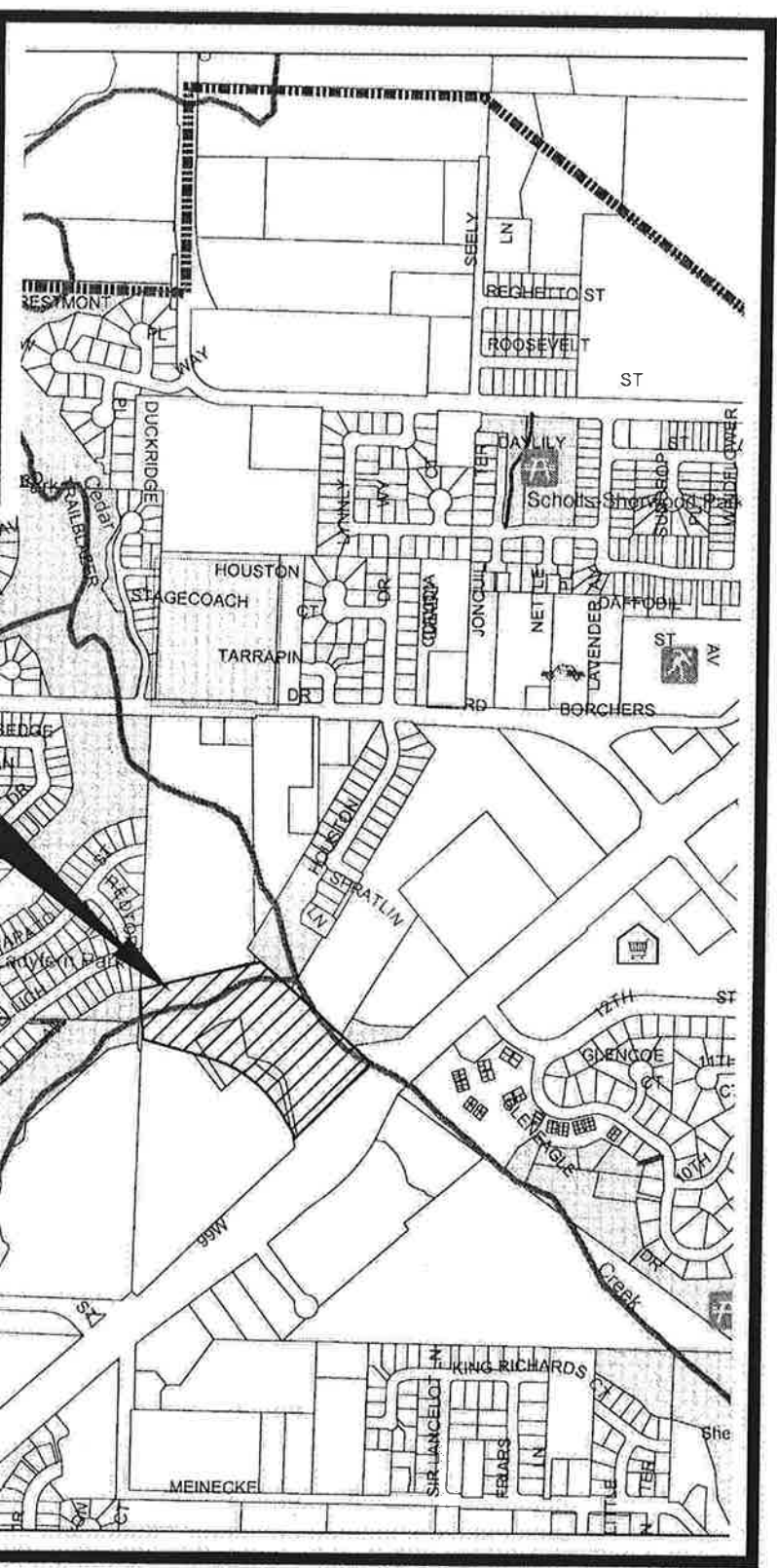
**NOT FOR
CONSTRUCTION**

1"
IF THIS BAR IS NOT ONE INCH
THEN ADJUST SCALES ACCORDINGLY

AERIAL

SHEET

Work Order No.
1302B



VICINITY MAP OBTAINED FROM CITY OF SHERWOOD WEB PAGE



VICINITY MAP

SCALE: 1" = 800'

SUBDIVISION APPLICATION DATA

Owner/Applicant

Jim and Susan Claus
22211 SW Pacific Highway
Sherwood, OR 97140
PH: (503) 313-2785

Planning/Engineering

Tenneson Engineering Corp.
3313 West Second Street, Suite 100
The Dalles, OR 97058
Contact Person: Ben Beseda
PH: (541)296-6232 FX: (541)296-6657

Property Description

Washington County Assessor's Map
2S01W30D Tax Lots 1001 & 1002

Property Address

21805 SW Pacific Hwy
Sherwood, OR 97140

Site Size

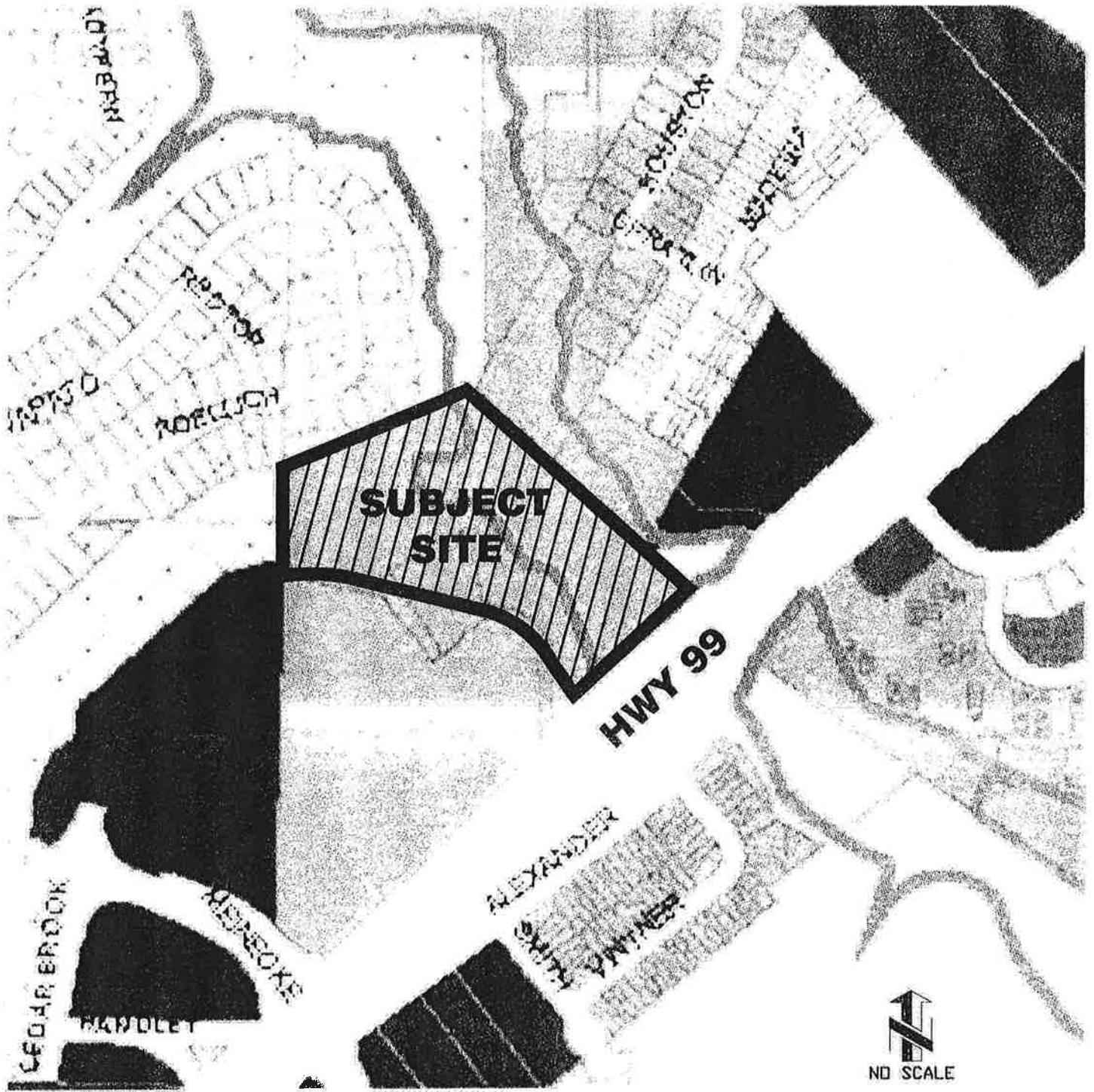
8.42 Acres

Zoning

High Density Residential (HDR) - The HDR zoning district provides for higher density multi-family housing and other related uses, with a density not to exceed twenty-four (24) dwelling units per acre and a density not less than 16.8 dwellings per acre may be allowed.

Proposal

9 lot single family detached residential subdivision and 1 Remainder

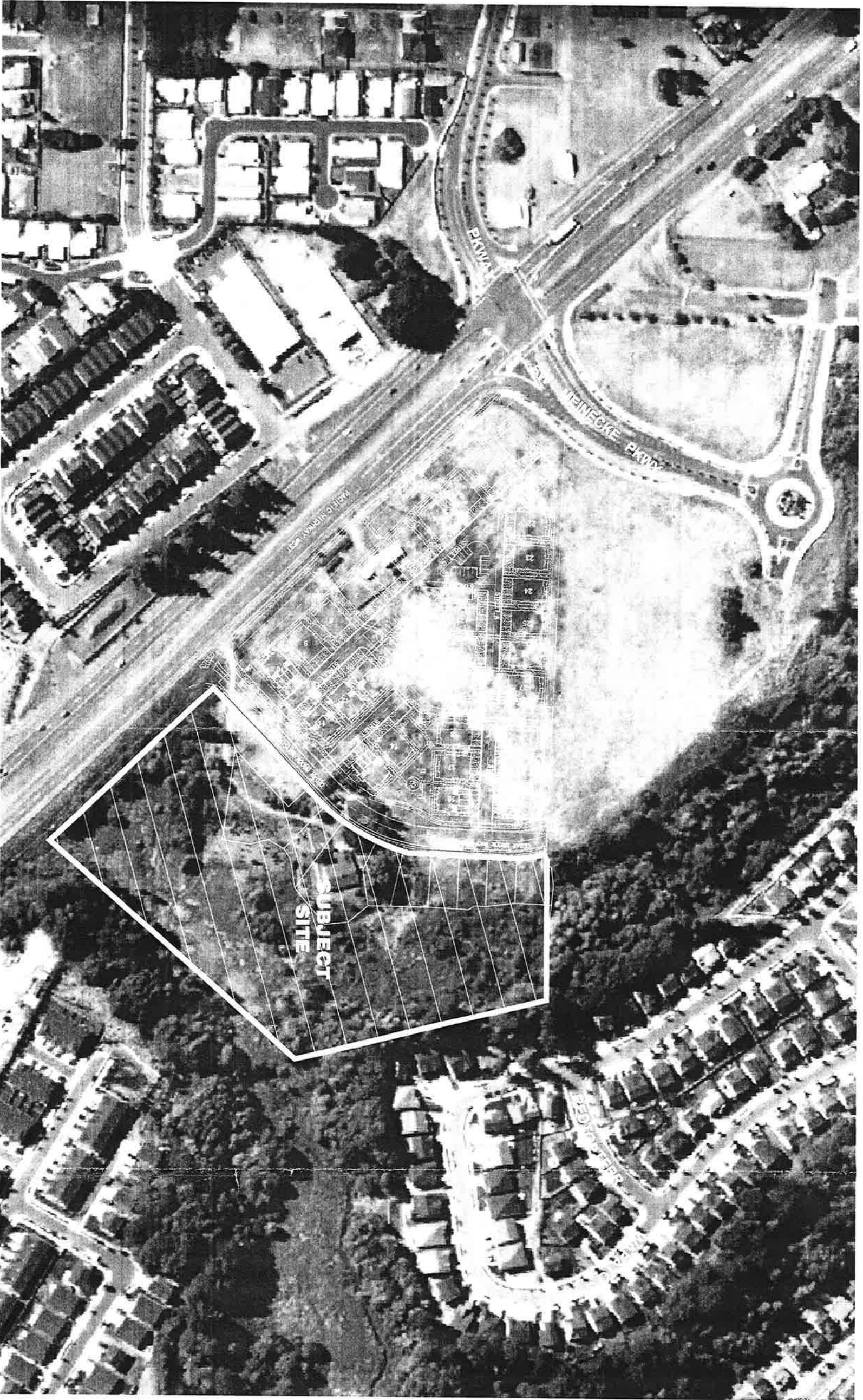


Legend

- High Density Residential (HDR)
 - Medium Density Residential High (MDRH)
 - Medium Density Residential Low (MDRL)
 - Low Density Residential (LDR)
 - Institutional and Public (IP)
 - Retail Commercial (RC)
 - General Commercial (GC)
- Printed with the exception of all of which play dates.

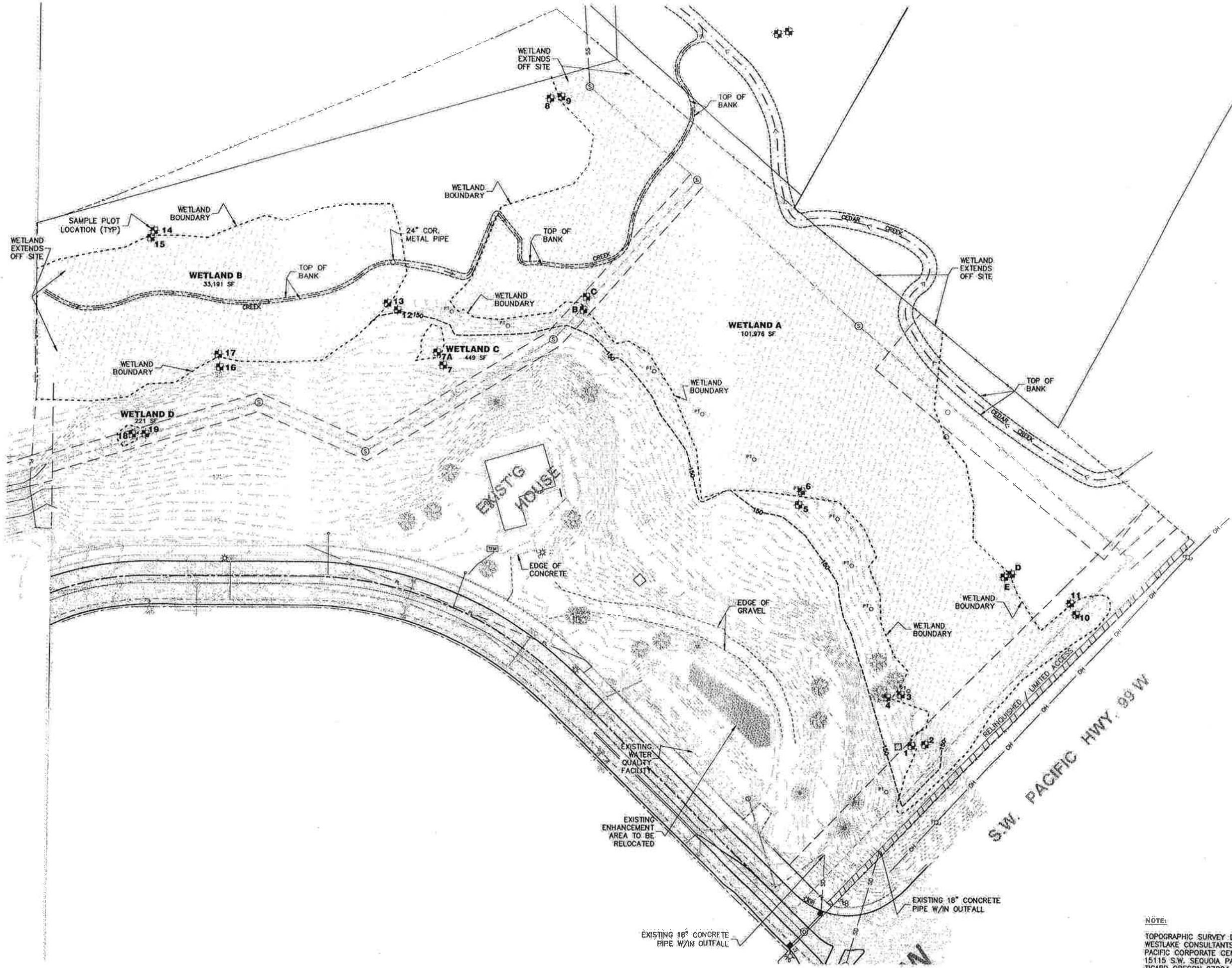
NOTE:
ZONING MAP AND INFORMATION OBTAINED FROM
CITY OF SHERWOOD WEB SITE

| Date | NO. | Revisions | |
|--|----------------|--|--|
| <p>McFall Subdivision
SURROUNDING ZONING MAP</p> <p>PLOT DATE: 3/31/2009 K:\ACAD\13000\13028\ZoneMap.dwg</p> | | | |
| Calc. | Scale | <p>TENNESON ENGINEERING CORP.
CONSULTING ENGINEERS
3313 WEST SECOND ST.
THE DALLES, OREGON 97058
541-296-9177 FAX 541-296-6657</p>  | |
| Survey | Date | | |
| Drawn | Sheet | | |
| App. | Work Order No. | | |
| | | | |



NOTES:
 THIS MAP IS FOR PLANNING PURPOSES ONLY.
 TENNESON ENGINEERING CORP. DOES NOT DELINEATE
 OR IMPLY THE VARIOUS PROPERTY LINES OR
 RIGHT-OF-WAYS ON THIS MAP.

