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**City of Sherwood  
PLANNING COMMISSION  
Sherwood City Hall  
22560 SW Pine Street  
Sherwood, OR 97140  
May 22, 2007 – 7PM**

**\*Please Note: There will be an open house for the Storm Water and Sanitary Sewer Master Plans beginning at 6:00 PM. A work session on these plans will be held with the Planning Commission from 6:30-7:00.\***

1. **Call to Order/Roll Call**
2. **Agenda Review**
3. **Consent Agenda** – Draft minutes for February 28, April 10<sup>th</sup> & April 24<sup>th</sup>.
4. **Staff Announcements**
5. **Community Comments** (*The public may provide comments on any non-agenda item*)
6. **New Business:**

**Mazzuca Partition Appeal-** The applicant requested and received approval of a minor land partition to divide one lot into three (3) parcels (MLP 07-01). The property is located at 15760 SW Division Street, east of Main Street and west of Pine Street. The property is identified as 2S132CA, Tax Lot 1900 on the Washington County tax assessor map.

**Issue under appeal-** The applicant is appealing the requirement that a full-depth half-street improvement and curb be installed along SW Division Street for the entire length of the applicant's frontage, per Sections 6.302.01 and 6.302.04 of the Sherwood Zoning and Community Development Code. The applicant's appeal states that the appeal is based on the mandates of Statewide Planning Goal 10 (Housing) as well as the recognized lack of affordable housing within the City of Sherwood.

7. **Comments from Commission**
8. **Next Meeting:** June 26, 2007 - Comfort Suites Hotel and Conference Center
9. **Adjournment**

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**City of Sherwood, Oregon**  
**Planning Commission DRAFT Minutes**  
**April 24, 2007**

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**Commission Members Present:**

Chair – Patrick Allen  
Adrian Emery  
Dan Balza  
Todd Skelton

**Staff:**

Julia Hajduk, Planning Manager  
Heather Austin, Sr. Planner  
Cynthia Butler, Admin. Assistant III

**Commission Members Absent:**

Matt Nolan

1. **Call to Order/Roll Call** – Cynthia Butler called roll. Matt Nolan was absent. Chair Allen recapped that Jean Lafayette’s reappointment to the Planning Commission originally scheduled for the April 17<sup>th</sup> City Council session had been postponed to the May 1<sup>st</sup> Council session, upon which Commissioner Lafayette will return.
2. **Agenda Review** - There were no changes to the agenda.
3. **Consent Agenda** – Minutes from February 13, 2007 were approved by vote:  
Yes – 4 No – 0 Abstain – 0
4. **Announcements** – Julia Hajduk provided an update on the Brookman Road Concept Plan and said that the steering committee is being formed and the 1<sup>st</sup> meeting will be held at City Hall on Wednesday, May 2<sup>nd</sup> from 5-7:30 PM. Public is welcome to attend. The Parks Master Plan appeal record has been filed with LUBA awaiting response. Washington County has received a Measure 37 claim for the property outside the city limits at Roy Rogers Rd. and Scholls-Sherwood Rd., proposing to build 720 residential units. Julia said the City will go on record to Washington County that the City of Sherwood will not provide services to this area. Julia concluded that interviews were conducted last week for a new Associate Planner and there should be more definitive information available on this at the next Commission session.
5. **Community Comments** – Chair Allen asked if there were any Community Comments. There were none.
6. **New Business:**
  - A. **Cedar Brook Dental Office Appeal** – Chair Allen opened the public hearing and stated that the applicant has requested to postpone the hearing for 2 weeks to the May 8<sup>th</sup> session, pending further review of information and possible withdrawal of the appeal. The applicant also waived the 120 day deadline from April 30<sup>th</sup> to May 14<sup>th</sup>.

Chair Allen closed the public hearing at 7:12 PM.

**B. Planning Commission vacancy update & Vice Chair nominations:** Chair Allen asked Julia for an update on the Planning Commission vacancy. Julia said that the vacancy notice was posted to the web site today and that applications received will be reviewed and

brought forward to the Commission. Chair Allen suggested that the Commission hold off nominations for Vice Chair until more commissioners are present, and possibly until the vacancy is also filled. Commissioners agreed.

**C. Bridges Old Town Change of Use (SP 07-02)** – Commissioner Balza read the Public Hearings Disclosure Statement. Chair Allen asked commissioners if there was any *ex parte* contact, bias or conflict of interest to declare. Dan Balza acknowledged *ex parte* contact by driving to the applicant property to view the site. No other declarations were made. Chair Allen opened the public hearing at 7:16 PM and asked staff to provide opening comments.

Heather Austin stated that the applicant is proposing a change of use from residential to commercial as allowed in the Old Town Overlay in Chapter 9 of the Zoning Code. Heather said that staff recommends approval of the application based on met criteria, with conditions: the applicant needs to provide landscaping & parking site plans and a color palette, which the applicant has stated they will provide. Heather added that any parking for bicycles will also need to be provided. The Old Town Overlay does not require parking, however if an applicant is going to provide parking a parking site plan, including ADA access is required. Improvement made thus far to the site by the applicant have not required a permit. Heather concluded that the application is consistent with standard requirements in Chapter 9 of the Zoning Code regarding the Old Town Overlay, and that the change of use allowed in this zone is designed to encourage retail use within Old Town.

Shane Bridges – Applicant; 22386 SW 106<sup>th</sup> Ave., Tualatin OR 97062 – Shane stated that site plans for landscaping and parking, along with the required color palette will be provided.

Adrian Emery asked if the applicant had any information on the landscaping, parking or color palette with him. Shane said he did not.

Shane responded to a condition of approval #B-4 in the staff report regarding the submission of public improvement plans to Engineering regarding the storm water connection, and said that he has contacted the Engineering Department for clarification on the location of the storm water connection so that they can comply.

Patrick Allen asked Heather if the language in the staff report provides flexibility if the storm water main line connection is not located precisely on 2<sup>nd</sup> Ave. Heather referred to the condition of approval #B-4 that does state, "...to the main line in SW 2<sup>nd</sup> Avenue *or* some other configuration meeting CWS and City standards." Patrick confirmed.

Chair Allen asked if there was any further proponent testimony for the applicant. There was none. Chair Allen asked if there was any opponent testimony:

William Plantz – 15921 SW 2<sup>nd</sup> St., Sherwood OR 97140 – Mr. Plantz resides across the street from the applicant's site, and asked for clarification how the applicant could have made changes to the site prior to approval by the Planning Commission. Heather Austin reiterated that the changes made to date by the applicant have not required a permit. Chair Allen confirmed that Mr. Plantz could also make the kinds of changes without a permit that Mr. Bridges has already made. Mr. Plantz was not aware that this was the case. Mr. Plantz discussed parking and said that no parking signage on one side of the street is violated by vendors that work at the

applicant's project site. Mr. Plantz expressed concern that he is also no longer able to park in front of his house due to others constantly parking in this location. Chair Allen said that parking rules have not changed and that parking is not to occur in designated no-parking areas. Julia Hajduk reiterated that Mr. Plantz can contact the City's Code Compliance Officer to report illegal parking. Heather added that Mr. Plantz could also contact City Hall, who would contact the Code Compliance Officer for him. Mr. Plantz also expressed concern that the alley way is littered with debris and excess furniture from Nottingham's, a business located on 2<sup>nd</sup>. & Pine St. and concluded that employees could park in other areas near their businesses, without parking in front of his home. Patrick Allen stated that unfortunately anyone can park on public streets.

Chair Allen asked if there were any further public comments. There were none. Chair Allen closed the public hearing at 7:25 PM.

Adrian Emery moved to approve Bridges Old Town Change of Use (SP 07-02), based on staff report findings of fact, public testimony, staff recommendations, agency comments, applicant comments and conditions.

Todd Skelton seconded.

Chair Allen asked if there was any further discussion on the motion. There was none. Vote was taken:

Yes – 4 No – 0 Abstain – 0

Motion carried.

**7. Comments by Commission** – Todd Skelton said he would not be present at the next session. Chair Allen asked if there were any other comments by the Commission. There were none.

Julia Hajduk confirmed with Todd Skelton that he was on the Brookman Road Concept Plan steering committee as liaison for the Planning Commission, and that the 1<sup>st</sup> steering committee meeting is on May 2<sup>nd</sup> from 5-7:30. Todd confirmed.