| | | | | |
|------------------------|-----------------------------|--|--|----------------------------------|
| AERIAL
SHEET | NOT FOR CONSTRUCTION | TENNESON ENGINEERING CORP.
CONSULTING ENGINEERS
3313 WEST SECOND STREET, SUITE 100
THE DALLES, OREGON 97058
PH. 541-296-9177 FAX 541-296-6657 | AERIAL PHOTO
FOR
McFALL SUBDIVISION
SHERWOOD OREGON
WASHINGTON COUNTY, OREGON | Design DESIGN Survey SURVEY |
| | | DWG. No. K:\ACAD\13000\13028\XREF\0_SITE_13028.DWG | Date 05/19/2009 Drawn DRAWN | |
| | | Work Order No. 13028 | Work Order No. WORKORDER Scale ##### | |
| | | <small>THIS MAP IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF TENNESON ENGINEERING CORP.</small> | | |



PLAN VIEW
SCALE: 1" = 40'



SCALE IN FEET

NOTE:
TOPOGRAPHIC SURVEY DATA PROVIDED BY:
WESTLAKE CONSULTANTS, INC.
PACIFIC CORPORATE CENTER
15115 S.W. SEQUOIA PARKWAY, SUITE 150
TIGARD OREGON 97224

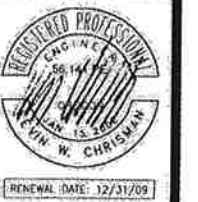
| | | | |
|----------------|---------------------------------------|--------|--------|
| Design | DESIGN | Survey | SURVEY |
| DWG. No. | K:\AD\13000\13028\WREAG_SIT_13028.DWG | | |
| Date | 05/19/2009 | | |
| Drawn | WORKORDER | | |
| Work Order No. | WORKORDER | | |
| Scale | ### | | |

EXISTING CONDITIONS
FOR
JIM CLAUSE SUBDIVISION
SHERWOOD OREGON
WASHINGTON COUNTY, OREGON

TENNESON ENGINEERING CORP.
CONSULTING ENGINEERS
409 LINCOLN STREET
THE DALLES, OREGON 97058
PH. 541-296-9177 FAX 541-296-6657

NOT FOR CONSTRUCTION

1" = 40'
IF THIS BAR IS NOT ONE INCH,
THEN ADJUST SCALES ACCORDINGLY



WETLAND
SHEET
1 2

Work Order No.
13028

PRELIMINARY PLAN FOR McFALL SUBDIVISION

TAX LOTS 1001 & 1002, 2S-1W-30D
IN THE SOUTHEAST CORNER, SECTION 30, TWP.2R. R.1W. W.M.
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON
MAY 19, 2009

LAND INFO:

PARCEL: TAX LOTS 1001 & 1002, 2S-1W-30D
SIZE: 8.42 ACRES
ZONING: HDR-HIGH DENSITY RESIDENTIAL (5,000 S.F. MIN.)
No. LOTS: 9 AND REMAINDER
LOT SIZE: 6,137 S.F. = 0.14 AC. (AVERAGE TYPICAL LOT-EXCLUDING LOTS 7&9)
DEVELOPED AREA: 1.812 ACRES
DEVELOPED DENSITY: 5.026 DWELLINGS/ACRE (DEVELOPED AREA)
DEVELOPED LOTS: 9 LOTS
REMAINDER: 1 LOT
TOTAL: 10 LOTS

OWNER:

JIM & SUSAN CLAU
22211 SW PACIFIC HWY
SHERWOOD, OR. 97140
PH. (503) 313-2785

NOTES:

SETBACKS:
FRONT - 20'
SIDES - 5'
REAR - 20'

NOTE:

TOPOGRAPHIC SURVEY DATA PROVIDED BY:
WESTLAKE CONSULTANTS, INC.
PACIFIC CORPORATE CENTER
15115 S.W. SEQUOIA PARKWAY, SUITE 150
TIGARD OREGON 97224

SIGNIFICANT TREE INVENTORY:

| TREE # | DIAMETER | DESCRIPTION |
|--------|------------|-------------|
| 506 | 24" | DECIDUOUS |
| 507 | 18" | DECIDUOUS |
| 528 | 18" | DECIDUOUS |
| 535 | 60" | DECIDUOUS |
| 583 | (1)4"/6" | DECIDUOUS |
| 584 | 14" | DECIDUOUS |
| 587 | 14" | DECIDUOUS |
| 623 | 9" | EVERGREEN |
| 624 | (1)3"-8" | DECIDUOUS |
| 979 | (2)8" | DECIDUOUS |
| 980 | 10" | DECIDUOUS |
| 983 | 9" | EVERGREEN |
| 1029 | (1)14"/18" | EVERGREEN |
| 1030 | (6)10" | DECIDUOUS |
| 1031 | (2)16" | DECIDUOUS |
| 1052 | 12" | DECIDUOUS |
| 1053 | 24" | DECIDUOUS |
| 1085 | (1)8"/10" | DECIDUOUS |
| 1077 | 16" | EVERGREEN |
| 1078 | 18" | EVERGREEN |

PROPERTY LINE ADJUSTMENT AREA
REMAINS SUBJECT TO EASEMENT TO
CITY OF SHERWOOD FOR
DOC ROOM-CORRITA FOLLOWING
REVISIONS THE EASEMENT WILL BE
IN LOT 9 AND THE REMAINDER

POST PROPERTY LINE
ADJUSTMENT - R/W LINE

REINQUISHED / LIMITED ACCESS
S.W. PACIFIC HWY. 99 W

IMPORTANT!

THIS DOCUMENT IS FOR PLANNING PURPOSES AND NOT INTENDED FOR CONSTRUCTION OR INTENDED TO CREATE TAX LOTS, DELINEATE LOT LINES, RIGHTS-OF-WAY OR VARIOUS EASEMENTS.

PRIOR TO CONSTRUCTION, PLANS WILL BE PREPARED BY A REGISTERED OREGON ENGINEER AND SUBMITTED TO THE CITY AND APPROVED PRIOR TO CONSTRUCTION.

PRIOR TO FINAL PLAT OF THIS PROJECT, A PLAT WILL BE PREPARED BY A REGISTERED OREGON LAND SURVEYOR AND APPROVED AND RECORDED WITH THE COUNTY.



PLAN VIEW
SCALE 1" = 40'



| | | | |
|----------|---|----------------|-----------|
| Design | DESIGN | Survey | SURVEY |
| DWG. No. | K:\A001\30001\2009\SURVEY\0_SITL_13028L.DWG | Drawn | Drawn |
| Date | 3/30/2009 | Work Order No. | WORKORDER |
| | | Scale | #### |

PERLIMINARY PLAN
FOR
McFALL SUBDIVISION
SHERWOOD OREGON
WASHINGTON COUNTY, OREGON

TENNESON ENGINEERING Corp.
CONSULTING ENGINEERS
3313 WEST SECOND STREET
THE DALLES, OREGON 97058
PH. 541-296-9177 FAX 541-296-6657

NOT FOR CONSTRUCTION

IF THIS BAR IS NOT ONE INCH, THEN ADJUST SCALES ACCORDINGLY



PRELIMINARY
SHEET
2 2

Work Order No.
13028

GARY M. BULLOCK and ASSOCIATES, P.C.

ATTORNEYS AT LAW
1000 S.W. BROADWAY SUITE 2460
PORTLAND, OREGON 97205

TELEPHONE: (503) 228-6277
FACSIMILE: (503) 228-6280

◆ Gary M. Bullock

- Meredith Boyden
- Joanna L. Dorchuck
- Arthur B. Fowler V
- ★ Eric S. Postma

September 11, 2009

- ◆ Admitted in Oregon, Washington, Idaho and California
- ★ Admitted in Oregon and California
- Admitted in Oregon and Washington

Tom Pessemier
Community Development Director
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

Re: 21805 S.W. Pacific Highway, Sherwood, Oregon 97140
Application for Land Use Action - SUB 09-01 - 10-Lot Subdivision
Application for Land Use Action - LLA 09-01 - Lot Line Adjustment

Dear Mr. Pessemier:

My office represents Dr. and Mrs. Claus (hereinafter "Applicant") with regard to the above-referenced applications. The following is an amended narrative statement to accompany the Preliminary Subdivision Plat for the McFall Subdivision located on Tax Lots 1002 and 1001, Map 2S-1W-30D. This amended report is intended to respond to the applicable provisions of the City's Land Division Ordinance and to provide the Planning Department with the required findings necessary to approve the proposed preliminary plat. The Applicant previously submitted an amended and re-executed application including Woodhaven Crossing II, LLC as a co-applicant. The combined real estate for purposes of this application include the 8.42 acres of Dr. and Mrs. Claus and the 7.707 acres of the adjacent property owned by Woodhaven Crossing II, LLC (hereinafter, the 8.42 acres for subdivision in this application shall be referred to as the "site" or the "area to be subdivided"; the "project" shall refer to the combined real property of both the applicant and the co-applicant). Please note that Dr. and Mrs. Claus are the relevant applicants for purposes of notice and communication regarding the development at issue.

A. Subdivision Description

The site for consideration in this application will entail the creation of a 9-lot residential subdivision to be located on two parcels totaling 8.42 acres, which itself neighbors the parcel of co-applicant Woodhaven Crossing II, LLC wherein the Creekview Condominiums have been constructed or are under construction. The subdivision for consideration in this application will be done in one phase with a total of 1.748 acres being developed for residential use with the remaining acreage being utilized as wetland buffer, wetland and open space. In order to preserve this valuable undeveloped parcel the Applicants Dr. and Mrs. Claus have proposed donating the remainder of the 8.42 acres to the City. There is currently one single family residence that will remain on one of the lots. The project is currently zoned High Density Residential (HDR) and requires a 5,000 square foot minimum lot size. All lots exceed the required minimum size. Street frontage of the project will be along Cedar Brook Way. All lots will maintain a minimum 20-foot front and rear setbacks with a 5-foot setback on all other side lot lines. Building heights shall not exceed three stories or 40 feet, whichever is less than required and defined in the City of Sherwood Municipal Code (SMC).

B. Public Services and Facilities

The subdivision development will involve the installation of the necessary utility service to serve a typical residential subdivision. All roadways and utilities will either be constructed or bonded prior to

final platting of the property for the site. The project is currently served with Tualatin Valley Water District (TVWD) for water, Clean Water Services (CWS) for sanitary sewer and storm drainage, and City of Sherwood for traffic access. All facilities and/or services are detailed below.

Water

The residential subdivision for consideration is currently served from the recently constructed 12-inch waterline in Cedar Brook Way. This waterline is located on the south side of the street along the entire frontage of the project. Currently, there are two water services to the site, one serves the existing residence and the other was installed for future use. Additional water services will be installed and connected to the 12-inch waterline to serve to each lot for the site.

Sanitary Sewer

The site is currently served by an 8-inch PVC sanitary sewer line located on the north side of Cedar Brook Way and an 8-inch sanitary sewer that is located north of proposed Lots 1 through 6. Lot 7 of the site which has the existing house is currently served by a lateral that connects to the sewer line in Cedar Brook Way. Two of the proposed lots for the site, 8 and 9, will be served by the sanitary sewer in Cedar Brook Way. Lots 1 through 6 of the proposed subdivision will connect to the sewer line just north of these lots, since this sewer line is lower in elevation and will allow greater flexibility in home construction.

Storm Sewer and Stormwater Drainage

The residential subdivision for consideration is currently served by a 12-inch storm water system located in Cedar Brook Way. This pipe does not extend the full length of the street and will need to be extended approximately 65-feet to the west to allow service to Lots 1 and 2 of the proposed subdivision. Each lot will have a service lateral connected to this line.

Cedar Creek appears to have more than adequate capacity within its existing banks to accommodate the minimal additional post development runoff from the site. This site will connect to and utilize the storm water treatment facility that was constructed as part of the Creekview Condominiums. A Final Drainage Report was prepared by Otak, Inc. and submitted to CWS for this storm water facility and the adequacy of this project the was based on that report. Preliminary calculations have determined that there is adequate treatment and bypass capacity in this system so no upsize or improvements are proposed.

Traffic and Transportation

The site is currently provided adequate public access off of recently constructed Cedar Brook Way. This street was constructed as part of construction of Creekview Condominiums by the co-applicant and has been accepted by the City.

C. Variiances

None requested.

D. Geologic Hazards

No known geologic hazards are reported on this site.

E. Water Resources

Cedar Creek flows along the north side of the project directly north of the proposed lots for the site.

F. Natural Features

The northerly portion of the site cannot be developed because of the wetland buffer, wetland and easements and the desire to create open space. The Applicants, Dr. and Mrs. Claus propose donating this remaining 6.672 acres to the City, to protect this valuable asset.

APPROVAL CRITERIA. *All approval criteria are based upon Chapter 16 of the City of Sherwood Municipal Code.*

16.20.010 Purpose. *The HDR zoning district provides for higher density multi-family housing and other related uses, with a density not to exceed twenty-four (24) dwelling units per acre and a density not less than 16.8 dwellings per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirement. (Ord. 2000-1108 § 3; 86-851)*

The Applicant, Dr. and Mrs. Claus propose a 9 lot residential subdivision for the project immediately adjacent to the real property developed by the co-applicant. Only 1.748 acres of the 8.42 acre parcel are developable, because the site is constrained by challenging topography and wetlands, and also includes significant amounts of real estate in the Cedar Creek 100-year flood plain as will be discussed in more detail below. A more detailed calculation of the buildable area of the parcel are included on the Overview Map provided concurrently herewith. An existing home will remain on one of the developed lots of the site and the proposed lot lines will be adjusted to fit this existing house. Because of this house and the topographic constraints of the site only 8 additional lots can be created, for a total of 9 lots. Co-applicant, Woodhaven Crossing II, LLC, has received approval for a 183 unit residential development located on 7.707 acres of real property commonly known as the Creekview Condominiums in file number SP 06-02, approved on June 13, 2006. Considered together with the 1.748 buildable acres of the 8.42 acre parcel in this application, the project provides for 192 units on 9.455 acres, 20.31 dwelling units per acre, in excess of the minimum density of 16.8 dwelling units per acre..

16.20.020 Permitted Uses. *The following uses and their accessory uses are permitted outright:*
A. Single-family detached or attached dwellings....

The Applicants, Dr. and Mrs. Claus propose a 9 lot subdivision for the site of single-family detached residences and a potential multi-family dwelling, which are outright permitted uses.

16.20.030 Conditional. Uses *The following uses and their accessory uses are permitted as conditional uses when approved in accordance with Chapter...*

This type of use proposed housing for the site is a use allowed outright within the HDR zoning district. A conditional use is not proposed or required for the development of the site proposed in this application.

16.20.040 Dimensional Standards

A. Lot Dimensions. *Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030, Chapter 16.44 (Townhomes), or as otherwise provided, required minimum lot areas and dimensions shall be...*

Lot dimensions for the site meet the minimum allowable for HDR zoning.

B. Setbacks. *Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030, Chapter 16.44 (Townhomes), or as otherwise provided, required minimum setbacks shall be...*

Setbacks for the site are illustrated on the preliminary plat and meet the minimum requirements.

16.20.050 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII and IX. (Ord. 86-851 § 3)

The Applicants, Dr. and Mrs. Claus will address all applicable criteria in regards to Community Design for the site in a following section of this narrative.

16.20.060 Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply...

A portion of the site and project falls within the Cedar Creek 100-year flood plain. The Applicants, Dr. and Mrs. Claus will address this in Section 16.134.20 in a following section of this narrative.

Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 GENERALLY

1. Classifications

Except for Administrative Variances, which are reviewed per Section 16.84.020, and Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

A. Type I

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

- 1. Signs*
- 2. Property Line Adjustments*
- 3. Interpretation of Similar Uses*
- 4. Temporary Uses*
- 5. Final Subdivision Plats*
- 6. Final Site Plan Review*
- 7. Time extensions of approval, per Sections 16.90.020; 16.124.010*

B. Type II

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

- 1. Minor Land Partitions*
- 2. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Planning Director if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.*
- 3. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to conditional use permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010D, below.*

C. Type III

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

- 1. Conditional Uses*
- 2. Variances, including Administrative Variances if a hearing is requested per Section 16.84.020.*

3. *Site Plan Review -- between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010D, below.*

4. *Subdivisions -- Less than 50 lots.*

D. Type IV

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

1. *Site Plan review and/or "Fast Track" Site Plan review of new or existing structures in the Old Town Overlay District.*

2. *All quasi-judicial actions not otherwise assigned to a Hearing Authority under this section.*

3. *Site Plans -- Greater than 40,000 square feet of floor area, parking or seating capacity.*

4. *Subdivisions -- More than 50 lots.*

E. Type V

The following legislative actions shall be subject to a Type V review process:

1. *Plan Map Amendments*

2. *Plan Text Amendments*

3. *Planned Unit Development -- Preliminary Development Plan and Overlay District.*

(Ord. 2003-1148 § 3; 2001-1119; 99-1079; 98-1053)

Per 16.17.010.C.4 above the Applicants Dr. and Mrs. Claus are requesting a Type III land use approval for the subdivision for this site.

16.74.010 FEES

Fees for land use actions are set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code. (Ord. 91-922 § 3; 86-851)

Upon submittal and acceptance of this application and supporting documentation the appropriate fees have been paid to the City.

Chapter 16.78 APPLICATION INFORMATION REQUIREMENTS

16.78.010 Application Content

This Chapter sets forth the application contents generally required for the review of proposed land use activities. The City Manager or his or her designee is authorized to waive information requirements that are clearly not material or relevant to the specific proposal being made. In addition to these requirements, Divisions V, VI, and VII of this Code must be reviewed for other applicable requirements. (Ord. 86-851 § 3)

| INDEX | |
|------------------|------------------------------|
| REFERENCE NUMBER | TYPE OF PROPOSED DEVELOPMENT |
| 1 | Annexation |
| 2 | Plan Map Amendment |
| 3 | Variance |
| 4 | Conditional Use |
| 5 | Minor Partition |
| 6 | Subdivision/Major Partition |
| 7 | Planned Unit Development |
| 8 | Site Plan |

This submittal has included all of the required data for reference # 6-Subdivision/Major Partition.

Chapter 16.108 STREETS

16.108.010 GENERALLY *Public streets shall be created in accordance with provisions of this Chapter. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional classification of said streets, as shown on the Transportation Plan Map, attached as Appendix B, in Chapter 6 of the Community Development Plan, and in other applicable City standards.*

No new streets are proposed by this development. The lots on the site will take access off an existing street, Cedar Brook Way, which has been accepted by the City.

16.108.030 REQUIRED IMPROVEMENTS *Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits...*

All lots for the site will take access from Cedar Brook Way; an existing City street. In order to serve the subject lots for the site utility service laterals will need to be installed in the street. The Applicants Dr. and Mrs. Claus understand that simple pavement patches will not be allowed for the installation of these services. Either pavement grinding or pavement removal and repaving will be done by the Applicants Dr. and Mrs. Claus to City requirements.

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

No new streets will be created as a result of this project. This section is not applicable and does not apply to the land use review for the site.

16.108.050 STREET DESIGN *Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood Transportation System Plan, and City of Sherwood Construction Standards...*

8. Buffering of Major Streets

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties shall be provided and through and local traffic shall be separated and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.030, and all applicable access provisions of Chapter 16.96, shall be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code...

This project abuts Highway 99W and must meet the requirements of Section 8. Buffering of Major Streets. The nearest developable lot to Highway 99W is over 235-feet away. This is more than adequate to meet the buffering requirements and provisions. The entire frontage along Highway 99W will be donated as part of the open space to the City, who will then have the direct ability to control all activity along the entire highway frontage.

12. Traffic Controls

For developments of five (5) acres or more, the City may require a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow. Such analysis will be completed according to specifications established by the City. Review and approval of the analysis by the City, and any improvements indicated, shall be required prior to issuance of a construction permit. (Ord. 2005-009 § 5; 86-851)

13. Traffic Calming

A. The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:

- 1. Curb extensions (bulb-outs).*
- 2. Traffic diverters/circles.*
- 3. Alternative paving and painting patterns.*
- 4. Raised crosswalks, speed humps, and pedestrian refuges.*
- 5. Other methods demonstrated as effective through peer reviewed engineering studies.*

B. With approval of the City Engineer, traffic calming measures such as speed humps and additional stop signs can be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street construction unless approved by the City Engineer and Tualatin Valley Fire & Rescue.

This site is greater than 5 acres in size, however only 1.748 acres can be developed as described in greater detail on the overview map provided concurrently herewith. This project's impact to Cedar Brook Way is insignificant to the development of the Creekview Condominiums by the co-applicant. Since the impact is minimal in comparison to the development of co-applicant, no additional traffic impact analysis is provided. No additional traffic calming features are proposed.

14. Vehicular Access Management

All developments shall have legal access to a public road. Access onto public streets shall be permitted upon demonstration of compliance with the provisions of adopted street standards in the City of Sherwood Transportation Technical Standards and the standards of this Division...

The Applicants Dr. and Mrs. Claus do not anticipate any problems meeting the vehicular access management minimum driveway spacing standards for the site. Driveway locations for the proposed new 8 lots for the site will be determined and installed at the time of construction. Future builders will be responsible for the construction of curb cuts and driveway aprons. Review through the building permit process will insure that all of the standards of this section of the Code will be met.

16.108.060 SIDEWALKS

1. Required Improvements

A. Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development...

2. Sidewalk Design Standards..

B. Local Streets

Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code...

3. Pedestrian and Bicycle Paths

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

Sidewalks are already constructed per City standards along the entire frontage of the project. No pedestrian or bicycle paths are proposed or required for this project.

16.108.070 HWY. 99W CAPACITY ALLOCATION PROGRAM (CAP)

A. Purpose - The purpose of the Highway 99W Capacity Allocation Program is to:

1. Prevent failure of Highway 99W through Sherwood...

This proposed subdivision is adding a minimal number of residences. Taking consideration of the project as a whole, the bulk of traffic will come from the development of co-applicant. The impact to Highway 99W for the proposed subdivision is negligible in comparison to the approved adjoining condominium development of co-applicant.

Chapter 16.110 SANITARY SEWERS

16.110.010 REQUIRED IMPROVEMENTS

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

The existing sanitary sewer lines that abut the proposed lots of the site to the north and south have adequate capacity to provide sanitary sewer service to the site. Conceptual lateral locations are shown on the preliminary utility plan which was included with this application.

Chapter 16.112 WATER SUPPLY

16.112.010 REQUIRED IMPROVEMENTS

Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains...

The existing waterline in Cedar Brook Way has adequate capacity for serve this site. Conceptual laterals and water meter locations are shown on the preliminary utility plan for the site which was included with this application. Two fire hydrants are existing on the opposite side of Cedar Brook Way along the frontage of the project and also shown on the preliminary utility plan.

Chapter 16.114 STORM WATER

16.114.010 REQUIRED IMPROVEMENTS

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

The site is currently served by a 12-inch storm water system located in Cedar Brook Way. This pipe does not extend the full length of the street and will need to be extended approximately 65-feet to the west to allow service to Lots 1 and 2 of the proposed subdivision. Conceptual lateral locations are shown on the preliminary utility plan which was included with this application. Each lot for the site will have a 4" service lateral connected to this line.

Chapter 16.116 FIRE PROTECTION

16.116.010 REQUIRED IMPROVEMENTS

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

The Fire Marshall will have an opportunity to provide written comments prior to the City issuing a decision for this application. All building envelopes for the site are within 500 feet of the two existing fire hydrants.

Chapter 16.118 PUBLIC AND PRIVATE UTILITIES

16.118.010 PURPOSE

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

All utilities for the site will be served underground except for individual meters and necessary above grade appurtenances.

Chapter 16.120 GENERAL PROVISIONS

16.120.010 PURPOSE

Subdivision and land partitioning regulations are intended to promote the public health, safety and general welfare; lessen traffic congestion; provide adequate light and air; prevent overcrowding of land; and facilitate adequate water supply, sewage and drainage. (Ord. 86-851 § 3)

16.120.020 PLATTING AUTHORITY

1. Approval Authority

A. The approving authority for preliminary and final plats of subdivisions and partitions shall be in accordance with Section 16.72.010 of this Code.

B. Approval of subdivisions and partitions is required in accordance with this Code before a plat for any such subdivision or partition may be filed or recorded with Washington County. Appeals to a decision may be filed pursuant to Chapter 16.76.

(Ord. 98-1053 § 1; 86-851)

2. Future Partitioning

When subdividing tracts into large lots which may be resubdivided, the City shall require that the lots be of a size and shape, and apply additional building site restrictions, to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets. (Ord. 98-1053 § 1; 86-851)

3. Required Setbacks

All required building setback lines as established by this Code, shall be shown in the subdivision plat or included in the deed restrictions. (Ord. 86-851 § 3)

4. Property Sales

No property shall be disposed of, transferred, or sold until required subdivision or partition approvals are obtained, pursuant to this Code. (Ord. 86-851 § 3)

The Applicants Dr. and Mrs. Claus are requesting land use approval for a 9 lot subdivision on the site location. Necessary subdivision and platting for the real property of co-applicant has already been completed. Per

Chapter 16.72 the approval requested for the site is Type III procedure. Setbacks and easements for the site are shown on the preliminary plan that was submitted with this application. The Applicant understands that no proposed individual lots created by this application may be sold prior to final plat recording.

Chapter 16.122 PRELIMINARY PLATS

16.122.010 GENERALLY

1. Approval Required

All subdivisions and major partitions are subject to preliminary plat approval through the Type II or Type III review processes. Approval of the preliminary plat shall not constitute final acceptance of the plat for recording. Approval shall however, be binding upon the City for the purpose of preparation of the final plat or map, and the City may only require such changes in the plat or map as are necessary for compliance with the terms of preliminary plat approval.

2. Action

*The City shall review preliminary plat applications submitted in accordance with Section 16.78.010 and approve, approve with conditions, or deny the application. Conditions may be imposed by the Hearing Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action of the City shall be noted on two (2) copies of the preliminary plat, including references to any attached documents describing any conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City along with other applicable records.
(Ord. 98-1053 § 1; 86-851)*

3. Required Findings

No preliminary plat shall be approved unless:

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

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

C. The plat complies with Comprehensive Plan and applicable zoning district regulations.

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

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

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

(Ord. 91-922 § 3; 86-851)

G. Tree and woodland inventories have been submitted and approved as per Section 16.142.060. (Ord. 94-991 § 1)

The Applicants Dr. and Mrs. Claus are requesting a Type III subdivision. They have demonstrated that adequate public services and infrastructure exist to support the development of a new 9 lot subdivision on the site location. Co-applicant, Woodhaven Crossing II, LLC has received approval for construction of 183 residential units on an adjoining piece of property. The Applicant proposes donation of a substantial portion of the 8.42 acres that comprise the site location to the City. Adjacent land owners to the project have not been limited in their ability to develop any adjacent properties.

Chapter 16.124 FINAL PLATS

16.124.010 GENERALLY

1. Time Limits

Within two (2) years after approval of the preliminary plat, a final plat shall be submitted. The subdivider shall submit to the City the original drawings, the cloth, and fifteen (15) prints of the final plat, and all supplementary information required by or pursuant to this Code. Upon approval of the final plat drawing, the applicant may submit the mylar for final signature. (Ord. 2003-1148 § 3; 98-1053)

2. Extensions

After the expiration of the two (2) year period following preliminary plat approval, the plat must be resubmitted for new approval. The City may, upon written request by the applicant, grant a single extension up to one (1) year upon a written finding that the facts upon which approval was based have not changed to an extent sufficient to warrant refiling of the preliminary plat and that no other development approval would be affected. (Ord. 98-1053 § 1; 86-851)

3. Staging

The City may authorize platting and development to proceed in stages that exceed two (2) years, but in no case shall the total time period for all stages be greater than five (5) years. Each stage shall conform to the applicable requirements of this Code. Portions platted or developed after the passage of two (2) years may be required to be modified in accordance with any change to the Comprehensive Plan or this Code. (Ord. 98-1053 § 1; 86-851)

4. Shown on Plat

The following information shall be shown on the final plat:

A. Date of approval, scale, north arrow, legend, and controlling topography such as creeks, highways, and railroads...

16.124.020 FINAL PLAT REVIEW

1. Subdivision Agreement

The subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision pursuant to the Division VI, or execute and file with the City an agreement specifying the period within which all required improvements and repairs shall be completed, and providing that if such work is not completed within the period specified, the City may complete the same and recover the full cost and expense thereof from the subdivider. Such agreement may also provide for the construction of the improvements in stages. (Ord. 86-851 § 3)

2. Performance Security

The subdivider shall provide monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred percent (100%) of the estimated cost of the improvements. (Ord. 86-851 § 3)

3. Staff Review

If City review determines that the final plat is in full conformance with the preliminary plat and this Code, the final plat shall be referred to the City Manager or his/her designee for final approval. If the final plat is not in full conformance, the subdivider shall be advised of necessary changes or additions...

16.124.030 CREATION OF STREETS

1. Approval

The final plat shall provide for the dedication of all streets for which approval has been given by the City. Approval of the final plat shall constitute acceptance of street dedications. (Ord. 86-851 § 3)

2. Exceptions

The Council, upon recommendation by the City Manager, may approve the creation and dedication of a street without full compliance with this Code. The applicant may be required to submit additional information and justification necessary to determine the proposal's acceptability. The City may attach such conditions as necessary to provide conformance to the standards of this Code. One or more of the following conditions must apply:

A. The street creation is required by the City and is essential to general traffic circulation.

B. The tract in which the road or street is to be dedicated is an isolated ownership of one (1) acre or less. (Ord. 86-851 § 3)

3. Easements

Any access which is created to allow partitioning for the purpose of development, or transfer of ownership shall be in the form of a dedicated street, provided however that easements may be allowed when:...

Chapter 124 outlines the improvements and requirements which must be made prior to recording the final plat. Upon approval of the tentative partition plat for the site location, all of the pertinent requirements of this chapter will be addressed and adhered to.

Chapter 16.126 DESIGN STANDARDS

16.126.010 BLOCKS

CONNECTIVITY

A. Block Size. The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety. (Ord. 86-851 § 3)

B. Block Length. Block length standards shall be in accordance with Section 16.108.050. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map...

The site is located on an existing street that fronts the entire southern boundary of the project. No new streets or blocks will be created as a result of this project.

16.126.020 EASEMENTS

1. Utilities

Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction. (Ord. 86-851 § 3)

2. Drainages

Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage. (Ord. 86-851 § 3)

All easements for the site have been created to meet the requirements of this section and are shown on the preliminary development plans. The Applicants Dr. and Mrs. Claus will continue to work closely with the City and other regulatory agencies to assure provision has been made for all necessary utility easements to provide full service to this site.

16.126.030 PEDESTRIAN AND BICYCLE WAYS

Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation. (Ord. 86-851 § 3)

Since all lots for the site front an existing street no pedestrian or bicycle ways will be created.

16.126.040 LOTS

1. Size and Shape

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

a. Lots in areas not served by public sewer or water supply, shall conform to any special Washington County Health Department standards. (Ord. 86-851 § 3)

2. Access

All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68. (Ord. 2006-021; 86-851 § 3)

3. Double Frontage

Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required. (Ord. 86-851 § 3)

4. Side Lot Lines

Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street. (Ord. 86-851 § 3)

5. Grading

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

A. Cut slopes shall not exceed one and one-half (1 1/2) feet horizontally to one (1) foot vertically.

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

(Ord. 86-851 § 3)

All lots for the site meet the requirements of the HDR zoning. Access and frontage to all lots will be on a public street, Cedar Creek Way. No lots will be double fronted and side lot lines have been laid out to run perpendicular to the right of way. Grading of lots will be done at the time of house construction, at which time a site plan will be submitted with the building permit application, thus assuring grading standards are followed.

Chapter 16.134 SPECIAL RESOURCE ZONES

16.134.010 GENERALLY

Special resource zones are established to provide for preservation, protection, and management of unique natural and environmental resources in the City that are deemed to require additional standards beyond those contained elsewhere in this Code. Special resource zones may be implemented as underlying or overlay zones depending on patterns of property ownership and the nature of the resource. A property or properties may be within more than one (1) resource zone. In addition, the City may identify special resource areas and apply a PUD overlay zone in advance of any development in order to further protect said resources. (Ord. 91-922 § 3)

16.134.020 FLOOD PLAIN (FP) OVERLAY

1. Purpose

A. The FP zoning district is an overlay district that controls and regulates flood hazard areas in order to protect the public health, safety and general welfare; to reduce potential flood damage losses; and to protect floodways and natural drainageways from encroachment by uses which may adversely affect water quality and water flow and subsequent upstream or downstream flood levels. The FP zone shall be applied to all areas within the base flood, and shall supplement the regulations of the underlying zoning district.

B. FP zoning districts are defined as areas within the base flood as identified by the Federal Emergency Management Agency (FEMA) in a Flood Insurance Study (FIS) and in Flood Insurance Rate Maps (FIRM) published for the City and surrounding areas, or as otherwise identified in accordance with Section 16.134.020C. These FEMA documents are adopted by reference as part of this Code, and are on file in the office of the City Public Works Director.

C. When base flood elevation data is not available from the FIS or FIRM, the City shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, and standards developed by the FEMA, in order to administer the provisions of this Code. (Ord. 2000-1092 § 3; 88-870)

2. Greenways

The FP zoning districts overlaying the Rock Creek and Cedar Creek flood plains are designated greenways in accordance with Chapter 5 of the Community Development Plan. All development in these two flood plains shall be governed by the policies in Division V, Chapter 16.142 of this Code, in addition to the requirements of this Section and the Unified Sewerage Agency's Design and Construction Standards R&O 00-7, or its replacement. (Ord. 2000-1092 § 3; 88-879)

3. Development Application

A. Provided land is not required to be dedicated as per this Section, Greenways, a conditional use permit (CUP) shall be approved before any use, construction, fill, or alteration of a flood plain, floodway, or watercourse, or any other development begins within any FP zone, except as provided in this Section, Permitted Uses.

B. Application for a CUP for development in a flood plain shall conform to the requirements of Chapter 16.82 and may include, but is not limited to, plans and scale drawings showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, and drainage facilities.

C. The following specific information is required in a flood plain CUP application and shall be certified and verified by a Registered Civil Engineer or Architect. The City shall maintain such certifications as part of the public record. All certifications shall be based on the as-built elevations of lowest building floors.

1. Elevations in relation to mean sea level of the lowest floor (including basement) of all structures;

2. Elevations in relation to mean sea level to which any structure has been flood proofed.

3. That the flood proofing methods for any structure meet the requirements of this Section, Flood Plain Structures.

4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

5. A base flood survey and impact study made by a Registered Civil Engineer.

6. Proof all necessary notifications have been sent to, and permits have been obtained from, those Federal, State, or other local government agencies for which prior approval of the proposed development is required.

7. Any other information required by this Section, by any applicable Federal regulations, or as otherwise determined by the City to be necessary for the full and proper review of the application.

D. Where elevation data is not available as per subsection B of this Section, or from other sources as per Section 16.40.010C, a flood plain CUP shall be reviewed using other relevant data, as determined by the

City, such as historical information, high water marks, and other evidence of past flooding. The City may require utility structures and habitable building floor elevations, and building flood proofing, to be at least two (2) feet above the probable base flood elevation, in such circumstances where more definitive flood data is not available.

(Ord. 91-922 § 3; 88-879)

4. Permitted Uses

In the FP zone the following uses are permitted outright, and do not require a CUP, provided that floodway flow, or flood plain capacity, will not be impeded, as determined by the City, and when greenway dedication is not required as per this Section, Greenways:

A. Agricultural uses, provided that associated structures are not allowed, except for temporary building and boundary fences that do not impede the movement of floodwaters and flood-carried materials.

B. Open space, park and recreational uses, and minor associated structures, if otherwise allowed in the underlying zoning district, that do not impede the movement of floodwaters and flood-carried materials.

C. Public streets and appurtenant structures, and above and underground utilities, subject to the provisions of this Section, Flood Plain Development and Flood Plain Structures.

D. Other accessory uses allowed in the underlying zoning district that do not involve structures, and will not, in the City's determination, materially alter the stability or storm drainage absorption capability of the flood plain.

(Ord. 2000-1092 § 3; 91-922)

5. Conditional Uses

In the FP zone the following uses are permitted as conditional uses, subject to the provisions of this Section and Chapter 16.82, when greenway dedication is not required as per this Section.