**8. Next Meeting:** May 8, 2007 – Cedar Brook Dental Office Appeal. Chair Allen asked staff if there were any other agenda items for May 8<sup>th</sup> if the applicant for the appeal withdraws. Julia stated that there were none presently, and that the May 8<sup>th</sup> session could be cancelled if the appeal is withdrawn, unless the Commission has other agenda items. Chair Allen confirmed that there were no other agenda items at this time, and asked for confirmation from commissioners for their attendance at the May 22<sup>nd</sup> regular session. All commissioners present confirmed they planned on being present on May 22<sup>nd</sup>.

**9. Adjournment** – Chair Allen adjourned the session at 7:25 PM.

End of Minutes.

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**City of Sherwood, Oregon**  
**Planning Commission DRAFT Minutes**  
**April 10, 2007**

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**Commission Members Present:**

Chair Allen  
Adrian Emery  
Jean Lafayette  
Matt Nolan

**Staff:**

Rob Dixon, Community Development Director  
Julia Hajduk, Planning Manager  
Heather Austin, Sr. Planner  
Cynthia Butler, Admin. Assistant III

**Commission Members Absent:**

Todd Skelton  
Dan Balza

1. **Call to Order/Roll Call** – Cynthia Butler called roll. Commissioners Skelton and Balza were absent.
2. **Agenda Review** - Chair Allen stated that nominations for Vice Chair would be delayed until there was a quorum. There were no other changes to the agenda.
3. **Consent Agenda** – Voting on approval for the February 13, 2007 minutes was postponed until the next session when a quorum would be available.
4. **Announcements** – Julia Hajduk recapped the results of the Moser Measure 37 claim that was heard by City Council on February 6, 2007. Council approved the claim for 2 units per acre, the allowable standard at the time of the property was purchased. Final order approving the claim was issued on March 6, 2007. Julia said that the Claus Measure 37 claim and the Meserve Measure 37 claim will be heard by City Council on May 1, 2007. An Arbor Day celebration open to the public was celebrated in Sherwood on April 5<sup>th</sup> at Murdock Park, beginning with a proclamation by the Mayor and followed by tree planting provided by volunteers. Public Works manicured the grounds and prepped the holes for trees, as well as providing a staging area.

Rob Dixon provided an update on the I-5/Hwy. 99 Connector project. Rob said that tomorrow on April 11<sup>th</sup> the Policy Steering Committee of the elected officials will meet and hopefully narrow the field of possible corridor options for the connector and then send it back to staff for a detailed study. The goals and objectives of the project have driven the discussion to date. An analysis and feasibility study will provide the information to move the project forward. Rob and Heather attended a meeting in Wilsonville last week regarding the Coffee Creek Concept Plan that Wilsonville is currently developing, along with representatives of ODOT and other regional jurisdictions. Wilsonville is being encouraged by Sherwood and area representatives to include connector options in their concept planning of the area, or to delay proceeding further until more information about the corridor options are known. Rob added that Wilsonville has invited the City of Sherwood to submit written comments and to attend any of their Planning Commission sessions.

5. **Community Comments** – Chair Allen asked if there were any Community Comments. There were none.

6. **New Business:** Planning Commission vacancy update/Vice Chair nominations – Chair Allen asked Julia for an update on the commission vacancy. Julia said that the City Recorder is currently getting information back to her for this process. Julia confirmed that there is approximately 3 years remaining in the term for the vacant position and that a notice will be drafted and posted soon. Chair Allen reiterated the recommendation suspending nominations for Vice Chair until more members are present. Commissioners agreed.

Storm Water Master Plan – memos from former City Engineer, Gene Thomas, P.E. on the storm water and sanitary master plan were discussed. Rob Dixon said that infrastructure decisions made by Engineering are based on projecting the impacts of 50-100 years of growth, and discussed various criteria that needs to be addressed in order to meet those projections.

7. **Comments by Commission** – Commissioner Nolan stated that he would not be able to attend the session on April 24, 2007.

8. **Next Meeting:** April 24, 2007 – Cedar Brook Dental Office Appeal Hearing (SP 06-11); Bridges Old Town Change of Use (SP 07-02).

9. **Adjournment** – Chair Allen adjourned the regular meeting at 7:20 PM to participate in a work session with staff on Commercial and Industrial Design Standards.

End of Minutes.

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**City of Sherwood, Oregon**  
**Planning Commission DRAFT Minutes**  
**February 27, 2007**

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**Commission Members Present:**

Chair Allen  
Vice Chair Griffin  
Dan Balza  
Jean Lafayette  
Russell Griffin  
Todd Skelton  
Matt Nolan

**Staff:**

Rob Dixon  
Julia Hajduk

**Commission Members Absent:**

Adrian Emery

1. **Call to Order/Roll Call** – Julia Hajduk called roll in the recording secretary's absence.
2. **Agenda Review** - There were no changes to the agenda.
3. **Consent Agenda** – None.
4. **Announcements** – Chair Allen stated that City Councilor and Council President Dave Grant is the new Council liaison to the Planning Commission. Mayor Keith Mays will remain the alternate liaison. Councilor Grant spoke briefly and said that he will represent Planning Commission interests as needed to the City Council.

Rob Dixon announced that Julia Hajduk is the new Planning Manager. Julia is the former Senior Planner for the City of Sherwood.

Julia Hajduk informed commissioners that updated copies of the Sherwood Development and Zoning Code were provided this evening. Julia said that draft minutes from the February 13<sup>th</sup> session was not available until the recording secretary, Cynthia Butler, returns from FMLA leave in mid-March.

5. **Community Comments** – Chair Allen asked if there were any Community Comments. There were none.
6. **Old Business:** Cedar Creek Assisted Living Zone Change application (PA 06-05), continued discussion on revised findings. Chair Allen asked Julia to recap changes to the staff report previously recommended. Julia said that the format for the Notice of Decision has been changed to reflect approvals or denials by the Planning Commission rather than staff. As such, a signature line has been created for the Planning Commission Chair to sign the Notice of Decision on this application, when determined. Findings on Pages 3 & 4, covering items B & C were updated to reflect information obtained at the previous session and direction received by the Planning Commission. Findings on Page 5 regarding applicable comprehensive plan policies were changed to reflect the objectives versus policy for locational criteria in HDR zoning.

Findings under the economic development policy were supported with additional information. Julia confirmed that her review of the applicant's market analysis provided as a walk-on item at the last session met standards to demonstrate need. Julia concluded that a condition of approval was added for the deed restriction and finalized with a recommendation of approval.

Chair Allen asked commissioners if there was any further discussion on the amended staff report. There was none.

Jean Lafayette moved that the Planning Commission approves recommendation to the City Council the Cedar Creek Assisted Living Zone Change application, PA 06-05, based on the current staff report as presented.

Matt Nolan seconded.

Chair Allen asked if there was further discussion on the motion. There was none. Vote was taken:

Yes – 6 No – 0 Abstain – 0

Motion carried.

**7. Comments by Commission** – Jean Lafayette said that the Sherwood Gazette did not reflect that there was a Planning Commission session this evening. Vice Chair Russell Griffin said that he and his family were moving outside the city limits of Sherwood and outside of the urban growth boundary effective April 1, 2007, and that he would no longer be eligible to serve on the Planning Commission for this reason. Russell added that he would be attending the March 27<sup>th</sup> session.

**8. Next Meeting:** Discussion regarding the need for a session on March 27<sup>th</sup> ensued. Julia said that due to no immediate land use applications ready for review before the Commission on March 27<sup>th</sup>, and attendance conflicts, the next regular meeting would not occur until April 24, 2007. Chair Allen recommended having a meeting April 10, 2007 even if there are no land use applications for review, and to hold a work session on that date for other issues on the work plan. Consensus was confirmed for April 10, 2007 as the next meeting.

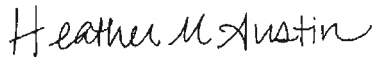
**9. Adjournment** – Chair Allen adjourned the regular meeting and moved into a work session.

End of Minutes.



PLANNING DEPARTMENT

App. Submitted: 01/05/07  
App. Complete: 02/12/07  
120-Day Deadline: 06/12/07



Heather M. Austin, AICP, Senior Planner

City of Sherwood File MLP 07-01, Mazzuca Partition, was approved with conditions on April 10, 2007. One of the conditions of approval was that the applicant must install a full-depth half-street improvement including eighteen (18) feet of paved surface and a curb along the entire frontage of the subject property. This condition was required based on Sections 6.302.01, 6.302.02 and 6.302.04 of the Sherwood Zoning and Community Development Code (SZCDC).