Greenways:

A. Any permitted or conditional use allowed in the underlying zoning district, when located in the flood fringe only, as specifically defined by this Code.

(Ord. 91-922 § 3; 88-879)

6. Prohibited Uses

In the FP zone the following uses are expressly prohibited:

A. The storage or processing of materials that are buoyant, flammable, contaminants, explosive, or otherwise potentially injurious to human, animal or plant life.

B. Public and private sewerage treatment systems, including drainfields, septic tanks and individual package treatment plants.

C. Any use or activity not permitted in the underlying zoning district.

D. Any use or activity that, in the City's determination, will materially alter the stability or storm drainage absorption capability of the flood plain.

E. Any use or activity that, in the City's determination, could create an immediate or potential hazard to the public health, safety and welfare, if located in the flood plain.

F. Any use, activity, or encroachment located in the floodway, including fill, new construction, improvements to existing developments, or other development, except as otherwise allowed by this Section, Permitted Uses, and unless certification by a Registered Engineer or Architect is provided demonstrating that the use, activity, or encroachment shall not result in any increase to flood levels during the occurrence of the base flood discharge.

(Ord. 88-879 § 3)

7. Flood Plain Development

A. Flood Plain Alterations

1. Flood Plain Survey

The flood plain, including the floodway and flood fringe areas, shall be surveyed by a Registered Civil Engineer, and approved by the City, based on the findings of the Flood Insurance Study and other available

data. Such delineation shall be based on mean sea level data and be field-located from recognized valid benchmarks.

2. Grading Plan

Alteration of the existing topography of flood plain areas may be made upon approval of a grading plan by the City. The plan shall include both existing and proposed topography and a plan for alternate drainage. Contour intervals for existing and proposed topography shall be included and shall be not more than one (1) foot for ground slopes up to five percent (5%) and for areas immediately adjacent to a stream or drainage way, two (2) feet for ground slopes between five and ten percent (5% to 10%), and five (5) feet for greater slopes.

3. Fill and Diked Lands

- a. Proposed flood plain fill or diked lands may be developed if a site plan for the area to be altered within the flood plain is prepared and certified by a Registered Civil Engineer and approved by the Commission pursuant to the applicable provisions of this Code.*
- b. Vehicular access shall be provided from a street above the elevation of the base flood to any proposed fill or dike area if the area supports structures for human occupancy. Unoccupied fill or dike areas shall be provided with emergency vehicle access.*

4. Alteration Site Plan

The certified site plan prepared by a Registered Civil Engineer or Architect for an altered flood plain area shall show that:

- a. Proposed improvements will not alter the flow of surface water during flooding such as to cause a compounding of flood hazards or changes in the direction or velocity of floodwater flow.*
- b. No structure, fill, storage, impervious surface or other uses alone, or in combination with existing or future uses, will materially reduce the capacity of the flood plain or increase in flood heights.*
- c. Proposed flood plain fill or diked areas will benefit the public health, safety and welfare and incorporate adequate erosion and storm drainage controls, such as pumps, dams and gates.*
- d. No serious environmental degradation shall occur to the natural features and existing ecological balance of upstream and downstream areas.*
- e. On-going maintenance of altered areas is provided so that flood-carrying capacity will not be diminished by future erosion, settling, or other factors.*

5. Subdivisions and Partitions

All proposed subdivisions or partitions including land within an FP zone shall establish the boundaries of the base flood by survey and shall dedicate said land as per this Section, Greenways. The balance of the land and development shall:

- a. Be designed to include adequate drainage to reduce exposure to flood damage, and have public sewer, gas, electrical and other utility systems so located and constructed to minimize potential flood damage, as determined by the City.*
- b. Provide for each parcel or lot intended for structures, a building site which is at or above the base flood elevation, and meets all setback standards of the underlying zoning district.*
- c. Where base flood elevation data is not provided, or is not available from an authoritative source, it shall be generated by the applicant for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres, whichever is less.*

(Ord. 88-879 § 3)

8. Flood Plain Structures

Structures in the FP zone shall be subject to the following conditions, in addition to the standards of the underlying zoning district:

A. Generally

- 1. All structures, including utility equipment, and manufactured housing, shall be anchored to prevent lateral movement, floatation, or collapse during flood conditions, and shall be constructed of flood-resistant*

materials, to standards approved by the City, State Structural and Plumbing Specialty Codes and applicable building codes.

2. The lowest floor elevation of a structure designed for human occupancy shall be at least one and one-half (1-1/2) feet above the base flood elevation and the building site shall comply with the provisions of subsection A of Flood Plain Development.

3. The lower portions of all structures shall be flood proofed according to the provisions of the State Structural and Plumbing Specialty Code to an elevation of at least one and one-half (1-1/2) feet above the base flood elevation.

4. The finished ground elevation of any under floor crawl space shall be above the grade elevation of an adjacent street, or natural or approved drainage way unless specifically approved by the City. A positive means of drainage from the low point of such crawl space shall be provided.

B. Utilities

1. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities located within structures shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

2. Electrical service equipment, or other utility structures, shall be constructed at or above the base flood elevation. All openings in utility structures shall be sealed and locked.

3. Water supply and sanitary sewer systems shall be approved by the Washington County Health Department, and shall be designed to minimize or eliminate the infiltration of floodwaters into the systems, or any discharge from systems into floodwaters.

C. Residential Structures

1. All residential structures shall have the lowest floor, including basement, elevated to at least one and one-half (1-1/2) feet above the base flood elevation.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Registered Engineer or Architect, or must meet or exceed the following minimum criteria:

a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one (1) foot above grade.

c. Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.

D. Non-Residential Construction

1. All commercial, industrial or other non-residential structures shall have either the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

a. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c. Be certified by a Registered Professional Engineer or Architect that the design and methods of construction are in accordance with accepted standards of practice for meeting all provisions of this Section.

d. Non-residential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as per subsection C2 of Flood Plain Structures.

(Ord. 88-879 § 3)

9. Additional Requirements

A. Dimensional standards or developments in the FP zone shall be the same as in the underlying zoning district, except as provided in this Section, Additional Requirements.

B. Approval of a site plan pursuant to Chapter 16.90, may be conditioned by the City to protect the best interests of the surrounding area or the community as a whole, and to carry out the terms of the Comprehensive Plan. These conditions may include, but are not limited to:

- 1. Increasing the required lot sizes, yard dimensions, street widths, or off-street parking spaces.*
 - 2. Limiting the height, size, or location of buildings.*
 - 3. Controlling the location and number of vehicle access points.*
 - 4. Limiting the number, size, location, or lighting of signs.*
 - 5. Requiring diking, fencing, screening, landscaping, or other facilities to protect the proposed development, or any adjacent or nearby property.*
 - 6. Designating sites for open space or water retention purposes.*
 - 7. Construction, implementation, and maintenance of special drainage facilities and activities.*
- (Ord. 88-879 § 3)*

A portion of the site falls within the Cedar Creek 100-year flood plain. The area affected by the flood plain is identified specifically as within Zone A9 of FIRM # 4100273 0001 A. The 100-year flood plain elevation within Zone A9 is 150 feet above mean sea level (MSL). This contour is identified on the preliminary plat. The 150' elevation and lower fall within the remainder lot of the site considered for donation to the City and not on any of the proposed developable lots. Of the developable lots for the site, lot 1 has the lowest elevation of 160 feet MSL, which is well above the 150 foot boundary. The remainder lot for proposed donation will not have any fill or cut within the 100 year flood plain.

Chapter 16.142 PARKS AND OPEN SPACE

16.142.010 Purpose

This Chapter is intended to assure the provision of a system of public and private recreation and open space areas and facilities consistent with this Code and applicable portions of Chapter 5 of the Community Development Plan Part 2. (Ord. 2006-021; 91-922 § 3)

16.142.020 Multi-Family Developments

A. Standards

Except as otherwise provided, recreation and open space areas shall be provided in new multi-family residential developments to the following standards:

1. Open Space

A minimum of twenty percent (20%) of the site area shall be retained in common open space. Required yard parking or maneuvering areas may not be substituted for open space...

If any lot under consideration in this application were used for multi-family development, it is important to note that the remainder lot of this project considered for donation is approximately 6.672 acres and will not be developed. This area contains wetlands, the 100 year flood plain, and the wetland buffer. This area will be an exciting amenity to this project, as this area will be left in its current native state. The Applicants Dr. and Mrs. Claus propose donating this remaining parcel to the City.

16.142.030 Visual Corridors

A. Corridors Required

New developments with frontage on Highway 99W, or arterial or collector streets designated on the Transportation Plan Map, attached as Appendix C, or in Section 5 of the Community Development Plan Part 2, shall be required to establish a landscaped visual corridor according to the following standards:

| | Category | Width |
|----|-------------|---------|
| 1. | Highway 99W | 25 feet |
| 2. | Arterial | 15 feet |
| 3. | Collector | 10 feet |

In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk. (Ord. 2006-021)

B. Landscape Materials...

This project abuts Highway 99W and will meet the visual corridor requirements. The nearest developable lot to Highway 99W is over 235-feet away. This area will be left in its current native state and not developed or landscaped. Existing trees and vegetation will remain in its current state and will be considered for donation to the City who will then have assurance the property will remain undeveloped.

16.142.050 Trees Along Public Streets or on Other Public Property

A. Trees Along Public Streets

Trees are required to be planted by the land use applicant to the following specifications along public streets abutting or within any new development. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets.

1. Tree location: Trees shall be planted within the planter strip along newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines. (Ord. 2006-021)

2. Tree size: A minimum trunk diameter of two (2) inches DBH and minimum height of six (6) feet.

3. Tree spacing: A minimum of one (1) tree for every twenty-five (25) feet of public street frontage, or two (2) trees for every buildable lot, whichever yields the greater number of trees. Double fronting lots shall have a minimum of one (1) street tree for every twenty-five (25) feet of frontage. Corner lots shall have a minimum of three (3) street trees.

4. For minor arterial and major collector streets, the City may require planted medians in lieu of paved twelve (12) foot wide center turning lanes, planted with trees to the specifications of this subsection.

5. Tree types: Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in Appendix J of this Code. (Ord. 2006-021)...

Street trees will be planted on the site location as required, at the recommended time of year to promote long term survival. A tree planting plan will be submitted with the final plat to assure that trees are properly spaced with respect to driveways and existing infrastructure. Trees will be of species from the City's approved list and available in the market for planting. All trees will be planted in accordance with the Parks and Recreation Department planting specifications. The Applicants Dr. and Mrs. Claus will pay the appropriate fee based on the above criteria and post the required security for scheduled maintenance.

16.142.060 Trees on Property Subject to Certain Land Use Applications

A. Generally

The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of trees and woodlands within the City. This Section is intended to help protect the scenic beauty

of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time. (Ord. 2006-021)

1. All Planned Unit Developments subject to Chapter 16.40, site developments subject to Section 16.92.020, and subdivisions subject to Chapter 16.122, shall be required to preserve trees or woodlands, as defined by this Section to the maximum extent feasible within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, as determined by the City. This Section shall not apply to any PUD, site development or subdivision, or any subdivision phase of any PUD, having received an approval by the Commission prior to the effective date of Ordinance No. 94-991, except for Subsection C5 of this Section, which shall apply to all building permits issued after the effective date to that Ordinance.

2. For the inventory purposes of this Section, a tree is a living woody plant having a trunk diameter as specified below at four and one-half (4-1/2) feet above mean ground level at the base of the trunk, also known as Diameter Breast Height (DBH). Trees planted for commercial agricultural purposes, and/or those subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition and from regulation under this Section, as are any living woody plants under five (5) inches DBH. (Ord. 2006-021)

a. Douglas fir, ponderosa pine, western red cedar, white oak, big leaf maple, American chestnut, ten (10) inches or greater.

b. All other tree species, five (5) inches or greater.

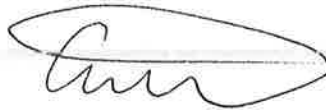
In addition, any trees of any species of five (5) inches or greater DBH that are proposed for removal as per the minimally necessary development activities defined in subsection C3 of this Section shall be inventoried...

Home site development for the site will require the removal of existing vegetation to construct homes on individual lots. The Applicant will make every reasonable effort to protect and preserve existing vegetation on site as much as possible. It is not anticipated that any trees over 5" DBH will be disturbed during construction on the subdivision infrastructure and therefore no inventory is warranted.

Conclusion

This application complies with the City's development standards and approval criteria specified within the Development Code. Therefore, approval is requested for the 9 lot Residential Subdivision proposed.

Sincerely,



Eric S. Postma

cc: Christopher D. Crean
Ben Schonberger
Dr. And Mrs. Claus



Home of the Tualatin River National Wildlife Refuge

Case No. SUB 09-01
Fee _____
Receipt # _____
Date _____
TYPE _____

City of Sherwood Application for Land Use Action

Type of Land Use Action Requested: (check all that apply)

- Annexation
- Plan Amendment (Proposed Zone _____)
- Variance(list standard(s) to be varied in description)
- Site Plan (Sq. footage of building and parking area)
- Planned Unit Development
- Conditional Use
- Partition (# of lots _____)
- Subdivision (# of lots 10)
- Other: _____

By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at www.ci.sherwood.or.us. Click on City Government/Departments/Finance.

Owner/Applicant Information:

Applicant: Jim and Susan Claus Phone: (503) 313-2785
 Applicant Address: 22211 SW Pacific Hwy, Sherwood OR 97140 Email: _____
 Owner: same as applicant Phone: same as applicant
 Owner Address: same as applicant Email: _____
 Contact for Additional Information: Ben Beseda, Tenneson Engineering Corp, (541) 296-9177
Eric S. Postma, Gary M. Bullock and Associates, PC, (503) 228-6277

Property Information:

Street Location: 21805 SW Pacific Highway, Sherwood, Oregon 97140
 Tax Lot and Map No: Tax Lots 1000, 1001, and 1002, Map 2S 1 30D
 Existing Structures/Use: Residential, single-family residence & ongoing townhome developmen
 Existing Plan/Zone Designation: High density residential (HDR)
 Size of Property(ies) Claus - 8.42 acres & Woodhaven Crossing II, LLC - 7.66 acres

Proposed Action:

Purpose and Description of Proposed Action: Creation of a 10-lot subdivision

Proposed Use: Residential

Proposed No. of Phases (one year each): One (1)

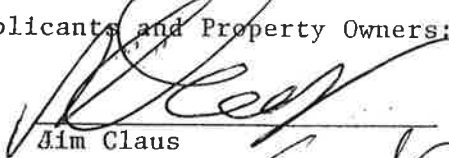
LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

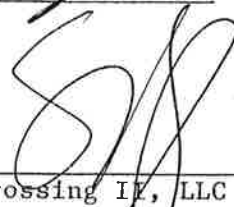
Applicants and Property Owners:


Jim Claus


Susan Claus

3 Aug 2009
Date

Co-applicant


Woodhaven Crossing II, LLC

Aug 4, 2009
Date

Life Estate Holders:

Lloyd McFall

Irene McFall

Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

3 * copies of Application Form completely filled out and signed by the property owner (or person with authority to make decisions on the property).

Copy of Deed to verify ownership, easements, etc.

At least 3 * folded sets of plans

At least 3 * sets of narrative addressing application criteria

Fee (along with calculations utilized to determine fee if applicable)

Signed checklist verifying submittal includes specific materials necessary for the application process

*** Note** that 15 copies are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, 15 copies and one full electronic copy will be required to be submitted.

McFALL SUBDIVISION PROJECT OVERVIEW

TAX LOT 2S-1W-30D 1000, 1001 & 1002
IN THE SOUTHEAST CORNER, SECTION 30, TWP.2R. R.1W. W.M.
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON
AUGUST 24, 2009

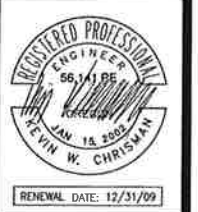
| | | | |
|----------|---|----------------|-----------|
| Design | DESIGN | Survey | SURVEY |
| DWG. No. | K:\VACAD\13000\13028\REF\SITE\MAP_13028.DWG | Drawn | Drawn |
| Date | 3/30/2009 | Work Order No. | WORKORDER |
| | | Scale | ### |

PROJECT OVERVIEW
FOR
McFALL SUBDIVISION
SHERWOOD OREGON
WASHINGTON COUNTY, OREGON

TENNESON ENGINEERING CORP.
CONSULTING ENGINEERS
3313 WEST SECOND STREET
THE DALLES, OREGON 97058
PH. 541-296-9177 FAX 541-296-6657

NOT FOR CONSTRUCTION

IF THIS BAR IS NOT ONE INCH, THEN ADJUST SCALES ACCORDINGLY



OVERVIEW

SHEET
* *

Work Order No.
13028

PROJECT LAND INFO:

PARCEL: TAX LOTS 1000, 1001 & 1002, 2S-1W-30D
 SIZE: 17.015 ACRES
 ZONING: HDR-HIGH DENSITY RESIDENTIAL (5,000 S.F. MIN.)
 PROJECT LOTS: 10 LOTS AND REMAINDER
 WOODHAVEN CROSSING 1 LOT
 SUBDIVISION LOTS 9 LOTS AND REMAINDER
 PROJECT NET BUILDABLE AREA 9.455 ACRES

PROJECT SUMMARY

| | UNITS | BUILDABLE AREA |
|--------------------|-----------|----------------|
| WOODHAVEN CROSSING | 183 | 7.707 AC |
| McFALL SUBDIVISION | 9 | 1.748 AC |
| TOTAL | 192 UNITS | 9.455 AC |

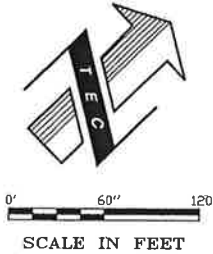
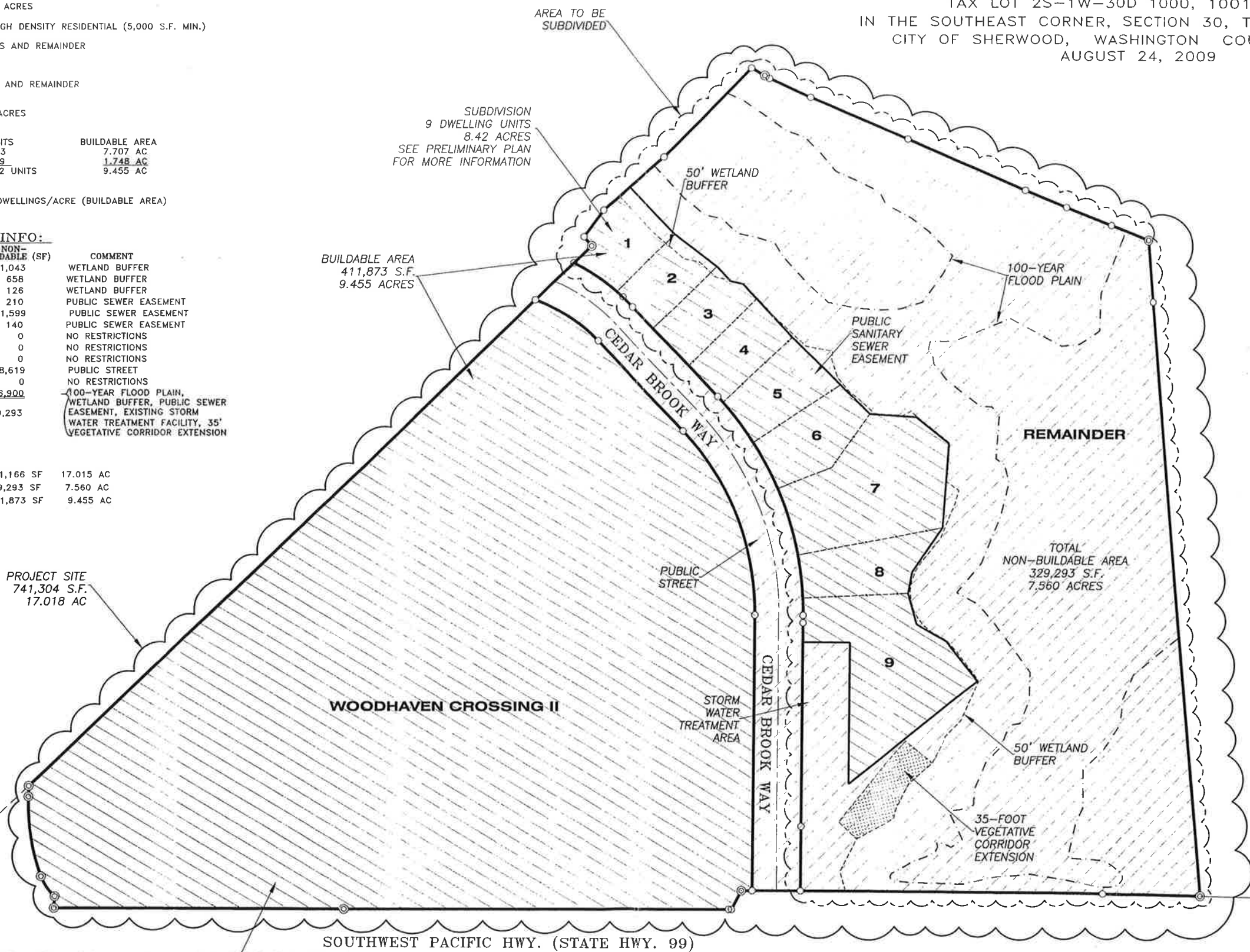
PROJECT DENSITY: 20.31 DWELLINGS/ACRE (BUILDABLE AREA)

NON BUILDABLE INFO:

| LOT: | SIZE (SF) | NON-BUILDABLE (SF) | COMMENT |
|-----------|-----------|--------------------|---|
| 1 | 6,191 | 1,043 | WETLAND BUFFER |
| 2 | 5,079 | 658 | WETLAND BUFFER |
| 3 | 5,430 | 126 | WETLAND BUFFER |
| 4 | 5,604 | 210 | PUBLIC SEWER EASEMENT |
| 5 | 6,579 | 1,599 | PUBLIC SEWER EASEMENT |
| 6 | 6,950 | 140 | PUBLIC SEWER EASEMENT |
| 7 | 18,209 | 0 | NO RESTRICTIONS |
| 8 | 7,129 | 0 | NO RESTRICTIONS |
| 9 | 18,752 | 0 | NO RESTRICTIONS |
| STREET | 38,619 | 38,619 | PUBLIC STREET |
| WOODHAVEN | 335,716 | 0 | NO RESTRICTIONS |
| REMAINDER | 286,900 | 286,900 | 100-YEAR FLOOD PLAIN, WETLAND BUFFER, PUBLIC SEWER EASEMENT, EXISTING STORM WATER TREATMENT FACILITY, 35' VEGETATIVE CORRIDOR EXTENSION |
| TOTAL | 741,166 | 329,293 | |

SUMMARY:

| | | |
|--------------------|------------|-----------|
| TOTAL AREA | 741,166 SF | 17.015 AC |
| NON-BUILDABLE AREA | 329,293 SF | 7.560 AC |
| NET BUILDABLE AREA | 411,873 SF | 9.455 AC |



IMPORTANT:
THIS DOCUMENT IS FOR PLANNING PURPOSES AND NOT INTENDED FOR CONSTRUCTION OR INTENDED TO CREATE TAX LOTS, DELINEATE LOT LINES, RIGHTS-OF-WAY OR VARIOUS EASEMENTS.
PRIOR TO CONSTRUCTION, PLANS WILL BE PREPARED BY A REGISTERED OREGON ENGINEER AND SUBMITTED TO THE CITY AND APPROVED PRIOR TO CONSTRUCTION.
PRIOR TO FINAL PLAT OF THIS PROJECT, A PLAT WILL BE PREPARED BY A REGISTERED OREGON LAND SURVEYOR AND APPROVED AND RECORDED WITH THE COUNTY.

WOODHAVEN CROSSING II
183 DWELLING UNITS
7.707 ACRES
(DEVELOPED)

PRELIMINARY PLAN FOR McFALL SUBDIVISION

TAX LOT 2S-1W-30D 1001 & 1002
IN THE SOUTHEAST CORNER, SECTION 30, TWP.2R. R.1W. W.M.
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON
AUGUST 19, 2009

SUBDIVISION LAND INFO:*

PARCEL: TAX LOTS 1001 & 1002, 2S-1W-30D
SIZE: 8.42 ACRES
ZONING: HDR-HIGH DENSITY RESIDENTIAL (5,000 S.F. MIN.)
No. LOTS: 9 AND REMAINDER
LOT SIZE: 6,137 S.F. = 0.14 AC. (AVERAGE TYPICAL LOT-EXCLUDING LOTS 7&9)

DEVELOPED AREA:
NET BUILDABLE AREA:
DEVELOPED DENSITY:

SEE PROJECT OVERVIEW MAP

*NOTE:
THE PROJECT INCLUDES THE NEWHAVEN CROSSING II DEVELOPMENT AND 8.42 ACRES THAT WILL BE SUBDIVIDED INTO 9 RESIDENTIAL LOTS WITH 1 UNDEVELOPABLE REMAINDER LOT. SEE PROJECT OVERVIEW DRAWING FOR CLARIFICATION.

OWNER:
JIM & SUSAN CLAUS
22211 SW PACIFIC HWY
SHERWOOD, OR. 97140
PH. (503) 313-2785

NOTES:
SETBACKS:
FRONT - 20'
SIDES - 5'
REAR - 20'

NOTE:
TOPOGRAPHIC SURVEY DATA PROVIDED BY:
WESTLAKE CONSULTANTS, INC.
PACIFIC CORPORATE CENTER
15115 S.W. SEQUOIA PARKWAY, SUITE 150
TIGARD OREGON 97224

REMAINDER
286,900 SF

EXISTING HOUSE

S.W. PACIFIC HWY. 99 W

IMPORTANT:

THIS DOCUMENT IS FOR PLANNING PURPOSES AND NOT INTENDED FOR CONSTRUCTION OR INTENDED TO CREATE TAX LOTS, DELINEATE LOT LINES, RIGHTS-OF-WAY OR VARIOUS EASEMENTS.

PRIOR TO CONSTRUCTION, PLANS WILL BE PREPARED BY A REGISTERED OREGON ENGINEER AND SUBMITTED TO THE CITY AND APPROVED PRIOR TO CONSTRUCTION.

PRIOR TO FINAL PLAT OF THIS PROJECT, A PLAT WILL BE PREPARED BY A REGISTERED OREGON LAND SURVEYOR AND APPROVED AND RECORDED WITH THE COUNTY.



SCALE IN FEET
0' 20' 40' 80'

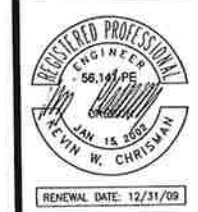
| | |
|----------------|---|
| Survey | SURVEY |
| Design | DESIGN |
| DWG. No. | K:\MCD\13000\13028\MCFALL_SITE_13028L.DWG |
| Date | 3/30/2009 |
| Drawn | DRAWN |
| Work Order No. | WORKORDER |
| Scale | ### |

PRELIMINARY PLAN
FOR
McFALL SUBDIVISION
SHERWOOD OREGON
WASHINGTON COUNTY, OREGON

TENNESON ENGINEERING CORP.
CONSULTING ENGINEERS
3313 WEST SECOND STREET
THE DALLES, OREGON 97058
PH. 541-296-9177 FAX 541-296-6657

NOT FOR CONSTRUCTION

1"
IF THIS BAR IS NOT ONE INCH,
THEN ADJUST SCALES ACCORDINGLY



PRELIMINARY
SHEET
2 2
Work Order No.
13028

Full size plan sets that are part of Attachment 1 have not been provided in this packet; however they are available in the Planning Department (22560 SW Pine Street, Sherwood, OR 97140) upon request.

GARY M. BULLOCK and ASSOCIATES, P.C.

ATTORNEYS AT LAW

1000 S.W. BROADWAY, SUITE 2460
PORTLAND, OREGON 97205

TELEPHONE: (503) 228-6277

FACSIMILE: (503) 228-6280

- ◆ Gary M. Bullock
- Meredith Boyden
- Joanna L. Dorchuck
- Arthur B. Fowler V
- ★ Eric S. Postma

- ◆ Admitted in Oregon, Washington, Idaho and California
- ★ Admitted in Oregon and California
- Admitted in Oregon and Washington

September 29, 2009

Paul Norr
 Hearing Officer
 5550 S.W. Macadam Avenue, #330
 Portland, Oregon 97239

Re: McFall Subdivision Application SUB 09-01/LLA 09-01

Dear Mr. Norr:

I am an attorney representing the applicants, Dr. Robert James Claus and Mrs. Susan Lynn Claus, in the above-referenced matter. My clients and I received via email a copy of the staff report regarding the above applications on September 25, 2009.

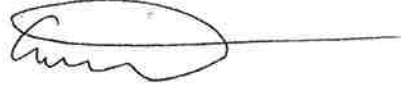
I would like to propose a change to section D.4.d. of the conditions of approval, namely, the conditions that must be met "prior to approval of the final plat". As stated in the subdivision application, my clients expect to convey a portion of the real property at issue to the City of Sherwood. My clients would like to structure that conveyance as advantageously as possible to allow for maximum flexibility in tax planning. The language of the condition of approval, section D.4.d. speaks of dedication, which may constrain my clients in their gifting of the lot and the documentation reflecting that gift in subsequent tax filings.

Accordingly, I would request that a separate numbered item be included in section D of the conditions of approval which states: "Prior to issuance of a final plat, the relevant applicants shall gift, dedicate or otherwise convey the 'remainder' lot to the City or its designee." I would then request that section D.4.d. be revised to state: "conveyance of the 'remainder' lot to the City as proposed and dedication or granting of an easement to Clean Water Services as required by the Service Provider Letter."

Please note I am providing a copy of this letter to my clients, who expect to discuss this matter further with their tax adviser. Following their consultation, there is the possibility they may suggest different or additional language to achieve the flexibility necessary to meet relevant tax code provisions.

Thank you for your consideration in this matter.

Sincerely,



Eric S. Postma

ESP:dj
 cc: Tom Pessier
 Chris Crean
 Ben Schonberger
 Dr. and Mrs. Claus
 x:esp:Claus:Sherwood:Norr 9-29-09

October 12, 2009

**CITY OF SHERWOOD
Report and Decision of the Hearings Officer**

File No: SUB 09-01/LLA 09-01

(McFall Subdivision)

Proposal: The applicant proposes to subdivide 8.42 acres into 10 lots. The applicant proposes 9 residential lots ranging in size between 5,079 square feet and 18,752 square feet, and one "remainder" lot of approximately 6.67 acres consisting of floodplain, wetland areas, vegetated corridor and isolated upland area which the Applicant proposes to give or otherwise voluntarily transfer to the City. An existing home will remain on one of the nine lots. The applicant is also proposing to adjust the property line between the subject site (tax lots 1000 and 1001) and the adjacent development on tax lot 1002 to combine isolated pieces of property created by the right-of-way dedication of Cedar Brook Way. For purposes of addressing density standards, tax lot 1000 is also included in the proposal but is not being developed further. The applicant's proposal dated March 30, 2009 is included as Exhibit A and the applicant's revisions dated September 11, 2009 are included as Exhibit B.

I. BACKGROUND

A. Applicant Information:

Applicant: **Owner of tax lots 2S130D1001 and 2S130D1002:**
Jim and Susan Claus
22211 SW Pacific Highway
Sherwood, OR 97140
Contact: Eric Postma, (503) 228-6277

Parcel(s) size: 8.42 acres

Co-Applicant: **Owner of tax lot 2S130D1000:**
Sean Keyes, Woodhaven LLC
17933 NW Evergreen
Beaverton, OR 97006

Parcel size: 7.71 acres

Life Estate Holder: **Lloyd and Irene McFall**

- B. Location: The property is located on the west side of SW Pacific Highway. The property address is 21805 SW Pacific Highway and the property is identified as tax lots 1000, 1001 and 1002 on Washington County Assessor Map 2S130D.
- C. Parcel Size: The subject property consists of three tax lots totaling 17.02 acres.
- D. Existing Development and Site Characteristics: The site is situated in the west central part of Sherwood. Metro's inventory of regionally significant habitat indicates that the area of the site proposed for development is predominantly Riparian Corridors/Wildlife Habitat Class I. A smaller area of the site is designated as Riparian Corridors/Wildlife Habitat Class II and Upland Wildlife Habitat Class C. Proposed development is not located on any Class 1 resources. A portion of the proposed development will be located on Class II and Class C resources, with the majority of development located in non-resource areas. The area proposed for development has relatively flat topography with the rear portions of lots more steeply sloped outside the building envelope; the "remainder" lot is moderately to steeply sloped with sloped areas of twenty-five percent or greater. Vegetation on site includes deciduous and evergreen trees interspersed with grass and shrubs.
- E. Site History: For purposes of this application, the "site" includes two properties: the 8.42 acres of Dr. and Mrs. Claus and the 7.71 acres of Woodhaven Crossing II (name changed to Creekview Condominium after approval and file references changed accordingly). The Woodhaven property is currently developed with a 183-unit residential development ("Creekview Condominiums" - file number SP 06-02). The Claus property is currently developed with a single-family residence, built in 1978. The existing home will remain on one of the developed lots; the proposed lot lines will be adjusted to fit this existing house. The proposed change in lot patterns is limited to the 8.42-acre Claus property.
- F. Existing Classification and Comprehensive Plan Designation: The existing zone is high density residential (HDR). Per section 16.20, the purpose of the HDR zone is to provide for higher density multi-family housing and other related uses, with a density not to exceed twenty-four dwelling units per acre and a density not less than 16.8 dwellings per acre.
- G. Adjacent Zoning and Land Use: The subject site consists of both the Woodhaven Crossing II site and the McFall subdivision site. The properties to the south are zoned General Commercial. The properties to the north are zoned Low Density Residential in a PUD and High Density Residential and developed with single family homes. The properties to the west are zoned LDR Planned Unit Development and developed with single family homes and general commercial with an approved assisted living facility not yet under construction. The properties to the east, across Highway 99, are predominantly zoned High Density Residential (HDR) and contain multi-family homes. The development site (McFall property only) is bordered to the east by SW Pacific Highway (99W), a principal arterial, and to the south by Cedar Brook Way, a local street, which terminates at the western boundary of the development site. To the northeast, across Cedar Creek and the floodplain, are properties zoned High Density Residential and developed with single and multi-family housing.

- H. Review Type: Subdivisions less than fifty lots require a Type III review with a public hearing decision made by the Hearing Officer after consideration of public comment (16.72.010.1.C). Any appeal would be heard by the Planning Commission.
- I. Public Notice and Hearing: Notice of the application was mailed to property owners within 100 feet, posted on the property and in five locations throughout the City on September 15, 2009. The notice was published in the Tigard/Tualatin Times on September 24th and October 1st in accordance with Section 16.72.020 of the SZCDC.
- J. Review Criteria: Sherwood Zoning and Community Development Code, 16.20 (HDR), 16.58.010 (Clear Vision), 16.58.030 (Fences, Walls and Hedges), 16.92 (Landscaping), 16.94 (Off-Street Parking), Division VI - 16.104-16.118 (Public Improvements), 16.122 (Preliminary Plats), 16.126 (Design Standards), 16.128 (Land Partitions), 16.142 (Parks and Open Space), 16.144 (Wetland, Habitat and Natural Areas).