The applicant is appealing the requirement of street improvements on the basis of economics and the cost of required street improvements. The applicant's appeal materials state that the cost analysis finds that requirements of street improvements such as these on smaller projects will hinder infill development in the future because lots will be more valuable as single homes on oversized parcels rather than subdivided. The applicant further states that construction of these improvements at this time would be bad engineering because the improvements would need to be removed if and when the rest of the street develops in the future.

The applicant's submittal materials state that staff encouraged the applicant to partition into more than two parcels. Staff does not take this position and would not encourage a developer to increase the number of lots; however, staff would provide the applicant with the information that the zoning and lot size support development of an additional parcel and encourage the developer to look at the future "build out" potential of the property when making decisions (i.e. not preclude future transportation connections, etc).

In addition, the applicant states that the pre-application notes stated that street improvements would not be required but that waivers of remonstrance against a future local improvement district would be required. The pre-application notes actually stated that based on the addition of one parcel, street improvements would not be likely. When looking at the addition of two parcels and the degraded state of the road surface, staff found during the land use review that installation of the improvements at this point is necessary for the development.

Staff has reviewed the applicant's appeal materials and continues to find that the requirement of a full-depth half-street, eighteen (18) foot wide paved street and curb along the frontage of the property is essential for the development of this property. The street paving along Division Street has no base layer to structurally support the street and, as such, is degraded to a point that the Sherwood Public Works Department is repeatedly patching the asphalt year after year. This puts an undue burden on public resources to maintain the road section adjacent to this property that could be built to public standards now. Adding an average of twenty (20) vehicle trips to this section of pavement per day (based on a single-family home producing an average of 10 daily trips per the ITE Manual) will accelerate deterioration of this paved surface. The requirements of the street paving and curb are consistent with the Transportation System Plan

(TSP) standard for a neighborhood route, and therefore these improvements will not need to be removed if and when the rest of the street is constructed in the future. For this reason, the City finds that the requirement to install the street improvement at this time is sound engineering, is essential for this project and in the public's best interest.

Recommendation:

Staff recommends the Planning Commission dismiss the appeal and uphold the administrative decision of approval and all of the conditions of approval for SUB 07-01, Mazzuca Partition.

PLANNING DEPARTMENT

App. Submitted: 01/05/07  
App. Complete: 02/12/07  
120-Day Deadline: 06/12/07

*Heather M. Austin*

Heather M. Austin, AICP, Senior Planner

## I. APPLICATION INFORMATION

Owner/Applicant:

Scott Mazzuca  
PO Box 2263  
Tualatin, OR 97062

Property Description: The site is specifically identified as Tax Lot 1900 on Washington County Tax Assessor Map 2S132CA. The site address is 15760 SW Division Street. This site is located on the south side of Division Street between Park Street and Washington Street.

Existing Development and Site Characteristics: This site measures approximately 0.55 acres. There is a single-family detached home on this site which will be retained. The home is not on Sherwood's Historical and Cultural Resource inventory. The site slopes upward toward the southeast corner of the lot, with a significant slope (greater than 20%) in the southeast corner. There is a mixture of deciduous and evergreen trees on the site, but most of the trees are ponderosa pines.

This property does not have any inventoried significant riparian, upland or wildlife habitat according to Metro's inventory of regionally significant habitat and the Comprehensive Plan inventory map.

Comprehensive Plan Land Use Designation and Zoning Classification: The property is designated for residential use and zoned Medium Density Residential Low (MDRL).

Adjacent Zoning and Land Use: All properties adjacent to or across Division Street from this property are zoned MDRL and are developed with single-family residences.

Land Use Review: Minor land partitions are quasi-judicial actions and reviewed through a Type II administrative procedure. The review authority for a Type II land use action is the Planning Director or designee and the Appeal Authority is the Planning Commission.

Public Notice: Notice of this land use application was posted on the site and at five conspicuous locations throughout the city, and mailed to property owners within 100 feet of the site, on March 5, 2007 in accordance with 3.202 and 3.203 of the Sherwood Zoning and Community Development Code.

Review Criteria: Required findings for preliminary plats are listed in Section 7.501.03. Other applicable standards are found in Section 2.103 (Medium Density Residential Low), Section 2.309 (Infill Standards), Section 5.402 (Minimum Residential On-Site Circulation Standards)

**6.305.01 Sidewalks-Required Improvements**

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

As discussed above in Section 6.302.02- Existing Streets, staff cannot find that the installation of a sidewalk along the frontage of this property in addition to pavement and curb is proportional to the development and will therefore not be required of this development.

**FINDING:** Staff has found that the addition of sidewalks would not be proportional to the development after requiring paving and curbs, therefore this standard has been addressed.

**6.401 Sanitary Sewer- 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 standards.**

A sanitary sewer mainline currently exists within Division Street. The applicant proposes to maintain an existing sanitary lateral for the existing home while providing two new laterals for proposed lots 1 and 3.

This approach is acceptable to the City of Sherwood's Engineering Department, provided specifications and requirements set forth in the Clean Water Services Design and Construction Standards are met.

**FINDING:** Staff finds that sanitary service is available to serve this site and the applicant's proposal appears acceptable. This will be verified on the applicant's public improvement plans. This standard could be met as conditioned below.

**CONDITION:** Submit public improvement plans to the Engineering Department that show sanitary sewer service to both homes consistent with City and Clean Water Services Standards.

**6.501 Water- 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.**

A water mainline currently exists within Division Street. The applicant proposes to retain the existing water service for the existing home while adding two new water laterals for lots 1 and 3.

The City contracts with Tualatin Valley Water District (TVWD) for review and approval of engineering plans related to the water system. The City has no objections to the Applicant's design but ultimately TVWD will approve all designs related to the water system.

**FINDING:** Staff finds that water service is available to serve this site and the applicant's proposal appears acceptable. This will be verified on the applicant's public improvement plans. This standard could be met as conditioned below.

**CONDITION:** Submit public improvement plans to the Engineering Department that show water service to both homes to TVWD standards.

**6.601 Storm Water- 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.**

There are two components to storm water: quantity and quality. A storm mainline currently exists within Division Street which is adequately sized to accommodate the anticipated run-off from the site. The applicant does not fully address discharge of storm water from the existing home. An existing storm system serving this house is shown on the plans, with a pipe discharging to the public right-of-way; however during a site visit staff was unable to locate the discharge pipe or the area of discharge. The applicant does propose new storm laterals for the discharge of storm water from lots 1 and 3. A new lateral, or evidence of the existing lateral functioning adequately, must be provided for storm water discharge from the existing home as well.

The applicant's proposal lacks a method of storm water treatment (quality) as required CWS Design and Construction Standards. A fee-in-lieu of constructing a water quality facility is allowed. The fee is \$500 per each 2,460 square feet of impervious area per lot. Considering the amount of area necessary for water quality treatment and the cost of construction for a typical facility, it seems likely the applicant would prefer the fee-in-lieu of payment. Regardless of method chosen, specifications and requirements set forth in the Clean Water Services Design and Construction Standards must be met.

**FINDING:** Staff finds that storm sewer service is available to serve this site for discharge and the applicant will need to provide three (3) laterals for the three (3) parcels. The applicant has not addressed storm water treatment but a fee-in-lieu option is available. Alternatively, the applicant could construct a water quality treatment facility. An appropriate method of storm water treatment will be verified on the applicant's public improvement plans. This standard could be met as conditioned below.

**CONDITION:** Submit public improvement plans to the Engineering Department that show storm water discharge to CWS standards and a water quality facility, if this is the preferred treatment option. If the fee-in-lieu is preferred for treatment, prior to building permit issuance, pay the fee-in-lieu of \$500 per each 2,460 square feet, or portion thereof, of impervious area.

**6.701 Fire Protection- 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.**

**FINDING:** Karen Mohling, Deputy Fire Marshal, provided comments stating that Parcel 3 may need a turn around and that the Fire District's Fire Code Applications Guide should be referenced prior to development on Parcel 3. Staff will verify that TVF&R standards are met prior to issuance of building permits, as conditioned below.

**CONDITION:** Provide verification from TVF&R that this project is in compliance with all fire district standards.

**6.802            Public and Private Utilities**

**A.            Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.**

**B.            Public utility easements shall be a minimum of eight feet in width unless a reduced width is specifically exempted by the City Engineer.**

**C.            Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).**

**D.            Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.**

**E.            Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.**

**F.            Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.**

**FINDING:** The applicant has not shown any public utility easements on the property and therefore this standard has not been met. However, this standard could be met as conditioned below.

**CONDITION:** Submit public improvement plans to the Engineering Department that show eight (8) foot public utility easements along all street frontages. Show eight (8) foot public utility easements along all street frontages on the submitted final plat.

**6.803            UNDERGROUND FACILITIES**

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

**FINDING:** The applicant has not specifically shown that new and existing lines will be placed underground. Based on a site visit, staff is aware that there are overhead lines existing to this site. This standard has not been met but could be met as conditioned below.

**CONDITION:** Submit public improvement plans to the Engineering Department that show all existing and proposed utility lines placed underground.

**Chapter 7 – Subdivisions and Partitions**

**7.404.02 Access**

**All lots in a subdivision shall abut a public street.**

All three parcels have a minimum of 25 feet of frontage and take access from SW Division Street, a public street.

**FINDING:** This standard has been met.

**7.501.04 Future Developability**

**The City Manager or his/her designee must find, for any partition creating lots averaging one (1) acre or more, that the lots may be re-partitioned or resubdivided in the future in full compliance with the standards of this Code.**

**FINDING:** Because the parcels created will not average one (1) acre or more, this standard does not apply.

**Chapter 8 - Environmental Resources**

**8.304.04 Visual Corridors**

**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 VI of the Community Development Plan, shall be required to establish a landscaped visual corridor according to the following standards:**

<u>Category</u>	<u>Width</u>
Highway 99W	25 feet
Arterial	15 feet
Collector	10 feet

According to Sherwood's Transportation System Plan (TSP), SW Division Street is a neighborhood route and, as such, no visual corridor is required.

**FINDING:** This standard is not applicable.

**8.304.06 Trees Along Public Streets or on Other Public Property**

**Trees are required to be planted by the land use applicant on all public streets. One tree is required for each twenty-five (25) feet of frontage. Street trees must be a minimum of two (2) inches in diameter and six (6) feet in height.**

This property has a total of 125 feet of frontage along Division Street. Therefore, five (5) street trees are required to meet the 1 tree per 25 feet of frontage standard. There are three (3) existing trees on the property that could count as street trees because they will be within the right-of-way once dedication along Division Street has occurred. In total, two (2) additional street trees are required for this property. However, because of the placement of the three (3) existing mature trees, the applicant may decide to place the two (2) additional

trees in the front yard setback of one or more of the parcels as opposed to the right-of-way where the existing trees are located. This is permitted by this section of the Code as long as a total of five (5) street trees are provided.

**FINDING:** This standard has not been met because two (2) additional street trees are needed and have not been shown on the plans. This standard could be met as conditioned below.

**CONDITION:** Submit public improvement plans to the Engineering Department that show two (2) new street trees either within the right-of-way where the existing trees are located or in the front yard setback of one or more of the parcels.

**8.304.07 Trees on Property Subject to Certain Land Use Applications**

**All Planned Unit Developments subject to Section 2.202, site developments subject to Section 5.202, and subdivisions subject to Section 7.200, 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.**

There are ten (10) inventoried trees on this site. All of the trees are listed as "fair" on the submitted arborist's report. The applicant is proposing to remove three (3) ponderosa pine trees as part of this development, for a total of 108 inches Diameter at Breast Height (DBH). Because these three trees are not located within the public right-of-way or a public easement and the trees are not dead, dying or hazardous, mitigation is required for these two trees. The applicant has not provided a mitigation plan, but mitigation will be required prior to building permit issuance. However, the applicant would not need to mitigate trees that are removed and staff strongly encourages the applicant to consider saving one or more of the three (3) trees proposed for removal.

Because these three (3) substantially sized ponderosa pine trees are in a stand of six (6) total trees, there is concern about the impact of removal of three trees on the remaining trees. In order to ensure that the remaining trees will not be harmed during the removal of the other trees an arborist's recommendation for tree removal as well as grading of the property for the proposed home will be necessary. This recommendation shall be followed throughout the project and an arborist shall be on-site during any tree removal or grading of Parcel 3.

**FINDING:** This standard has not been met because the applicant has not provided a tree mitigation plan or completed mitigation. In addition, the applicant has not addressed how the remaining trees on proposed Parcel 3 will be protected during tree removal and grading. This standard could be met as conditioned below.

**CONDITION:** Submit a tree mitigation plan to the Planning Department showing how the 108 inches of pine trees removed from this site will be mitigated. Either complete the proposed tree mitigation or submit assurances that the mitigation will be completed as proposed in the approved mitigation plan prior to Final Plat approval.

**CONDITION:** Submit a recommendation from an arborist for the removal of the 3 trees on Parcel 3 and grading of the site so as not to disturb the three remaining pines.



**8.305.03.B.2 Exceptions to setback standards for Wetland, Habitat and Natural Areas**

**Setbacks** – For residential zones, the setback may be reduced up to thirty percent (30%) for all setbacks except the garage setback provided the following criteria are satisfied:

- a. The setback reduction must result in an equal or greater amount of significant fish and/or wildlife habitat protection. Protection shall be guaranteed with deed restrictions or public or private tracts.
- b. In no case shall the setback reduction supersede building code and/or Tualatin Valley Fire and Rescue separation requirements.
- c. In no case shall the setback be reduced to less than five feet unless otherwise provided for by the underlying zone.

The applicant's narrative does not request an exception to the required setbacks for Parcel 3 but staff finds that the applicant may be able to reduce the required twenty (20) foot rear-yard setback (from the southern property line) to a minimum of fourteen (14) feet *if* an equal or greater amount of significant wildlife habitat is protected via a deed restriction or a private tract. As discussed above in Section 8.304.07, the applicant is proposing to retain three (3) ponderosa pine trees and one (1) cherry tree on Parcel 3. If these trees were protected via a deed restriction and the square footage of the area protected was at least equal to the increased buildable area provided by the setback reduction, staff would support this to ensure retention of the trees over time.

**FINDING:** The applicant has not proposed a setback reduction pursuant to 8.305.03.B.2, but staff would support a reduced setback to the rear yard of Parcel 3 if the applicant recorded a deed restriction protecting the remaining trees on Parcel 3.

**CONDITION:** If a reduced rear yard setback is requested for Parcel 3, the applicant shall submit a deed restriction document protecting the remaining trees on Parcel 3. The deed restricted protected area shall be equal to or greater than the size of the additional buildable area gained by reduction of the setback.

**B. The partition dedicates to the public all required common improvements and areas including but not limited to streets, parks, floodplains, and sanitary sewer, storm water, and water supply systems.**

The applicant will dedicate twelve (12) feet of right-of-way along Division Street. No other street, park, floodplain, sanitary sewer, storm water or water supply system dedication is necessary with this project.

**FINDING:** As discussed above, this standard has been met.

**C. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned 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 if sewer lines are within one-hundred fifty (150) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of

private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within one hundred fifty (150) feet.

3. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.

**FINDING:** As discussed above under Chapter 6- Public Improvements, adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land in compliance with City standards. This standard has been met.

D. **Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.**

**FINDING:** The three (3) properties to the west of this property, including the property immediately adjacent to it, have redevelopment potential. They are all oversized lots with one existing single-family detached home on each. While it would be beneficial to condition this property to provide a public access along the western property line, the "flag pole" of Parcel 3, staff cannot find that this type of right-of-way dedication and construction would be proportional to this development. The adjacent property has the ability to partition in a way similar to the subject site and will be subject to similar access spacing/shared driveway requirements. The redevelopment of this property as proposed does not preclude the redevelopment of adjoining land and, therefore, this standard is met.

## VI. DECISION

Based on a review of the applicable code provisions, agency/public comments, and staff review, staff **APPROVES** the proposed three-parcel minor land partition (MLP 07-01 Mazzuca Partition), subject to the following conditions:

A. General Conditions:

The following applies throughout the development and occupancy of the site:

1. Development and construction on the site shall conform substantially to the preliminary plat development plans submitted by Matt Morris dated November 7, 2006, 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 and Tualatin Valley Water District. All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Sherwood. Compliance with the Conditions of Approval is the responsibility of the developer.
2. Unless specifically exempted in writing by the final decision, the development shall comply with all applicable City of Sherwood and other applicable agency codes and standards, except as modified below:

B. Prior to issuance of a grading permit:

1. Submit a tree protection fencing and mitigation plan to the Planning Department for review and approval. This plan must include mitigation for 108-inches of pine trees and tree protection fencing around the trees not being removed from the site.
2. Submit a recommendation from an arborist for the removal of the 3 trees on Parcel 3 and grading of the site so as not to disturb the three remaining pines.
3. Obtain 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.
4. Any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law. The method and schedule for abandonment of these shall be reviewed and approved by the City Engineer prior to issuance of a grading permit.