II. THE RECORD and PUBLIC COMMENTS

The record includes the City of Sherwood Staff Report dated September 24, 2009, and the following exhibits:

- A. Applicant's submittal with narrative and supporting documents dated March 30, 2009
- B. Applicant revisions dated September 11, 2009
- C. Clean Water Services comment dated July 7, 2009
- D. Kinder Morgan Energy comment dated June 24, 2009
- E. ODOT comment dated July 6, 2009
- F. Pride Disposal comment dated July 3, 2009
- G. TVWD comment dated July 13, 2009
- H. PGE comment dated June 24, 2009
- I. Letter from TVF&R dated July 6, 2009
- J. Clean Water Services service provider issued on November 10, 2008
- K. Eric S. Postma of Gary M. Bullock & Associates, P.C., letter dated September 29, 2009

At the public hearing, Ben Schonberg of Winterbrook Planning, Julia Hajduk of the City's Planning Department, and Bob Galati, City Engineer, represented the City. The Applicant was represented by Eric Postma, Dr. James Claus, and Susan Claus. Carol Stowell-Heller testified as a member of the public, and asked questions regarding public improvements to Cedar Creek Way.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on June 23, 2009. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: The Engineering Department submitted the following comments:

Grading and Erosion Control:

1. Retaining walls greater than 4 feet in height shall have a geotechnical engineer provide stamped design calculations and details drawings required for the retaining wall construction. The retaining wall detail drawings shall include at a minimum; wall profile, wall cross section at highest point of wall, wall reinforcing geotextile requirements, wall drainage system, and wall backfill requirements. Retaining wall drainage systems shall either discharge to a public storm drainage system, or discharge on such a manner as to not negatively impact adjacent properties. Retaining walls within public easements or the public right-of-way shall require engineering approval. Retaining walls with a height of 4 feet or higher located on private property will require a permit from the building department.
2. Prior to commencing site construction, the applicant's contractor shall notify the engineering department erosion and sediment control inspector who will inspect the installed erosion and sediment control measures. Deficiencies in either the installation of, or the omission of required erosion and sediment control measures, shall be corrected before commencing any construction activity.
3. City policy requires that prior to site grading, a permit is obtained from the Building Department for all grading on the private portion of the site.
4. The Engineering Department requires a grading permit for all areas graded as part of the public improvements. The Engineering permit for grading of the public improvements is reviewed, approved and released as part of the public improvement plans.
5. In the event that there is engineered fill within any public roads right-of-way, the applicant's geotechnical engineer and testing lab shall obtain and record compaction tests and submit results for the review and approval of the City Engineer.
6. Since the total area disturbed for this project exceeds 1 acre, an NPDES 1200-C permit will be required. The applicant shall follow the latest requirements from DEQ for NPDES 1200-C permit submittals. A copy of the approved and signed permit shall be provided to the City prior to holding a pre-construction meeting or commencing any construction activity.
7. That the Erosion and Sediment Control Plan shall include a plan to implement and maintain wet weather measures within 14 days of the final grading and between the months of October 1st and April 30th.
8. The applicant's engineer is required to provide a site specific drainage plan to temporarily collect, route, and treat surface water during each construction phase. The construction plans shall specifically identify how the storm drainage system and erosion and sediment control measures will

be phased during construction, such that at any time during construction the approved plans shall be capable of providing full erosion and sediment control collection, routing, and treatment of storm water runoff. No site construction will be allowed to take place if the storm water drainage system and erosion and sediment control measures are not installed per plan and functioning properly.

9. The Engineer shall submit a geotechnical report for the proposed development site, which shall include an analysis of the potential for soil liquefaction and slope stability. The geotechnical report shall also include recommendations and design parameters for retaining wall designs, and for footing and retaining wall drainage discharge.
10. The final plans shall include grading contours for each lot at 1 foot intervals, retaining wall locations and heights, top and toe of any fill or cut slopes, and details on how footing and retaining wall drainage will be discharged from the site.

Other Engineering Issues:

1. Public easements are required over all public utilities outside the public right-of-way. Easements dedicated to the City of Sherwood are exclusive easements unless otherwise authorized by the City Engineer.
2. An eight-foot wide public utility easement is required adjacent to the right-of-way of all street frontage. (Reference code 16.118.020.B).
3. All existing and proposed utilities shall be placed underground.
4. Obtain a right-of-way permit for any work required in the public right-of-way, (reference City Ordinance 2006-20).
5. All public easements must be submitted to the City for review, signed by the City and Applicant, recorded by the Applicant with the original recorded easements on file at the City prior to the release of public improvement plans.

Miscellaneous:

1. At the City's discretion Applicant may be required to install infrastructure for Sherwood Broadband as noted in City Ordinances 2005-17 and 2005-74.
2. The construction noise shall be kept at the minimum level possible during construction. The applicant shall agree to aggressively ensure that all vehicles working on the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times on construction equipment and contractor vehicles.
3. That the construction site shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through proper disposal containers or construction fencing enclosures. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the Code Enforcement Officer.

4. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
5. The design of public infrastructure and development of final construction plans shall comply with the requirements delineated in the City's Engineering Design and Standard Details Manual, current edition.

Clean Water Services (CWS): Jackie Sue Humphreys provided written comments on July 7, 2009, included as Exhibit C. Jackie noted that a Clean Water Services Storm Water Connection Permit Authorization must be obtained prior to plat approval and recordation. Application for the District's Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 07-20, (or current R&O in effect at time of Engineering plan submittal), and is to include the items listed in the letter. CWS must approve final construction plans and drainage calculations.

Kinder Morgan Energy: Ron Metcalf provided written comments on June 24, 2009, included as Exhibit D. He expressed that Kinder Morgan Energy had no conflict with the project.

ODOT: Seth Brumley provided written comments on July 6, 2009, included as Exhibit E. He stated that ODOT did not have any issues with the McFall subdivision at present, but would like to submit comments at the Site Plan phase.

Pride Disposal: Kristin Leichner provided written comments on July 3, 2009, included as Exhibit F. She stated that Pride Disposal did not have any comments on the lot partition and that all residents will be required to bring their receptacles to Cedar Brook Way for collection.

Tualatin Valley Water District: Tualatin Valley Water District provided written comments on July 13, 2009, included as Exhibit G. TVWD stated that the existing service for lots 3 and 7 may need to be relocated and that new service would be required for lots 1 and 2, 4 through 6, and 8 and 9.

Portland General Electric: Lorraine Katz provided written comments on June 24, 2009, included as Exhibit H. She noted that if the homes are to be accessed from the frontage along SW Cedar Brook then PGE will require a minimum of an 8' easement behind the property line running parallel with Cedar Brook. PGE will also need to see an easement specified on the final plan.

Tualatin Valley Fire and Rescue District: John Wolff provided written comments on July 6, 2009, included as Exhibit I. John stated that Tualatin Valley Fire & Rescue endorses this proposal predicated that the applicant resubmit plans to ensure compliance with the standards and criteria called out in the July 6 letter.

IV. APPLICABLE CODE PROVISIONS

The applicable zoning district standards are identified in Chapter 16.20 below.

A. Division II– Land Use and Development

The applicable provisions of Division II include: 16.20 (Zone Classification) and 16.58 (Visual Clearance). Compliance with the standards in these sections is discussed below:

16.20.010 Purpose

The HDR zoning district provides for higher density multi-family housing and other related uses, with a density not to exceed twenty-four (24) dwelling units per acre and a density not less than 16.8 dwellings per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirement.

The applicant is proposing the creation of ten (10) lots for residential purposes with one of the ten lots serving as dedicated natural open space (approximately 6.5-acres). Residential development is permitted by-right under the HDR zone. The “site” includes the 8.42-acre Claus property (the area proposed for the McFall Subdivision) as well as the adjacent Woodhaven development (7.71 acres). The total site area is 17.02 acres.

Of the 8.42-acre Claus property, only 1.75 acres is “buildable” per the city code definition (absent of environmental constraints). Woodhaven Crossing is currently developed with a 183 multi-family residential development. All 7.71 acres of that site is considered buildable. The applicant provided a map showing the buildable and unbuildable areas of the site. The total net buildable area on the site is 9.46 acres. The applicant is proposing the creation of a 9-unit residential subdivision, combined with the 183 units on the Woodhaven property. This results in a project density of 20.30 dwelling units per acre (183+9=192 units/9.46 acres). Staff notes that the applicant could build multi-family housing on one or more of the proposed lots, since this housing type is allowed by-right in the zone, and up to 44 dwelling units could be added before maximum density limit is reached. The construction of more than two dwelling units on any single lot would require site plan review. The application meets this criterion.

16.20.040 Dimensional Standards

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

16.20.040.A. Lot Dimensions

Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030, Chapter 16.44 (Townhouses), or as otherwise provided, required minimum lot areas and dimensions shall be:

| | | |
|----|-----------------------------------|-------------|
| 1. | Lot area: | 5,000 sq ft |
| 2. | Lot width at front property line: | 25 feet |
| 3. | Lot width at building line: | 50 feet |
| 4. | Lot Depth | 80 feet |

The applicant proposes nine residential lots with a tenth "remainder" lot (6.5 acres) proposed as a gift or otherwise voluntary transfer of natural open space to the City. Staff has reviewed the submitted site plan and confirmed that each of the lots meets the minimum dimensional requirements in Section 16.20.040.A. The application meets this criterion.

16.20.040.B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

| | | |
|----|------------------------------|---------|
| 1. | Front yard: | 20 feet |
| 2. | Side yard: | |
| | a. Single-Family Detached: | 5 feet |
| | b. Corner Lot (street side): | 15 feet |
| 3. | Rear yard: | 20 feet |

The proposal includes "typical" building footprints for each of the nine proposed residential lots. The proposed building footprints satisfy the minimal setback requirements with both front and rear yards having 20-foot front and rear setbacks and side yards of five feet on each side. Compliance with setbacks will be verified at the time of building permit issuance. Based on the above discussion and submitted materials, the applicant will meet this criterion and full compliance will be verified at time of building permit issuance.

16.20.040.C. Height

Except as otherwise provided, the maximum height shall be three (3) stories or forty (40) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet.

The applicant has not provided elevations of the houses for this submittal; therefore this will be reviewed at the time of building permit submittal. Compliance with this section can be reviewed at the time of building permit approval.

16.58.010- Clear Vision Areas

A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.

The setback requirements preclude building of homes in the clear vision areas on any corner. The proposed general development plan does not show street trees or structures within the clear vision area. Compliance with Section 16.58.010 will be determined at the time of site plan review. Compliance with this section can be reviewed at the time of site plan review.

16.58.030. Location

Fences up to six feet (6') high are allowed in required side or rear building setbacks, except fences adjacent to public pedestrian access ways and alleys shall not exceed forty-two inches (42") in height, unless there is a landscaped buffer at least three (3) feet wide between the fence and the access way or alley.

The applicant is not proposing any public pedestrian access ways. The applicant has not proposed fences associated with the lots nor are they required to meet this standard. It appears that CWS will require fencing to be shown on the public improvement plans between the proposed lots and the vegetated corridor. Staff will confirm at that time that no proposed fence exceeds six feet in height.

This section does not apply at this time. Compliance with fencing standards will be required when fencing is proposed.

B. Division V- Community Design

16.94.020- Off Street Parking

Section 16.94.020 indicates single family dwellings require one off-street parking space per dwelling unit.

This standard is typically met with the installation of garages and driveways. Compliance is confirmed during plot plan review for individual building lots. Compliance with this standard will be verified at time of building permit issuance.

16.96.020.1.A- Minimum Standards- Single-Family Driveways

One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce storm water runoff. Driveways serving two residences, the minimum is one (1) shared driveway improved with hard surface pavement with a minimum width of twenty (20) feet; or two (2) driveways improved with hard surface pavement with a minimum width of ten (10) feet each.

The plans do not show driveway aprons for the proposed lots because the exact location is often not determined at this preliminary stage. Generally, compliance with this standard is confirmed during plot plan review for individual building permits.

The topography of the site does not indicate driveway grades are likely to exceed 14%; however, this will be confirmed during plot plan review for individual building permits.

Compliance with this standard will be confirmed during plot plan review for individual building lots. Based on the analysis above, it appears that the applicable Community Design and Appearance standards can be met with the following condition.

STAFF'S RECOMMENDED CONDITION: Prior to issuance of the building permit, the applicant shall show that driveways conform to Section 16.96.020.1.A of the Sherwood Zoning and Community Development Code, with individual driveway slopes not exceeding a grade of 14%. A shared driveway providing access to two lots shall be a minimum of twenty (20) feet in width.

C. Division VI - Public Improvements

16.108– Streets

16.108.030.01 – Required Improvements

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits.

The proposed site development fronts an existing fully developed City road (Cedar Brook Way). No modifications to the existing road right-of-way alignment or section are planned. Any proposed public or private utility installations within the road section shall require the applicant to obtain a right-of-way permit.

The proposed plan indicates water service laterals, storm sewer laterals, and sanitary sewer laterals being installed within the City street right-of-way. Because Cedar Brook Way is a newly constructed road, installation of trench patching alone will not be sufficient. The applicant has acknowledged in their narrative that either pavement grinding or pavement removal and repaving will be required and will be done by the applicant to City standards.

To maintain the newly constructed City street pavement section (Cedar Brook Way), the applicant will have the option of either grinding a full width road section long enough to encompass all grouped utility trenches, or removal and replacement of the entire affected road pavement surface long enough to encompass all grouped utility trenches. These options are provided to maintain the service life of the newly constructed road to meet City standards.

STAFF'S RECOMMENDED CONDITION: Installation of standard trench patching on newly installed utility laterals within the Cedar Brook Way right-of-way will not be accepted. The method and physical limits of the asphalt pavement restoration must receive approval by the City Engineer prior to any utility service lateral work being performed within the public right-of-way.

16.108.040.03 - Underground Utilities

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

The proposed site development fronts an existing fully developed City street (Cedar Brook Way). No modifications to the existing road right-of-way alignment or section are planned. Any proposed public or private utility installations within the road section will require a right-of-way permit.

The proposed plan indicates water service laterals, storm sewer laterals, and sanitary sewer laterals being installed within the City street right-of-way. This section requires that underground utilities be constructed prior to the surfacing of the streets. The final surface of the street has been completed, therefore the applicant will need to ensure the installation of the utilities do not diminish the level of street improvement currently existing. Therefore installation of trench patching will not be sufficient. See previous finding and condition for utilities under 16.108.030.01.

8. Buffering of Major Streets

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties shall be provided and through and local traffic shall be separated and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.030, and all applicable access provisions of Chapter 16.96, shall be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.

No residential lots directly abut Highway 99. The only lot that abuts Highway 99 (lot 10) will remain as undeveloped open space dedicated to the City. Site plan review will ensure compliance with Section 16.142.030 and access provisions of Chapter 16.96. This standard is met.

12. Traffic Controls

For developments of five (5) acres or more, the City may require a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow. Such analysis will be completed according to specifications established by the City. Review and approval of the analysis by the City, and any improvements indicated, shall be required prior to issuance of a construction permit.

Although the development site is 8.42 acres, the applicant is only proposing to subdivide 1.8 acres into 9 residential lots. The "remainder" lot will be preserved as undeveloped open space. Cedar Brook Way, which fronts the proposed lots, is fully improved to City standards.

Due to the lot size and environmental constraints, most of the proposed lots will be developed with single-family houses. Cedar Brook Way was constructed to accommodate the levels of traffic from full build-out of the area. Based on the negligible anticipated increase in traffic from the proposed development, and the capacity of the new city street, no traffic impact analysis has been required from the applicant and no traffic controls are recommended.

14. Vehicular Access Management

All developments shall have legal access to a public road. Access onto public streets shall be permitted upon demonstration of compliance with the provisions of adopted street standards in the City of Sherwood Transportation Technical Standards and the standards of this Division.

A. Measurement: See the following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.

1. Minimum right-of-way radius at intersections shall conform to city standards. Where city standards do not exist, the County Road Standards shall apply.
2. All minimum distances stated in the following sections shall be governed by sight distance requirements according to County Road Standards.
3. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.
4. All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.
5. Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:

B. Roadway Access

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

1. Local Streets:

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

All of the lots within the subdivision have adequate access onto Cedar Brook Way which intersects with Highway 99. Compliance with distance and access requirements will be determined at building permit review.

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

- a. Single and two-family uses and manufactured homes on individual residential lots developed after

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

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

Access to the subdivision will be provided via Cedar Brook Way, a public street, which intersects with Highway 99. Individual lots will take access from Cedar Brook Way. While the "remainder" lot has frontage along Pacific Highway it is undevelopable and will not have vehicular access to the arterial road. This standard is met.

16.108.060 - Sidewalks

Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development. Arterial streets shall have a minimum eight (8) foot wide sidewalks and local streets shall have a minimum of five (5) foot wide sidewalks, located as required by this code.

Cedar Brook Way is fully improved with a sidewalk and planting strip in accordance with City standards. At this time, ODOT has not requested sidewalk improvements to Highway 99. This standard is met.

16.110 - Sanitary Sewers

Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Sanitary Sewers shall be constructed, located, sized and installed at standards consistent 16.110.

The proposed plan indicates that sanitary sewer service laterals will be run from the existing sanitary mainline running along the back property line of Lots 1 through 6. Lots 8 and 9 shall take their sanitary service from the existing mainline located in Cedar Brook Way. Lot 7 already has a sewer service connection. Since Lots 8 and 9 sewer service connection is in Cedar Brook Way, the asphalt pavement repair delineated above shall be required in this case. The sewer service lateral locations shown on the plans appear to comply with City standards; however the following conditions are recommended to ensure compliance.

STAFF'S RECOMMENDED CONDITION: Installation of the sanitary sewer service laterals shall comply with City and Clean Water Services standards.

STAFF'S RECOMMENDED CONDITION: The asphalt pavement repair for the sanitary sewer service lateral connection from Lots 8 and 9 to the sewer mainline in Cedar Brook Way shall comply with the options noted above.

16.112– Water Supply

Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development in compliance with 16.112.

Plans call out for the installation of water service laterals from the existing public waterline located in Cedar Brook Way, to the individual lots. The line is sized appropriately to adequately provide water service and fire protection to these 9 lots. The public water system is owned, operated, and maintained by the City. Installation of the service laterals must comply with the requirements delineated in the City's Engineering Design and Standard Details Manual. The applicant will need to coordinate with City Public Works to obtain a water service meter and installation of the service lateral.

The water service laterals shown on the plans generally conform to the City's standards for location. The plans will need to reflect the change from TVWD to the City Public Works for obtaining water service meters and installation. The plans will also need to reflect the requirements to comply with the City's Engineering Design and Standard Details Manual.

STAFF'S RECOMMENDED CONDITION: The construction plans shall include a note that states the design and installation of the water service laterals shall comply with the requirements delineated in the City's Engineering Design and Standard Details Manual, current edition.