C. Prior to connection to public utilities:

1. Submit public improvement plans for review and approval by the Sherwood Engineering Department. These plans shall include:
  - full-depth half-street paving improvement with eighteen (18) feet of driving surface and a six-inch (6") curb for the entire frontage of the property
  - twelve (12) feet of dedication along SW Division Street
  - sanitary sewer service to Clean Water Services Standards
  - water service to both homes to Clean Water Services Standards.
  - storm water discharge to CWS standards
  - a water quality facility to CWS standards or notation that a fee-in-lieu will be paid
  - eight (8) foot public utility easements along all street frontages
  - all existing and proposed utility lines placed underground
  - two (2) new street trees

D. Prior to Final Plat Approval:

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; copies of the final plat; and any other materials required to display compliance with the conditions of approval.**
2. The final plat shall be submitted for review and approval to the Planning Department and shall comply with Chapter 7 of the SZCDC and the dimensional requirements of

Section 2.103.04, the Medium Density Residential Low (MDRL) zoning district and the Conditions of Approval contained in this Notice of Decision.

3. If a reduced rear yard setback is requested for Parcel 3, the applicant shall submit a deed restriction document protecting the remaining trees on Parcel 3. The deed restricted protected area shall be equal to or greater than the size of the additional buildable area gained by reduction of the setback.
4. The final plat shall show the following:
  - Eight-foot wide public utility easements along all public rights-of-way within and adjacent to the plat. The public utility easements shall be approved by the City Engineer prior to approval of the final plat.
  - Twelve (12) feet of right-of-way dedication along SW Division Street.
  - The City Planning Manager as the City's approving authority within the signature block of the final plat.
  - A reciprocal access easement for the benefit of Parcels 1 and 3 across the shared driveway area.
5. Provide verification from TVF&R that this project is in compliance with all fire district standards, specifically prior to building permit approval on Parcel 3. If a turnaround on Parcel 3 is required, show this on the plat.
6. Either complete the proposed tree mitigation or submit assurances that the mitigation will be completed as proposed in the approved mitigation plan.

E. Building Permits

1. Prior to release of building permits on Parcel 3, If the Parcel 3 rear yard setback is proposed for reduction under the infill standards, submit verification that the proposed setback is a minimum of 85% of the setbacks on the neighboring properties. In no case shall the setback be reduced to less than seventeen (17) feet per the infill standards.
2. Prior to release of building permits, pay to the Engineering Department the storm water fee-in-lieu of \$500 per 2,640 square feet (or fraction thereof) of impervious surface.
3. Provide verification from TVF&R that this project is in compliance with all fire district standards, specifically prior to building permit approval on Parcel 3.
4. Comply with the Infill Standards in Section 2.309 of the SZCDC for the new home on Parcel 3 if the rear yard setback is proposed for reduction per the infill standards.
5. The building plans shall conform to the approved preliminary plat and engineering plans.

6. An electronic version of the recorded final plat must be submitted to the Planning Department prior to **release** of building permits.
7. The City Planning Department must confirm all needed easements and access agreements have been recorded.
8. Driveways shall conform to Section 5.402 of the Sherwood Zoning and Community Development Code, with individual driveway slopes not exceeding a grade of 14%.
9. Setbacks for the future home shall be determined based upon Sections 1.202.01 2.103.04 B and 2.309 of the SZCDC. Review of such shall occur at the point of building permit submittal.
10. Placement of construction trailers on the subject property shall require a Temporary Use Permit per Section 4.500 of the SZCDC. Construction trailers shall be located outside the public right-of-way.

F. On-going Conditions

1. All rain, storm, and other surface water runoff from roofs, exposed stairways, light wells, courts, courtyards, and exterior paved areas shall be disposed of in compliance with local ordinances and state rules and regulations, in a manner that will not increase runoff to adjacent properties. The approved points of disposal include storm sewer laterals to a public system or other storm sewer system as approved by the City Engineer.
2. The developer shall coordinate the location of mailboxes with the Post Office.
3. The developer shall coordinate location of garbage and recycling receptacles with Pride Disposal.
4. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code.
5. Decks, fences, sheds, building additions and other site improvements shall not be located within any easement unless otherwise determined by the City of Sherwood.

**ATTACHMENTS**

- A. Sherwood Engineering Department comments dated March 30, 2007
- B. Tualatin Valley Fire and Rescue comments dated April 5, 2007
- C. Public testimony from Eric Fahland submitted March 12, 2007
- D. Public testimony from Karen and Dick Janssen submitted March 14, 2007
- E. Public testimony from Brad Pharis submitted March 15, 2007
- F. Public testimony from Sandra Reid submitted March 15, 2007
- G. Public testimony from Steven Nethercot and family submitted March 16, 2007

**This approval is valid for a period of one (1) year from the date of the decision notice, per Section 7.301.01.**

**APPEAL**

This decision shall become final 14 days from the date of the mailing of this decision unless otherwise appealed. **This decision is final unless an appeal is received by 5:00 PM April 24, 2007.** The appeal shall be submitted on forms provided by the City, shall include the appeal fee, as identified in the most recently adopted fee schedule, and shall have a petition for review as described in SZCDC Section 3.403.

**End of Report**

STATE OF OREGON        )  
                                  )  
Washington County     )

I, Heather Austin, AICP, Senior Planner for the Planning Department, City of Sherwood, State of Oregon, in Washington County, do hereby certify that the Notice of Decision on Case File No. MLP 07-01 Mazzuca Partition was placed in a U.S. Postal receptacle on April 10, 2007.

Heather M Austin  
City of Sherwood

**End Decision Notice**

# Engineering Land Use Application Comments



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To: Heather Austin, Senior Planner  
From: Lee Harrington, Engineering Department  
Project: **Division Street Partition, (MLP 07-01)**  
Date: March 30, 2007

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I reviewed the information provided for the above-cited project and have the following comments. Generally, the project needs to meet the engineering and design standards of the City of Sherwood and Clean Water Services (CWS). Additional requirements are outlined below.

## Sanitary Sewer

A sanitary sewer mainline currently exists within Division Street. The applicant proposes to maintain an existing sanitary lateral for the existing home while providing two new laterals for proposed lots 1 and 3.

This approach is acceptable to the City of Sherwood's Engineering Department, providing specifications and requirements set forth in the Clean Water Services Design and Construction Standards are met.

## Water

A water mainline currently exists within Division Street. The applicant proposes to retain the existing water service for the existing home while adding two new water laterals for lots 1 and 3.

The City contracts with Tualatin Valley Water District (TVWD) for review and approval of engineering plans related to the water system. The City has no objections to the Applicant's design but ultimately TVWD will approve all designs related to the water system.

## Storm Sewer

A storm mainline currently exists within Division Street. The Applicant does not fully address discharge of storm water from the existing home. An existing storm system serving this house is shown on the plans, with a pipe discharging to the public right-of-way; however during a site visit staff was unable to locate the discharge pipe or the area of discharge. The Applicant does propose new storm laterals for the discharge of storm water from lots 1 and 3. Staff recommends a new lateral be provided for storm water discharge from the existing home as well.

The Applicant's proposal lacks a method of storm water treatment as required CWS Design and Construction Standards. A fee-in-lieu of process for payment in lieu of constructing a water quality facility is allowed. The fee is \$500 per each 2460 square feet of impervious area per lot. Considering the amount of area necessary for water quality treatment and the cost of

Attachment A

construction for a typical facility, it seems likely the Applicant would prefer the fee-in-lieu of payment.

Regardless of method chosen, specifications and requirements set forth in the Clean Water Services Design and Construction Standards must be met.

#### Transportation

*SW Division Street:* According to Figure 8-1 of the Transportation System Plan, (TSP), Division Street is classified as a Neighborhood Route. A Neighborhood Route design is shown in Figure 8-5a of the TSP. This design calls for a minimum right-of-way width of sixty-four feet. The existing right-of-way width on Division Street is forty-feet. City code requires an Applicant dedicate necessary right-of-way to create a half street improvement matching current standards. In this case an additional right-of-way dedication of twelve feet will be required.

The Applicant's design is unclear regarding the layout of future driveways. Driveway access spacing for neighborhood routes is fifty feet, (code section 6.304.14.B.2). If the Applicant maintains the existing driveway configuration, lots 1 and 3 would share the western driveway while lot 2 would likely access off of the eastern driveway. There appears to be approximately seventy feet between these existing driveways. Neighboring driveways are also not shown in the Applicant's design, but it appears the driveways on the Applicant's side of the street meet the standard. A driveway is located across the street nearly opposite the Applicant's western driveway. Given these conditions are existing and because such driveways are only for residential purposes, Staff recommends the existing driveways be allowed, but no new driveways be created.