16.114 - Storm Water

Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage system consistent with the Comprehensive Plan, the requirements of the Clean Water Services water quality regulations and section 16.114.

The proposed storm drainage conveyance and treatment calculations and plans are based on the premise that the existing conveyance and treatment system, constructed by the adjacent development, has adequate capacity to allow the addition of the proposed development, without the need to expand the existing facility. Review of the calculations provided by the applicant indicates compliance with Clean Water Services (CWS) design and treatment requirements. Based on review of the provided calculations and CWS conveyance and treatment requirements, no additional expansion of the existing treatment facility is required. CWS has also provided review comments and requirements as part of the Service Provider Letter issued to the project. The applicant will be required to comply with those requirements, included as Exhibit J in order to ensure full compliance with this standard.

STAFF'S RECOMMENDED CONDITION: Comply with the requirements specified in the Service Provider Letter issued by Clean Water Services (CWS File Number 08-003092), issued on November 10, 2008, and which will expire on November 10, 2010.

16.116.010 - Fire Protection

When land is developed so that any commercial or industrial structure is further than 250 feet or any residential structure is further than 500 feet from an adequate water supply for fire protection, as

determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety. In addition capacity, fire flow, access to facilities and number of hydrants shall be consistent with 16.116.020 and fire district standards.

John Wolff of Tualatin Valley Fire and Rescue (TVFR) provided comments and review of the preliminary design proposal summarized in Section III, Agency Comments. In his letter (included as Exhibit I), John identified specific issues that must be addressed. Staff has evaluated the letter and the plan and finds it feasible to address these issues; however conditions will need to be in place to ensure compliance. Of specific concern is the requirement that the furthest point of a structure must be within 150 feet of an access road. It appears that all portions of an exterior wall of a structure on lots 1-6 will be within 150 feet of Cedarbrook Way because of the lot width and lot depth. Lots 7, 8 and 9 however may not meet this requirement depending on where a structure is located on the lot. In addition to requiring compliance with TVF&R standards to be shown on the public improvement plan, a specific condition is recommended to ensure full compliance for these lots at time of building permit approval.

To ensure full compliance with fire criteria and standards, the applicant will need to comply with the following conditions.

STAFF'S RECOMMENDED CONDITION: Submit plans complying with TVF&R standards to the Engineering Department for review and approval.

STAFF'S RECOMMENDED CONDITION: Prior to issuance of building permits for lots 7, 8 and 9, submit verification from Tualatin Valley Fire and Rescue that the location complies with the standards regarding the fire apparatus access road distance from building.

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

The applicant has not shown any proposed above ground utilities on the submitted plans. There are no above ground utilities other than a PGE powerline along Pacific Highway which meets the exception criteria for undergrounding due to the voltage.

The applicant will be able to meet this criterion with the following condition.

STAFF'S RECOMMENDED CONDITION: All existing and proposed utilities must be placed underground.

D. Division VII – Subdivisions and Partitions

16.122.010.3- Required Findings for Subdivision Preliminary Plats

No preliminary plat shall be approved unless:

A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments,

grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.

FINDING: No new streets are proposed within this proposal.

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

FINDING: There are no new private roads or streets proposed within this development.

C. The plat complies with Comprehensive Plan and applicable zoning district regulations.

FINDING: The applicant has proposed residential dwelling units that meet density requirements of the HDR zone, corresponding with the purpose of the HDR zone. The proposal also meets the intent of comprehensive plan policies designed to preserve and maintain natural features. This standard has been met.

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

FINDING: As discussed in this staff report, this standard has been met.

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

FINDING: There are no additional, contiguous properties under the same ownership; therefore, this standard does not apply.

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

Adjoining property is developed with residential housing units. The nine proposed lots will have access via an existing street. The remainder lot does not have access to a public street, however it is undevelopable due to floodplain and wetland, and the Applicant proposes to give or otherwise transfer the "remainder" lot to the public; therefore, access is not compromised with this development proposal. All developable lots within the subdivision and adjoining are provided access, therefore this standard is met.

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

Tree and woodland inventories are discussed and conditioned, if necessary, below in Section 16.142.060.

16.126.040- Lots

1. Size and Shape

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

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

FINDING: Each of the nine residential lots is largely designed with the same dimensions and shape. All of the lots meet the minimum dimensional requirements for HDR zoning as described above. This standard has been met.

2. Access

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

All proposed residential lots in this subdivision abut Cedar Brook Way and have direct access to Highway 99. The "remainder" lot has frontage to Pacific Highway but will not be granted vehicular access, however it is encumbered with floodplain and wetland and is undevelopable. The applicant has proposed donating this parcel to the City for open space. All lots in the subdivision abut a public street, therefore this standard is met.

4. Side Lot Lines

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

The side lot lines of this proposed development generally run at right angles to Cedar Brook Way. This standard is met.

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

A. Cut slopes shall not exceed one and one-half (1 1/2) feet horizontally to one (1) foot vertically.

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

The applicant has not submitted a grading plan to show that the grading of the building sites will conform to these standards. Staff is concerned about how the grading of this site may affect storm drainage, slope stability and whether a retaining wall sharing common property lines may be required. The Engineering Department has requested that a grading and drainage plan be submitted with the public improvement plan to ensure that additional easements are not needed on the plat for drainage, slope stability or retaining walls.

As discussed above, because a grading plan has not been submitted, staff cannot confirm that the grading will be done in accordance with the standards. This standard can be met through compliance with the below condition.

STAFF'S RECOMMENDED CONDITION: Prior to public improvement plan approval, submit site grading and drainage plans to the Engineering Department for review and approval.

16.130.010 GENERALLY

The City Manager or his or her designee may approve a property line adjustment without public notice or a public hearing provided that no new lots are created and that the adjusted lots comply with the applicable zone requirements. If the property line adjustment is processed with another development application, all applicable standards of the Code shall apply. (Ord. 86-851 § 3)

16.130.020 FILING REQUIREMENTS

If a property line adjustment is approved by the City, it does not become final until reviewed and approved by Washington County in accordance with its property line adjustment recording requirements.

The applicant is requesting a front property line adjustment for proposed lot 1 and a portion of proposed lot 2. The existing lot line was created prior to the development of Cedar Brook Way. When the road was constructed it followed a slightly different curve than what had been planned for, creating a void "triangle" area between the property line and the Cedar Brook right-of-way. Thus, the proposed lot line adjustment will move the existing lot line slightly south so that it is contiguous to the Cedar Brook right-of-way, eliminating the "triangle" area. The area being adjusted is approximately 650 square feet and both lots involved will continue to meet minimum dimensional standards.

The proposed property line adjustment will not create any new lots or result in the inability to comply with HDR zone requirements. As discussed in this report, the proposed land division will comply with all applicable Code standards. This standard is met.

D. Division VIII – Environmental Resources

16.142.030.A Visual Corridors

A. Corridors Required

New developments with frontage on Highway 99W, or arterial or collector streets designated on the Transportation Plan Map, attached as Appendix C, or in Section 5 of the Community Development Plan Part 2, shall be required to establish a landscaped visual corridor according to the following standards:

| | Category | Width |
|----|-------------|---------|
| 1. | Highway 99W | 25 feet |
| 2. | Arterial | 15 feet |
| 3. | Collector | 10 feet |

In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk.

B. Landscape Materials

The required visual corridor areas shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 16.142.050, shall be planted in the corridor by the developer. The improvements shall be included in the subdivision compliance agreement.

C. Establishment and Maintenance

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

D. Required Yard

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

The only lot that abuts Highway 99 is the "remainder" lot which the applicant has proposed to donate to the City as undeveloped open space. The applicant has indicated the area will be left in its current native state and will not be developed or landscaped. The applicant has proposed donation to the City to ensure that the property will remain undeveloped in its natural state. The City will accept this donation with a notation on the plat.

16.142.050. Trees along Public Streets or on Other Public Property

Trees are required to be planted consistent with the standards in 16.142.050.A by the land use applicant. These standards require a minimum of one (1) tree for every twenty-five (25) feet of public street frontage within any new development. Planting of such trees shall be a condition of development approval. The trees must be a minimum of two (2) inches DBH and minimum height of six (6) feet.

Cedar Brook Way is already improved with sidewalks and street trees in compliance with City regulations. The applicant has not shown trees along Highway 99 in accordance with this section. ODOT has not requested sidewalk improvements along Highway 99. Additionally, the only part of the proposed development that abuts Highway 99 is a "remainder" lot that is unbuildable because of environmental constraints. The applicant has voluntarily proposed to donate this remainder lot to the City as undeveloped open space. Because there is no ODOT request for improvements along the 99W frontage, and the site's entire 99W frontage is on an unbuildable lot, and the applicant has proposed dedicating this lot to the city, requiring street trees at this location is inappropriate. Any future development on the "remainder" lot will be subject to this standard. This standard is met.

16.142.060 - Trees on Property Subject to Certain Land Use Applications

All site developments subject to Section 16.92.020 shall be required to preserve trees or woodlands to the maximum extent feasible within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, as determined by the City. Review and mitigation shall be consistent with 16.142.060 A, B, C and D.

Division of the site for residential building purposes will require minimal tree removal. The applicant has noted in the narrative that every reasonable effort will be made to protect and preserve existing vegetation and that it is not expected that trees over 5" DBH will be removed. The plans indicate trees within the building footprint of lot 6, 8 and 9. The applicant has not provided an inventory to confirm the size, species or health of trees. As the typical building footprints are simply a demonstration of the maximum extent a structure can be located on a given lot, it is anticipated that the actual construction may not require the removal of all of the trees identified within the building envelopes.

Because the applicant has not provided a detailed inventory of tree sizes and health and because it is not known at this time which trees within the typical building footprints on lots 6, 8 and 9 may need to be removed to accommodate construction, staff cannot confirm of this standard has been met. This standard can be met by compliance with the following conditions:

STAFF'S RECOMMENDED CONDITION: Prior to final plat approval provide a detailed inventory of all trees within the building footprints an initial assessment of whether trees will require removal and a proposed mitigation plan for trees identified for removal.

STAFF'S RECOMMENDED CONDITION: Prior to issuance of building permits on lot 6, 8 or 9, submit a final tree removal and mitigation plan. If mitigation is required for a specific lot, the mitigation must be complete or assurances provided for completion prior to occupancy.

16.144 .010- Wetland, Habitat and Natural Areas

Unless otherwise permitted, residential, commercial, industrial, and institutional uses in the City shall comply with the following wetland, habitat and natural area standards if applicable to the site as identified on the City's Wetland Inventory, the Comprehensive Plan Natural Resource Inventory, the Regionally Significant Fish and Wildlife Habitat Area map adopted by Metro, and by reference into this Code and the Comprehensive Plan. Where the applicability of a standard overlaps, the more stringent regulation shall apply.

As part of this application, the applicant submitted a sensitive lands report dated September 2008, which includes wetland delineation. The preliminary plans indicate that no development will occur within the 50-foot wetland setback. The applicant has submitted a Clean Water Services Service Provider Letter (CWS File Number 08-003092), issued on November 10, 2008. This service letter sets forth requirements to ensure protection of wetlands, vegetated corridors and natural areas. In addition, the applicant has indicated throughout the narrative that the "remainder" tract will be given or otherwise voluntarily transferred to the City as open space. The preliminary plat does not reflect this donation or the easement required by Clean Water Services, therefore a condition is recommended.

The applicant can comply with this section as conditioned.

STAFF'S RECOMMENDED CONDITION: Comply with the Clean Water Services Service Provider Letter throughout the development of the site.

STAFF'S RECOMMENDED CONDITION: Prior to Final Plat approval, submit a revised plat that dedicates the "remainder" lot to the City as proposed and dedicates an easement to Clean Water Services as required by the Service Provider Letter.

V. DECISION

Based upon review of the Staff Report, Exhibits A through K, and the public hearing testimony, it is the Decision of the Hearings Officer to **approve this application with the conditions set out below.**

VI. 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. Development and construction on the site shall conform substantially to the preliminary plat development plans submitted by the City of Sherwood and dated September 11, 2009 except as modified in the conditions below, and shall conform specifically to final construction plans reviewed and approved by the City Engineer, the Building Official, Clean Water Services, Tualatin Valley Fire and Rescue, Tualatin Valley Water District and Washington County. All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Sherwood.
3. 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.
4. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
5. Placement of construction trailers on the subject property shall require a Temporary Use Permit per Section 16.86 of the SZCDC.
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. Retaining walls within public easements or the public right-of-way shall require engineering approval. Retaining walls with a height of 4 feet or higher located on private property will require a permit from the building department.
8. Future development of Lot 10 will be required to comply with the 25-foot visual corridor requirements.

B. Prior to issuance of grading or erosion control permits from the Building Department:

1. Obtain a 1200C permit and Building Department permits and approval for erosion control and grading on private property and Engineering Department permits and approval for all grading in the public right of way.
2. Submit a geotechnical report to the Building Department if required by the Building Official.
3. Comply with the requirements specified in the Service Provider Letter issued by Clean Water Services (CWS File Number 08-003092), issued on November 10, 2008, and which will expire on November 10, 2010.

C. Prior to approval of the public improvement plans:

1. Submit engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets) to the Sherwood Engineering Department. The engineering plans shall conform to the design standards of the City of Sherwood's Engineering Department, Clean Water Services, Tualatin Valley Water District, Tualatin Valley Fire & Rescue and other applicable requirements and standards.
2. Submit public improvement plans that demonstrate the placement of all existing and proposed utilities underground.
3. Submit the final plat for review to the Planning Department.
4. Installation of standard trench patching on newly installed utility laterals within the Cedar Brook Way right-of-way will not be accepted. The method and physical limits of the asphalt pavement restoration must receive approval by the City Engineer prior to any utility service lateral work being performed within the public right-of-way. and Clean Water Services standards.
5. The asphalt pavement repair for the sanitary sewer service lateral connection from Lots 8 and 9 to the sewer mainline in Cedar Brook Way shall comply with the options noted above (Condition C4).
6. Installation of the sanitary sewer service laterals shall comply with City and Clean Water Services standards.

7. Prior to public improvement plan approval, submit site grading and drainage plans to the Engineering Department for review and approval.

D. Prior to Approval of the Final Plat:

1. The submittal by the applicant for final plat review and approval shall include but not be limited to the following: a final plat application; final plat review fee; narrative identifying how the required conditions of approval have or will be met; two copies of the final plat; and any other materials required to demonstrate compliance with the conditions of approval.
2. Provide a detailed inventory of all trees within the building footprints an initial assessment of whether trees will require removal and a proposed mitigation plan for trees identified for removal.
3. Prior to issuance of building permits on lot 6, 8 or 9, submit a final tree removal and mitigation plan. If mitigation is required for a specific lot, the mitigation must be complete or assurances provided for completion prior to occupancy.
4. The final plat shall show the following:
 - a. The Community Development Director as the City's approving authority within the signature block of the final plat.
 - b. An 8-foot wide public utility easement along right of way frontages and for any areas where a single public utility line is located outside a public right-of-way with an increase of five (5) feet for each additional line.
 - c. Private access easements, utility easements and/or special use easements as required for the development of the site. A plat note shall reference an easement and maintenance agreement or similar document, to be recorded with the plat, for the joint maintenance of any common private utility lines, common driveway improvements, or other common amenity or perimeter fencing. The language of such plat note and associated document shall be reviewed and approved by the Planning Department.
 - d. Prior to approval of the final plat, the Applicant shall gift, dedicate, or otherwise convey the "remainder" lot to the City or its designee.
 - e. Conveyance of the "remainder" lot to the City as proposed, and dedication or granting of an easement to Clean Water Services as required by the Service Provider Letter.
5. In compliance with Section 16.124.020, no final plat shall be approved unless:
 - a. All required public streets and floodplain areas are dedicated without any reservation or restriction other than easements for public utilities and facilities.
 - b. Streets and roads held for private use have been approved by the City.
 - c. The plat complies with the standards of the underlying zoning district and other applicable standards of this Code and is in conformity with the approved preliminary plat.

- d. The plat dedicates to the public all required common improvements and areas, including but not limited to streets, floodplains, parks, sanitary sewer, storm water, and water supply systems. (This Condition D.5.d. is separate from the requirements relating to the "remainder" lot in D.4.d. and D.4.e. above, and does not relate to the conveyance of the "remainder" lot.)
- e. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the subdivided land, as determined by the City and are in compliance with City standards. For the purposes of this section:
 1. Adequate water service shall be deemed to be connection to the City water supply system.
 2. Adequate sanitary sewer service shall be deemed to be connection to the City sewer system.
 3. The adequacy of other public facilities such as storm water and streets shall be determined by the City based on applicable City policies, plans, and standards for said facilities.
- f. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.

E. Prior to Issuance of a Building Permit:

1. The public improvements must be complete and accepted by the City Engineer, and the final plat(s) must be recorded. An approval letter from the Engineering Department, accepting all public improvements, shall be issued prior to issuance of building permits.
2. The developer shall provide a geotechnical investigation report if required by the Building Official.
3. An electronic version of the final plat must be submitted to the Planning Department.
4. Driveways shall conform to Section of the Sherwood Zoning and Community Development Code, with individual driveway slopes not exceeding a grade of 14%. A shared access to two lots shall be a minimum of twenty feet in width.
5. The construction plans shall include a note that states the design and installation of the water service laterals shall comply with the requirements delineated in the City's Engineering Design and Standard Details Manual, current edition.
6. Prior to issuance of building permits for lots 7, 8 and 9, submit verification from Tualatin Valley Fire and Rescue that the location complies with the standards regarding the fire apparatus access road distance from building.

F. Prior to Final Occupancy of the Subdivision:

1. All public improvements shall be competed, inspected and approved, as applicable, by the City, CWS, TVF & R, TVWD and other applicable agencies.

2. All agreements required as conditions of this approval must be signed and recorded.
3. The developer shall coordinate the location of mailboxes with the Post Office.
4. The developer shall coordinate location of garbage and recycling receptacles with Pride Disposal.
5. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code.
6. Decks, fences, sheds, building additions and other site improvements shall not be located within any easement unless otherwise determined by the City of Sherwood.