As shown in the Applicant's submittal, Division Street currently lacks the required pavement width, as well as curbs, gutters, a planter strip and sidewalks. Public improvements within this right-of-way are required if the cost of the improvements are considered proportional to the value of development. If public improvements are required, the design may include all or any combination of the following: a full depth half street improvement with eighteen feet of driving surface, a curb with a width of six inches, a five-foot wide planter strip, an eight-foot wide sidewalk, street trees and street lights. Additionally a new storm sewer may be required, should the existing storm line not meet current standards or be located in an area or at a grade conflicting with other proposed improvements.

#### Grading and Erosion Control:

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.

City policy requires that prior to grading, a permit is obtained from the Building Department for all grading on the private portion of the site.

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.



Other Engineering Issues:

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.

An eight-foot wide public utility easement is required adjacent to the right-of-way of all street frontages.

All existing and proposed utilities shall be placed underground. Currently overhead wires enter the property from a pole on the north side of the street to serve the existing home on the south side of the street. This street crossing of wires is required to be underground within conduit placed by a boring machine such that open cuts of the street do not compromise the integrity of the existing pavement.

Applicant shall install infrastructure for Sherwood Broadband as required in City Ordinances 2005-017 and 2005-074.



**TUALATIN VALLEY FIRE & RESCUE - SOUTH DIVISION**  
COMMUNITY SERVICES • OPERATIONS • FIRE PREVENTION

April 5, 2007

Heather Austin  
Senior Planner  
City of Sherwood  
22560 SW Pine Street  
Sherwood, OR 97140

**Re: MLP 07 – 02 Mazzuca Partition – 3 Lots**

Dear Ms. Austin;

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. Tualatin Valley Fire & Rescue endorses this partition predicated on the following criteria and conditions of approval:

- 1) **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDING AND TURNAROUNDS:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (IFC 503.1.1) ***When Lot # 3 is developed a turnaround will be required.***
- 2) **DEAD END ROADS:** Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. (IFC 503.2.5) ***Lot # 3 - Please refer to the Fire District's Fire Code Applications Guide for specifications:***  
[http://www.tvfr.com/Dept/fm/const/doc\\_files/fire\\_code\\_applications\\_guide.pdf](http://www.tvfr.com/Dept/fm/const/doc_files/fire_code_applications_guide.pdf)
- 3) **FIRE APPARATUS ACCESS ROAD EXCEPTION FOR AUTOMATIC SPRINKLER PROTECTION:** When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access may be modified as approved by the fire code official. (IFC 503.1.1)
- 4) **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed width of not less than 12 feet for up to two dwelling units and accessory buildings, and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1)
- 5) **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (IFC D102.1)
- 6) **TURNING RADIUS:** The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (IFC 503.2.4 & D103.3)
- 7) **GRADE:** Fire apparatus access roadway grades shall not exceed 10 percent. Intersections and turnarounds shall be level (maximum 5%) with the exception of crowning for water run-off. When fire sprinklers are installed, a maximum grade of 15% may be allowed. The approval of fire sprinklers as an alternate shall be accomplished in accordance with the provisions of ORS 455.610(5). (IFC 503.2.7 & D103.2)



RECEIVED

MAR 12 2007

BY ha  
PLANNING DEPT

**MAILED NOTICE - PUBLIC COMMENTS  
MAZZUCA PARTITION (MLP 07-01)**

The Planning Department has received an application for partition approval to divide one lot into three parcels.

Please use the form below to submit written testimony and attach additional sheets if necessary. Written testimony can be received at Sherwood City Hall, 22560 SW Pine Street, Sherwood, Oregon, until 5pm Monday, March 19, 2007. If you would like to obtain additional information, please contact Heather Austin in the Planning Department at (503) 625-5522 or via email at [austinh@ci.sherwood.or.us](mailto:austinh@ci.sherwood.or.us).

- No comment.
- We encourage approval of this request.
- Please address the following concerns should this application be approved:

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We encourage denial of this request for the following reasons:

THE WHOLE CHARM & VALUE OF LIVING IN THE OLD TOWN NEIGHBORHOOD IS THE SPACE & PRIVACY WE HAVE. TO CRAM 2 HOUSES INTO THAT SPACE WOULD BE APPALLING.

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Please feel free to attach additional sheets as needed to complete your comments.

Comments by: ERIC FANKLAND Date: 3-11-07  
 Address: 15880 SW TUALATIN ST Tel.: 503 539 1460 (optional)  
SHERWOOD, OR 97140 Email: \_\_\_\_\_ (optional)

Notice to mortgagee, lien holder, vendor or seller: The City of Sherwood requests that you promptly forward this notice to the purchaser if this notice is received.



RECEIVED  
MAR 14 2007  
BY  
PLANNING DEPT

**MAILED NOTICE - PUBLIC COMMENTS  
MAZZUCA PARTITION (MLP 07-01)**

The Planning Department has received an application for partition approval to divide one lot into three parcels.

Please use the form below to submit written testimony and attach additional sheets if necessary. Written testimony can be received at Sherwood City Hall, 22560 SW Pine Street, Sherwood, Oregon, until 5pm Monday, March 19, 2007. If you would like to obtain additional information, please contact Heather Austin in the Planning Department at (503) 625-5522 or via email at [austinh@ci.sherwood.or.us](mailto:austinh@ci.sherwood.or.us).

- No comment.
- We encourage approval of this request.
- Please address the following concerns should this application be approved:

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We encourage denial of this request for the following reasons:

*When we bought our house, it was because of the tall trees and the view, especially from our deck. If you remove one or more of the trees, the others will be damaged. Three houses on that lot is way to many. If you allow this, others will want to do this. Also, if a house is the other direction, it will be too close to the park where there are sm. children. The trees also provide shade and beauty to the park.*

Please feel free to attach additional sheets as needed to complete your comments.

Comments by: Karen/Dick Janssen Date: 3-13-07  
 Address: 23135 SW Cinnamon Hills Tel.: \_\_\_\_\_ (optional)  
Sherwood, OR Email: \_\_\_\_\_ (optional)

Notice to mortgagee, lien holder, vendor or seller: The City of Sherwood requests that you promptly forward this notice to the purchaser if this notice is received.

*only let them put 1 house along side of the current house. Hopefully, the beauty of our neighbor hood will stay the way it is.*

Attachment D

Continued from p. 1

Proposed lot #3 is the problem. This lot slopes somewhat steeply down from Cinnamon Hills Park (Tract C on the map). It becomes more level at an area some 40 feet from the lot line next to the shed. On lot #3, 6 large ponderosa pines of approximately the same age are growing.

The submitted plan, division into 3 lots, calls for the removal of three of the ponderosa pines. The problem is that the removal of these three trees will very likely make the remaining trees vulnerable to being blown down by high winds. Excavation necessary to build a house on lot #3 is very likely to kill roots of the remaining trees, leading to their instability and possibly to their death, endangering new and existing houses on the proposed and nearby properties.

Trees growing together in a stand, like these ponderosa pines, shield each other from the full force of winds. Trees growing together in a stand have interlaced roots. Roots of an established tree extend under the soil surface far beyond the shade of the tree's canopy (the designated root protection zone in the application map). In an open area, roots of a mature tree extend approximately as far as the tree is tall in all directions to support the tree. In a sheltered area, roots don't grow quite as long since the tree is partially shielded by its companions, but they still extend well beyond the shade of the canopy.

If the three trees are removed and mitigation paid, their larger roots will slowly rot underground, leaving open spaces that the nearby roots of remaining trees cannot grip. Air pockets underground also kill adjacent living roots. If all trees are removed, mitigation would be expensive for the developer. Also, the city park next to the lot would lose the shade that these ponderosa pines offer to people who visit the park on late summer afternoons and evenings. There is no other shade available to the park.

With the division of the property into three lots, the existing house has no access to its garage, which is just a few feet from the proposed lot line dividing the property from front to back. Division of the lot into 2, down the middle of the existing lot, would maintain access to the garage for the owners of the existing house.

Dividing the property into two from front to back, not three, would still allow the developer to profit from his investment. He should be able to ask a higher price for each of the remaining two lots since each house will have some space around it, a yard, and privacy. The developer will not have to pay mitigation for tree removal. The ponderosa pines will stay as stable as they have been, and will continue to shade the city park on summer afternoons and evenings.

Photographs are attached on the following pages.

Thank you for your consideration,



Sandra Reid  
Master Gardener  
Educator, Talk About Trees



Ponderosa pines on proposed lot #3. The land in this view slopes up through the park to the play area.

RECEIVED

MAR 16 2007

BY PLANNING DEPT

March 14, 2007

To: Planning Department City Hall  
22560 SW Pine St  
Sherwood, OR 97140

Re: Request to Parcel the property at 15760 SW Division Street into 3 Parcels

Dear Planning Department,

This letter is in regards to the proposed property partitioning/parceling at 15760 SW Division Street, identified as 2S132CA, Tax Lot 1900 on the Washington County tax assessor map. My family and I have several concerns regarding the proposed changes to this property to allow 3 parcels instead of 1. While not knowing the plans of the property owner, it would seem likely that the purpose for dividing the property into parcels is to build separate residences on Parcels 1 and 3. Parcel 2 currently has a residence building.

The first concern has to do with the section of the property along the West side and South side, designated Parcel 3 in the Public Notice. While it is not stated how the property would be used, it seems that the main purpose for having an approximately 15- 25 foot wide strip on the West side and then having a section of land along the South side would be to use the strip as driveway access to another residence, i.e., using the Parcel 3 area as a "Flag Lot" residence. If there was a house built in Parcel 3, it would create a higher density of housing. There is also concern that the slope/grade of the property might cause significant instability in the land as there are already houses above that area. The grade is not a gentle slope to the houses South of Parcel 3 but a significant elevation change. My family does not believe it is in the best interest of the citizens of Sherwood to allow this parcel.

In speaking with one of the neighbors who has lived in the area for quite some time, it is also believed that the current owner of the property also owns some land behind the house directly west of 15760 SW Division. If that is true, then there could also be plans to put in another "Flag Lot" residence there as well.

The second concern is that with the strip of land on the western side of the property, part of Parcel 3, this leaves a narrow area available for Parcel 1. Taking the approximately 15 to 25 foot width along the western side of the full property causes the eastern side of Parcel 1 to be approximately 5 feet from the existing residence in Parcel 2. There is currently a full parking area and concrete play area with basketball hoop along the western side of Parcel 2 as well as a garage door opening/garage access on the western side of the residence of Parcel 2. With the Parcel 1 property line approximately 5 feet from the residence of Parcel 2, there would be no room for a driveway or parking on the western side of Parcel 2 and no automobile access to the garage area. Modification to the driveway and garage access would be needed to maintain the use of the garage for automobile parking and access. In addition, due to the narrow width of Parcel 1, approximately 41 to 50 feet, a residence would likely be very close to the existing residence on Parcel 2. While it is not unusual to have houses in a standard neighborhood

Attachment G

relatively close together, the 41 feet to 50 feet width of the lot seems to be extremely narrow for placing a residence.

If Parcel 3 were disallowed and the width of Parcel 2 was wide enough to allow easy automobile access to the garage in the existing residence along with keeping the current concrete area along the western side of the residence, then my family and I would support the parceling of 15760 SW Division Street into two parcels. We do not support the existing proposal to create 3 parcels for this property.

Regards,

A handwritten signature in cursive script, appearing to read "Steven Nethercot".

Steven Nethercot and family



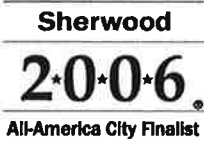


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**Mayor**  
Keith Mays

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

**City Manager**  
Ross Schultz



May 11, 2007

Planning Commission Members

Re: Work Session Discussion of the Sanitary and Stormwater Draft Master Plans

Dear Commissioners,

As part of your packet, I have included a draft of the Sanitary Master Plan and the Stormwater Master Plan.

Would you please take a few minutes to review these documents and come to the work session with any items you wish to discuss? We plan to final the documents and bring them back to the commission on June 26 for a hearing and adoption provided there are no major issues.

If you have questions or need additional information prior to the work session please feel free to contact us.

Sincerely,

*Eugene F Thomas*

Eugene F. Thomas, P.E.  
Civil Engineer

503.925.2303  
[thomasg@ci.sherwood.or.us](mailto:thomasg@ci.sherwood.or.us)

# **APPROVED MINUTES**

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**City of Sherwood, Oregon**  
**Planning Commission Minutes**  
**May 22, 2007**

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**Commission Members Present:**

Chair – Patrick Allen  
Jean Lafayette  
Dan Balza  
Todd Skelton

**Staff:**

Julia Hajduk – Planning Manager  
Heather Austin – Senior Planner  
Michelle Miller – Associate Planner  
Cynthia Butler – Administrative Assistant III

**Commission Members Absent:**

Adrian Emery  
Matt Nolan

1. **Call to Order/Roll Call** – Cynthia Butler called roll. Matt Nolan and Adrian Emery were noted as absent.

2. **Agenda Review** - There were no changes to the agenda.

3. **Consent Agenda** – Minutes from February 27th, April 10<sup>th</sup>, and April 24<sup>th</sup> were approved by vote:

Yes – 4 No – 0 Abstain – 0

4. **Announcements** – Julia Hajduk introduced new Associate Planner, Michelle Miller. Heather Austin gave an update on the Green Team activities for the City, and said that there will be an all City plastics recycle event on June 23<sup>rd</sup> from 8AM-2PM at the Public Works facility. Details on the event will be in the Gazette and posted on the City web site. Julia recapped the recent legislation passed on Measure 37 processing that temporarily ceases review on claims for an additional 360 days. The Brookman Road Concept Plan Steering Committee held their first session on May 2<sup>nd</sup>, with the next meeting scheduled for June 27<sup>th</sup>. The consultants for the project and City Staff conducted a site tour of the area on May 21<sup>st</sup>, and another will be scheduled at a later date to include steering committee members. Julia reported that 2 applications have been received to date for the Planning Commission vacancy formerly held by Russell Griffin. A vacancy announcement will appear in the upcoming issue of the Gazette. Julia said that interviews should be scheduled near the end of June. Heather Austin concluded announcements by stating that the 2<sup>nd</sup> annual Tree City USA award was given at the May 8<sup>th</sup> City Council session.

5. **Community Comments** – Chair Allen asked if there were any Community Comments.

Dave Grant, City Council President and Commission liaison, said that the Council is considering options for a Sherwood Community Center and said that a steering committee is being formed. A representative from the Planning Commission was requested and Councilor Grant invited Commission members to let him know if there were interested. Steering committee members will be appointed by the Council with meetings likely starting in a couple of months.

Keith Johnson, architect for the School District, and Keith Jones, engineer for the School District spoke briefly to the Commission to say they were addressing issues on the submitted Area 59

public school plans, and expected to be presenting the schools project to the Commission on July 10, 2007.

Chair Allen asked if there were any further community comments for items not on the agenda. There were none.

**6. New Business:**

**Mazzuca Partition Appeal – MLP 07-01:** Dan Balza read the Public Appeal Hearings Disclosure Statement. Chair Allen asked commissioners if there were any conflicts of interest, bias or exparté contact to report. Several commissioners stated that they had driven by the site. Chair Allen recapped the hearing process and stated that only those who provided testimony initially on the application as part of the record would be allowed to provide testimony at the appeal hearing. Heather Austin recapped the names of those who provided testimony.

Julia Hajduk interjected that because the application was a Staff-level administrative decision and no initial hearing was required, there was no opportunity for public hearing testimony. As such, public should be given the opportunity to testify even if they did not provide written comments for the initial application prior to the decision. Chair Allen concurred.

Chair Allen opened the public appeal hearing at 7:17 PM.

Heather Austin recapped the applicant's request and staff's response with recommendations. Heather said that the application was under administrative review guidelines as a 3-parcel minor land partition. Staff required full-depth, half-street improvements according to Code as part of the review for the length of the property on Division Ave. Heather stated that although Division is classified as a Neighborhood Route in the Transportation System Plan (TSP), staff is recommending street improvements to meet Local Street classification standards -- lesser improvements than required by the Neighborhood Route classification, to provide minimum safe access improvements as required proportional to the partition proposed.