DATED: October 12, 2009.



Paul Norr,
Hearings Officer

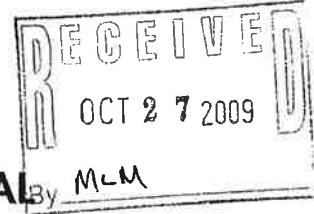
NOTICE OF APPEAL RIGHTS

The decision of the Hearings Officer detailed above will become final unless a petition for review (an appeal) is filed with the City Recorder not more than 14 calendar days after the date on which the Hearing Authority took final action on the land use application, or 14 calendar days after written notice of the action was mailed, whichever date applies, pursuant to the City of Sherwood Zoning & Community Development Code, Chapter 3.4. If the 14th day falls on a Saturday, Sunday or legal holiday, then the appeal period ends on the next business day. To file a petition for review (an appeal) contact the City of Sherwood Planning Department located at 22560 SW Pine Street, Sherwood, OR 97140, or telephone (503) 625-5522.



City of
Sherwood
Oregon

Home of the Tualatin River National Wildlife Refuge



NOTICE OF APPEAL TYPES III & IV

TAX LOT:

MAP NO: 25130D1001#1002
CASE NO: 54B 09-01 / LA 09-01

TO: CITY OF SHERWOOD

APPEAL BY: Jim and Susan CLAUS
(Appellant's Name)

ON FILE # 54B 09-01 at 25130D-1001#1002 2180S SW PACIFIC
LA 09-01 (address/tax lot number) HIGHWAY, SHERWOOD

The undersigned in the above-entitled matter does hereby appeal from that certain decision of the hearings officer rendered on the 12th day of October, 2009, upon the following grounds: (Please provide on a separate sheet the reasons why you think the Appeal Authority should render a different decision than that rendered by the Hearing Authority). See Attached

Jim + Susan CLAUS
Appellant

Date Signed: Oct 27, 2009

22211 SW Pacific Hwy
Address

503-625-5265
Phone No.

To be filled out by City Staff

Received by: _____ Date: _____
(authorized Staff member)

* Fee: _____

Receipt No.: _____

* See City of Sherwood current Fee Schedule, located at www.ci.sherwood.or.us. Click on City Government/Departments/Finance.

APPEAL

Persons who are a party to the decision and who have a basis for an appeal based on an issue that has been raised, are eligible to appeal this decision not more than 14 days after the date on which the action took place. For the applicant, the 14 days are counted from the date the decision was mailed.

October 12, 2009

**CITY OF SHERWOOD
Report and Decision of the Hearings Officer**

File No: SUB 09-01/LLA 09-01

(McFall Subdivision)

Proposal: The applicant proposes to subdivide 8.42 acres into 10 lots. The applicant proposes 9 residential lots ranging in size between 5,079 square feet and 18,752 square feet, and one "remainder" lot of approximately 6.67 acres consisting of floodplain, wetland areas, vegetated corridor and isolated upland area which the Applicant proposes to give or otherwise voluntarily transfer to the City. An existing home will remain on one of the nine lots. The applicant is also proposing to adjust the property line between the subject site (tax lots 1000 and 1001) and the adjacent development on tax lot 1002 to combine isolated pieces of property created by the right-of-way dedication of Cedar Brook Way. For purposes of addressing density standards, tax lot 1000 is also included in the proposal but is not being developed further. The applicant's proposal dated March 30, 2009 is included as Exhibit A and the applicant's revisions dated September 11, 2009 are included as Exhibit B.

I. BACKGROUND

A. Applicant Information:

Applicant: **Owner of tax lots 2S130D1001 and 2S130D1002:**
Jim and Susan Claus
22211 SW Pacific Highway
Sherwood, OR 97140
Contact: Eric Postma, (503) 228-6277

Parcel(s) size: 8.42 acres

Co-Applicant: **Owner of tax lot 2S130D1000:**
Sean Keyes, Woodhaven LLC
17933 NW Evergreen
Beaverton, OR 97006

Parcel size: 7.71 acres

Life Estate Holder: **Lloyd and Irene McFall**

TO: Sherwood City Council
Jim Patterson, City Manager, City of Sherwood
Tom Pessimelr, Community Development Manager, City of Sherwood

FROM: Jim and Susan Claus

RE: Appeal of Report and Decision of the Hearings Officer
File No.: SUB 09-01 / LLA 09-01

DATE: 27 October 2009

Dear City Council and Staff:

\$3111.00 !!!

We are appealing the above referenced decision and including whatever exorbitant appeal fee you will require with this appeal. Can you see how broken your system is? Can you imagine how much time and money you have cost and continue to cost our family? Only in Sherwood can a proposed gifting be turned into a nightmare. We should have learned our lesson with the earlier gifting and of the Robin Hood Theater. Without going into the "human side" of this land use planning debacle, this is notice to appeal Type III and Type IV report and decision of the Hearings Officer dated October 12, 2009.

The Hearings Officer uses language in the findings that eviscerates the proposed gifting. He has drawn development conclusions about the land to be gifted. There is considerable land that is not wetlands and above the 100 year floodplain. Everyone in the meeting agreed that the draft language was inaccurate and not representative of the remainder land. There is a road in that area as well as areas of the remainder land could easily be filled and further utilized. For goodness sakes, you are trying to develop a regional park and Cedar Creek pathway system throughout this area—how can the land be "undevelopable"?

His conclusionary remarks about the remainder land prevents any contemplated gifting. We are in process of checking with a tax attorney regarding this language throughout the decision by the Hearings Officer. If the Sherwood city staff and Winterbrook Planning would have worked "with" us on this file instead of taking adversarial stances, mistakes like those found throughout the initial staff report could have been prevented. During the hearing the testimony and intent of the gifting was talked about extensively and the applicant believed that the draft language throughout the document was going to be revised. Clearly it was not.

As a few examples, include:

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
November 24, 2009

Commission Members Present:

Julia Hajduk, Planning Manager
Jean Lafayette
Matt Nolan
Raina Volkmer
Lisa Walker

Staff:

Heather Austin, Senior Planner
Karen Brown, Recording Secretary
Tom Pessemier, Community Development Director

Commission Members Absent: Adrian Emery, Todd Skelton, Patrick Allen

Council Liaison – not present

1. **Call to Order/Roll Call – Vice Chair Lafayette** called the meeting to order. **Karen Brown** called roll.
2. **Agenda Review** – Julia stated that the appeal of the Hearing Officer’s decision on SUB 09-01 had been withdrawn.
3. **Consent Agenda** – no items
4. **Staff Announcements** – Julia began by announcing that the City is ready to launch its new web site and she invited everyone to take a look. The feature she is most excited about is that the departments are able to make changes and updates without needing to go through the City’s IT department which means updates can happen more quickly. She also announced that there will be a Tonquin Trail Open House here in City Hall December 10, from 5:30 to 7:30. There will be additional open houses December 8th at the Tualatin Council Chambers and December 9th at Wilsonville City Hall.
5. **City Council Comments** – none given
6. **Community Comments** –

James R Claus 22211 SW Pacific Hwy, Sherwood OR spoke about his property on Hwy 99 and stated that in Washington County, property that is general commercial has gone down 9%, and that there is a shortage of that type of property. He stated that his property has gone down approximately 60%. He feels that is due to a plan drawn by the City Planning Staff. He has had conversations with Walt Hitchcock (a former Sherwood Mayor) and has shown him the plan he is referring to. He stated that Mr. Hitchcock said this is not what they intended when they revamped Meineke Road and that he wants to go to a Federal Attorney as Tom Brian recommended they open up a file with several attorneys in Oregon. Mr. Claus stated that he feels this has been a deliberate plan to

destroy his property and its value. "Our SDCs are gone, our TIFs are gone and the only reason this staff can exist is because they are taking money out of other places and putting it in the budget as they are trying to do on the Cannery site. Now I hope you understand what I'm telling you. They're manipulating the Land Use Planning in this town and stealing zoning from people and putting it where they can benefit. Look at this map, it's ridiculous, this was never talked about and Schultz knows better and the Mayor that was with Schultz and Patterson is going to come down and go to some Attorneys with us. Federal attorneys, not civil attorneys. We can't develop our property. If they were honest and simply came to us and said we screwed up and stole the TIFs and the SDCs and we burned through money we didn't have any right to and well, we've got home rule, I forgot, I guess we can do it, you could work with them. You could say give me a secondary use, but I came here with a secondary use and after this woman had committed in writing to the secondary use you blocked me from using it. You wouldn't even let us use our property to generate any income. Because you had to make it look like we were bad people. We're not the bad people here. Now we're going to make one more effort to use that property. We're going to follow it through. We're going to spend probably another twenty-thirty thousand; we already spent about three hundred and fifty. We don't get it, I'm going to do everything I can to see to it that these people are accountable the way they should be held accountable. These are pure civil rights violations and they're a conspiracy to violate them. Look at what they're doing to our property. They are telling us unless we submit to blackmail Ken Shannon and Broadhurst can't develop. Don't you get it? Unless we devalue our property, move out of our house and destroy our buildings they can't develop. That was never part of what Hitchcock and Schultz and ODOT agreed to, and believe it or not ODOT's finally come to that realization and they are opening a file on it. The minute they saw this they said this is ridiculous; they're trying to stop you from developing your property. The whole reason is because they have to have the money to go on running this bloated staff. That's fine if they come to us and say we made a mistake, we need it, but don't drive us in the ground and destroy us and use Commissions like this and make me look like a bad guy, when the fact of the matter is, it's these people. Now just look at the map and then tell me I'm wrong."

Susan Claus 22211 SW Pacific Hwy., Sherwood OR began by stating she believes part of the problem is that she feels there was deliberate ambiguity in the TSP and a lot of the staffs positions are conclusionary regarding that road when it was supposed to be a connection. It could have been through parking lots, there were a lot of different things that were stated at the time as options so when it was all open there was nothing to object to because it wasn't specified, and now after the fact it is a very concrete with a road, with specific distance and other criteria. She feels that when the deal was done in 2000 it was a much different idea than it is now. They have 3 deeded accesses to their property and understand those are trying to be consolidated into 1 access and then not even on their property, but rather between properties owned by Joe Broadhurst and Ken Shannon. She feels it is very difficult when conclusions are drawn at a staff level and anyone interested in the property has to get permission from both of the adjoining property owners and that there are so many crazy hurdles in place. As she sees the proposed plan it goes right through the middle of their property, with buildings being taken down, but no one wants to buy this property, but the road has to go through it, and her home place and business are supposed to pay for that. Another issue is that the road or connection point was going to be paid for when the conversations began. She does not know what

the solution is, but doesn't feel like there is a process in the town to question decisions that are being made, nor has there been for over 10 years. There is a lot of history on projects then when new staff comes in they make their own interpretations. She believes this is not an open process and asks that it be dealt with, to help eliminate the dramatic impact that new decisions have on property owners. She also mentioned as a housekeeping item, and she had talked with Julia about earlier in the day; there was a check written by Susan that was inadvertently attached to the Planning Commissioner's packets and she would like to get those back. She is also talking with Tom Pessemier about the refund policy.

7. **Old Business** – there is no old business carried forward
8. **New business** – SWOT, Strength, Weaknesses, Opportunities and Threats. Julia handed out a copy of last year's SWOT analysis and the Council goals for review. It is her understanding that this year the City Council wants the SWOT analysis to reflect the Council goals. So she asked while the Commission identifies what they think their strengths, weaknesses, opportunities and threats are that they consider how those relate to the Council's goals.

Returning for a moment to the Public Comment period;

Vice Chair Lafayette asked if Staff felt that they wanted a chance to respond to questions raised during public testimony. Julia did respond to the issue regarding the check being attached to the packet. As soon as what happened was pointed out, every effort was made to retract any copies of the check that had been distributed and measures were put into place to insure this would not happen in the future.

Vice Chair Lafayette also asked about the proposed map that Mr. Claus had distributed to the Commissioners prior to his testimony and what its origins were.

Commissioner Nolan expressed concerns regarding response to public testimony when the people that made the statements are no longer present.

Tom Pessemier felt he could address the questions generally enough in nature that it would not impact the speakers.

Regarding the plan that was referred to during public testimony; there is an active developer trying to develop property in the area addressed in public comments. The plan given is what they have come up with as one plan or idea of what could be possible. While Tom had not seen these plans before it is his understanding that they may have gone as far as making tentative offers to put options on the property but those plans have not been shared with any City Staff.

Commissioner Walker was still concerned that a significant response may not have been given after public testimony. After listening to the public testimony she feels that maybe she has missed a discussion along the way. Often the information brought up in public testimony is out of context. She is questioning if the Commission should do something more in response to testimony.

Vice Chair Lafayette commented that what she has seen the Council do, and what she will do herself in this case is take the information and take no action, because there is no action to take.

Tom offered to the Commission that if they did want to continue discussion on the comments made, Staff could come and talk about what very little they know about the proposed plan they could certainly do that. However information provided would be so speculative that it would likely not help in anyway. Rather he suggests waiting until a real proposal comes forward. He imagines that there are quite a few proposed plans out there now, and that until a real site plan comes in, spending time speculating would not be efficient.

One question that Vice Chair Lafayette would have liked to ask would be: what process does a citizen have if they come to Staff and don't agree with the answer given.

Julia's response to that was that a citizen can submit an application at anytime. Staff then makes interpretations and decisions and any decision made by Staff is appealable to the Commission. She wanted to be sure to clarify that Staff does not dictate how things are and they don't say "this is how it will be". There are options available and shared with the developers through the process. If then someone really believes that Staff has made a decision they don't agree with there are options for appeals.

Tom added that there are basically two types of decisions made: Land Use decisions that are made and can be appealed to the Planning Commission and then if Staff makes a decision that is not Land Use oriented that the developer does not agree with then they can take that decision up with either the City Manager or the City Council, which people do regularly.

Further conversation followed regarding the costs for appealing decisions as mandated by State Law.

Wanting further clarification Vice Chair Lafayette asked if Staff believes that Mrs. Claus fully understands the process if there is a decision that she does not agree with through the Land Use Application Process and there is a question on whether the answer Staff provided is adequate or if the party asking the question disagrees.

Tom confirmed that he believes she is fully aware of the process as it has been explained to them several times, however at the request of the Commission, he will send something to her outlining the processes just discussed.

Back to the SWOT Analysis:

Tom began by providing a quick review on the process. Council has made a shift in the way they set goals and strategies. The goals are now set as "over arching" goals that may change every 10 years, with strategies under that and progressive levels of detail as needed. The Council is asking that the Boards and Commission adopt that type of terminology to promote consistency within the City.

Julia began by reiterating what the identified strengths were for the Planning Commission last year.

Commissioner Nolan agreed with most of the items listed as strengths, but does have a concern regarding the amount of public involvement especially with the sign issue.

Julia spoke on behalf of Chair Allen who was not able to attend this meeting by sharing his concern of the lack of public engagement and public notice on projects within the City.

Commissioner Lafayette concurred that in just the way Chair Allen runs the meetings there is an air of inclusion and engaging the public.

Commissioner Nolan wants to add the Master Planning work that the Commission has done over the past year as a strength.

Another opportunity that Vice Chair Lafayette can see would be continued work on updating the code.

Julia summarizing the strengths: full experienced Commission, public engagement, err on the side of inclusion rather than a strict process and master planning work and good communication with other boards.

Moving on, Vice Chair Lafayette suggested phrasing to say: during this construction down time, there is an opportunity for Staff time to be allotted to long range planning rather than short term site plan reviews.

Regarding the Area 48 concept plan development; it provides the Planning Commission an opportunity to support the Council goals on economic development.

Vice Chair Lafayette wanted to add to the list of opportunities and strengths that she believes that as a Commission they take the opportunity in most of what they do to support the Council goals of live-ability, resident well being, economic development and a well planned infrastructure. She believes that every Commissioner comes to the meetings trying to make sure Sherwood is a better place to live.

After discussion among the Commissioners about how they support all of the goals of the Council Julia suggested that maybe this year or future years it being more of a SWOT analysis on the ability of the Commission to meet those goals.

Julia asked if the I-5/99W Corridor project should still be considered an opportunity. The Commission agreed it is still an opportunity as it increases the prospects to increase economic development.

Tom provided a detailed update on the status of the project and believes it could be seen as an opportunity and a threat.

Vice Chair Lafayette noted that the potential outcome of opportunities and threats center around the code language and whether or not the Commission is prepared to incorporate them in well done economic driving projects rather than trying to piecemeal together an old code that is not adaptive to development.

Conversation continued among the Commissioners about ways to grow and still keep a livable feeling.

Other opportunities identified include e-communication, web-casts and simpler steps for informing the public. Vice Chair Lafayette believes steps have already been taken in this direction and suggested people visit the newly formatted web-site, which she feels is very well done.

Commissioner Nolan remembers identifying an opportunity last year as explaining the development process and asked if something like that could be included in the web-site. Julia agreed that there are currently several hand outs on the web-site now explaining some processes and that it will likely be a “work in progress” being continually updated and current information added.

Commissioner Nolan requested looking back at the areas of weaknesses. Regarding last year’s opportunities he hoped that they could complete the updates to the Industrial Design Standards and make that a priority.

Julia agreed and stated that this would be coming to a meeting for discussion in January.

He also proposed talking about how to deal with difficult situations with citizens. Vice Chair Lafayette added that there are times that information is brought to the Commission under community comments and the Commission is not sure it is even relevant and questions how to respond to those situations.

Tom discussed the many options available for allowing or disallowing public comments and what if any response is required. After which he suggested having Staff take that idea back and come up with a first draft statement. He knows that Jim Patterson is working on similar questions with all of the Boards and Commissions.

Julia suggested scheduling a work session to address several of these issues, like meeting structure and dealing with citizen comments.

Another weakness brought up is the fact that the Commission has lost their communication link to the Council and feels very disjointed making decisions without input from the Council. As well as sending Commissioners to accompany decisions given to Council to answer questions and give support for decisions made.

As there has been quite a list of items of concern discussed Julia plans to put together a clean list to discuss and approve at the next meeting.

Next Meeting: December 8, 2009

Vice Chair Lafayette closed the meeting.

End of minutes.