Heather added that consultation with Pam Beery, City Attorney, provided clarification of the right-of-way dedication that falls under the Dolan proportionality standard, and the Nolan analysis which applies to the street improvements portion of the application. The City Attorney also confirmed that an essential nexus is needed between what is being required and the development that is occurring. Based on this information, Staff concurred that full-depth, half-street improvements were needed. Heather said that Division Ave. currently has no sub-base and adding twenty trips per day to the site with the new lots provides the essential nexus to require street improvements for the frontage of the property. Heather said that the applicant is appealing based on the economics in the cost of the improvements, the timeliness of improvements required, and as a possible hindrance for future development due to costs associated with such improvements. The applicant has also proposed a non-remonstrance agreement against the future Local Improvement District (LID). Heather said that Staff originally reviewed this proposal in the original application that was also discussed at the pre-application conference for the site when just one lot was being considered, and found that full review of the condition of the road revealed an asphalt overlay with no base underneath for support. Heather concluded that Staff recommends that the Planning Commission uphold the original Notice of Decision to approve the application with conditions, including the full-depth, half-street improvements of pavement and curb on Division Ave.

Dan Balza asked Staff to explain the process for a Local Improvement District (LID).

Heather said that an LID can serve several properties that are redeveloping, which would be an “economies-of-scale”. This means that through a non-remonstrance agreement the developer would pay their fair share of the improvements. The non-remonstrance does not allow a developer to remonstrate against being part of the LID. However, the City has not seen a lot of development in this area so the time frame could be two years or twenty years before it could be possible to create a LID to get the improvements done on Division. Heather added that SDC and TIF funding is not available for streets with the Neighborhood Route or lower street classification. The City will have the funds to do these improvements and is restricted to continuing patchwork and sealing of cracks and holes.

Dan asked if developers could put money in escrow that as development occurs funds would be available. Heather said that the City does not a system in place for funds designated only to specific streets are reserved. Currently, any funds for city streets are used for current street improvements.

Patrick Allen asked why the initial recommendation for sidewalks was dropped.

Heather provided history on the process from the pre-application to the partition application. Early discussions prior to further research into the differences between the Dolan, Nolan and nexus analysis’, and their requirements related specifically to this project, Staff decided not to include originally discussed sidewalk improvements and instead applied minimal street improvements. Heather added that Staff would have likely required sidewalk improvement after learning more on the Dolan, Nolan and nexus analyses.

Patrick clarified that upon review of the entire information now available and public testimony, the Commission could find that the sidewalks should remain part of the required street improvements. Heather confirmed, but added that findings would need to be made to show the essential nexus between this development and requiring pavement, curbing and sidewalks. Patrick asked Staff to clarify how this process could be formulated within an appeal. Julia Hajduk also confirmed that the Planning Commission could make a decision on sidewalks based on their findings after evaluating the testimony and information presented.

Scott Mazzuca, 10671 SW Clear St., Tualatin OR 97062 - Scott is the applicant of the partition and appeal. Scott responded that he disagreed with Staff’s decision and addressed the issue of economics in relation to the Nolan analysis and nexus requirements, as presented by Staff. Scott referred to the pre-application conference notes for this property that he reviewed prior to purchasing the property . Scott said that although the pre-application notes were not binding and were in response to a one lot development instead of two, the pre-application notes did not specify that all of the street improvements were to be required of a developer. Scott said quotes he obtained for the street improvements have been \$40,000. Mr. Mazzuca added that he considered partial improvements on the street to be bad engineering, stating it was likely a partial improvement would be difficult to blend with street improvements at later dates when future development occurs. Scott concluded with discussion of possible waivers of remonstrance agreements for future developers to share the burden improving the entire street over time.

Chair Allen confirmed the applicant had 16 minutes remaining for rebuttal later in the hearing if desired, and asked if there was further testimony from the audience.

Steven Nethercot, 15760 SW Division St., Sherwood OR 97140 – Steven said that he currently resides at the site and was concerned about the configuration of the proposed curbing and how it would affect driveway entries. Heather Austin responded that there would be just 2 driveways, one of which would be shared by 2 lots.

Chair Allen asked if there was any further testimony. There was none. Chair Allen asked if the applicant wanted to provide additional rebuttal testimony, which Mr. Mazzuca declined. Chair Allen closed the public appeal hearing at 7:47 PM.

Heather Austin provided staff comments. Heather said that rather than economics, the street improvement requirements are generated by the question of whether or not the development requires the improvements based on use. Heather reiterated that the added new development will use the street improvements and be contributing to the need for the improvements based on trips. Heather concluded that whether or not the street improvements are paid initially or through a special distribution fund at a later date, the homeowners will still bear the cost of the improvements.

Discussion ensued about the possibility of creating a specific street fund for Division Ave. in which developers would deposit their portion of funds toward the entire street improvement at a later date.

Dan Balza asked about potential water run-off during construction and traffic safety issues, citing similar previous experiences on Sunset.

Gene Thomas, P.E., City of Sherwood Engineering, said that the general construction process can handle water run-off, and that traffic safety should not be an issue as the speed limit on Division is lower than on Sunset.

Chair Allen asked Heather to re-read the portion of the Staff Report with the current language for street improvement conditions. Commissioners discussed a need for sidewalks to provide safety and connectivity, and to be consistent for applications in the future with similar street conditions. Jean Lafayette reiterated that the decision needs to be consistent with standards set in similar circumstances for future applications. Commissioners and Staff agreed.

Chair Allen recommended a 5-minute break at 7:55 PM.

< 5-minute break >

Chair Allen reconvened the session at 8:00 PM. Chair Allen asked for commissioners comments.

Discussion ensued on past similar applications in which all required street improvements have been upheld.

Dan Balza said that the Code defers to developers paying as they go, but that with this smaller section he would prefer an escrow fund dedicated for Division Ave. be created so that the street could be improved all at once.

Chair Allen asked Staff for voting clarification on in terms of quorum and majority requirements. Julia referred to the Code and confirmed that with a quorum present, passage of the vote required a majority of those voting.

Patrick Allen discussed development driving improvements and added that what is best for the community should be considered, even if that means infill development does not occur until the street improvements can also be completed.

Jean Lafayette agreed that what is best for the community is the concern. Jean added that sidewalks should remain in the conditions. Todd Skelton agreed. Todd added that the property owners pay for the improvements at some point whether or not there is an escrow fund. Dan asked Heather Austin to provide feedback on an escrow option. Heather said that the Finance Director would need to make a determination that funds could be established for individual streets. Heather said that there is a street fund, but that funds in this account are distributed as needed to city streets and are not designed to be held for specific streets over time.

Patrick Allen asked if there are systems in place to determine streets with problem areas in a similar category as Division Ave. to support creating individual street funds. Heather confirmed that Public Works has some data that could possibly be combined with infill data. Heather said that if directed by the Commission to pursue this venue, staff could meet with the Finance Director with their findings to determine if it is an option.

Patrick asked commissioners if there was consensus to include sidewalk improvement requirements into the conditions with findings. Commissioners agreed. Heather stated that if the Commission directed Staff to include sidewalk improvement requirements to the conditions, Staff would make the findings and revisions.

Julia Hajduk recommended taking another break if the Commission was ready to direct Staff to develop language for the conditions that the Commission could determine tonight and allow Staff to complete the Notice of Decision.

Chair Allen agreed. A 10-minute break was taken at 8:22 PM.

< 10-minute break >

Chair Allen reconvened the session at 8:30 PM.

Heather Austin read the revised conditions and findings based on direction by the Commission, which included sidewalk requirements.

Chair Allen concurred with Staff revised conditions and findings, and clarified that the Commission was not mandating a meeting or results from such a meeting for possible holding accounts on individual street improvements as part of the Notice of Decision for the appeal. Chair Allen reiterated that in addition to Division Ave., the Commission recommends research into individual street accounts to hold funds for city-wide needed street improvements that could serve the community over time as a whole.

Julia Hajduk said that Staff will report back to the Planning Commission at the next session on June 26<sup>th</sup> with an update on any discussions with the Finance Department.

Scott Mazzuca asked Staff to clarify if the Finance Director confirms that a dedicated fund could be created for Division Ave., construction of street improvements would be delayed. Heather confirmed.

Chair Allen moved to deny the Mazzuca Partition Appeal (MLP 07-01), based on adoption of the Staff Report findings of fact, Public testimony, Staff recommendations, agency comments and conditions and findings as revised in the Staff Report on Page 11, under Code references 6.302.02, Existing Streets-Conditions, and Section 6.302.04, Extent of Improvements-Findings, to include required sidewalk improvements.

Dan Balza seconded.

Chair Allen asked if there was any further discussion on the motion. There was none. Vote was taken:

Yes – 4 No – 0 Abstain – 0

Motion carried.

7. **Comments by Commission** – None.

8. **Next Meeting:** June 26, 2007 – Comfort Suites Hotel & Conference Center (SP 07-01; CUP 07-03).

9. **Adjournment** – Chair Allen adjourned the session at 8:35 PM.

End of Minutes.