



## RESOLUTION 2007-046

### A RESOLUTION ACCEPTING SW CEREGHINO LANE AS PUBLIC RIGHT-OF-WAY

**WHEREAS**, SW Cereghino Lane is Tract 'A' (legal description included as Exhibit A), a private tract owned and maintained by the property owners of lot 1 and lots 34-45 of the Copper Meadows Subdivision, platted on March 3, 2005; and

**WHEREAS**, condition E.4 on page 13 of the Notice of Decision (Exhibit B) for the Copper Meadows Subdivision, SUB 03-05, states "A Consent and Non-remonstrance Covenant for Public Improvements must be recorded for lots with frontage on the private street that allows dedication of the private street to the City upon annexation and development of the adjacent properties, if required by the City Engineer"; and

**WHEREAS**, plat note 8 on page 3 of the recorded plat for the Copper Meadows Subdivision (Exhibit C) states, "there shall not be any direct motor vehicle access to or from the abutting properties to the north of Tract 'A' onto Tract 'A' unless otherwise granted by the owners of lot 1 and lots 34 through 45, or upon the governing body accepting S.W. Cereghino Lane as a public right-of-way"; and

**WHEREAS**, section 16.d on page 4 of the recorded Covenants, Conditions and Restrictions (CC&Rs) for the Copper Meadows Subdivision (Exhibit D) states, "each maintaining owner, by acceptance of a deed or contract for such owner's lot, whether or not it shall be expressed in such deed or contract, expressly waives the right to remonstrate against the dedication of the Private Driveway [Tract 'A'] or the obligation to maintain or repair the Private Driveway in connection therewith; and

**WHEREAS**, an election was held on May 15, 2007 to annex the property to the north of SW Cereghino Lane (Area 59) to the City of Sherwood and development of this area, including an elementary and middle school and access to SW Cereghino Lane, is forthcoming; and

**WHEREAS**, condition E.4 of the Copper Meadows Notice of Decision, plat note 8 of the Copper Meadows Plat and section 16.d of the Copper Meadows CC&Rs, when read together, clearly indicate that SW Cereghino has been dedicated to the City and those provisions allow the City to accept SW Cereghino Lane as public right-of-way; and

**WHEREAS**, the City has provided notice and invited comment from the owners of lot 1 and lots 34-45 of the Copper Meadows Subdivision regarding this matter.

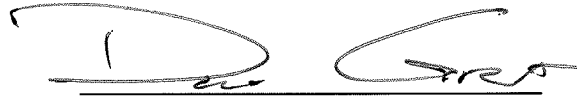
**NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:**

**Section 1.** The City of Sherwood accepts SW Cereghino Lane as public right-of-way, including repair and maintenance of street per City standards.

**Section 2.** Upon acceptance of SW Cereghino Lane as public right-of-way, the owners of lot 1 and lots 34-45 of the Copper Meadows Subdivision no longer have financial obligation for repair and maintenance of SW Cereghino Lane.

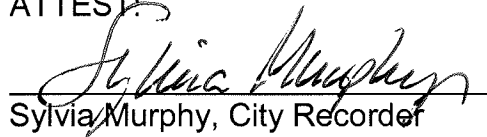
**Section 3.** This resolution is effective upon its passage by the City Council.

**Duly passed by the City Council this 5<sup>th</sup> day of June, 2007.**



Dave Grant, Council President

ATTEST:

  
Sylvia Murphy, City Recorder

Area 59, Sherwood School District  
Tract A, Public Right of Way  
Project No. 1990-01  
March 28, 2007

**PROPERTY DESCRIPTION**

A tract of land located in the Southwest 1/4 of Section 30, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon; being all of that property platted as Tract 'A' within "Copper Meadows"; and being more particularly described as follows:

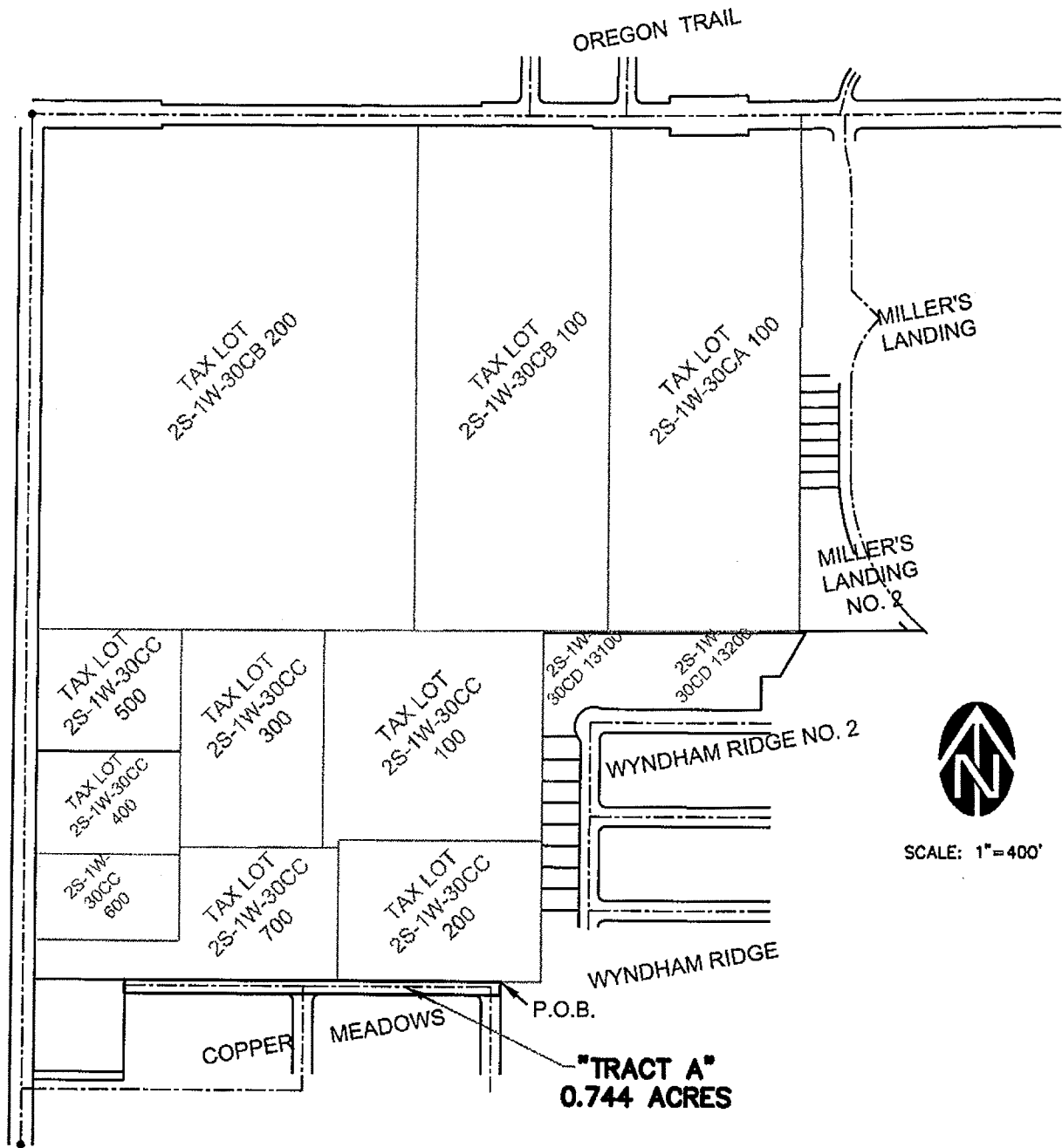
Beginning at the northeast corner of said property, being a point on the south line of that property conveyed by Document No. 90-17523, which bears North 70° 46' 53" East 1,287.75 feet from the Southwest corner of said Section 30, and being at the intersection of said south line and the west line of "Lot 1, Copper Meadows"; thence, along said west line, South 00° 01' 53" East 34.00 feet, to the southeast corner of said Tract 'A'; thence, along the south line thereof, South 89° 58' 00" West 953.34 feet, to the southwest corner thereof; thence along the west line thereof, North 00° 01' 53" West 34.00 feet, to the northwest corner thereof, also being the south line of that property conveyed, as "Parcel A", by Document No. 91-08926; thence along last said south line and said south line of that property conveyed by Document No. 90-17523, North 89° 58' 00" East 953.34 feet to the Point of Beginning.

Said described tract of land contains 0.744 acres, more or less.

Bearings are based on "Wyndham Ridge No. 2".



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SCALE: 1"=400'

PUBLIC R-O-W DEDICATION  
 "TRACT A" - "COPPER MEADOWS"  
 AREA 59, SHERWOOD SCHOOLS  
 SW 1/4 SECTION 30, T. 2 S., R. 1 W., W.M.  
 WASHINGTON COUNTY, OREGON

DATE	4/10/07
DRAWN BY	GRA
CHECKED BY	
REVISIONS	
JOB NO.	1990-01

**WESTLAKE**  
 CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER  
 15115 S.W. SEQUOIA PARKWAY, SUITE 150 TIGARD, OREGON 97224  
 (503) 684-0652  
 FAX (503) 624-0157

January 16, 2004

**CITY OF SHERWOOD**  
**Report and Decision of the Hearings Officer**

**File No: SUB 03-05**  
**(Copper Meadows Preliminary Subdivision Plat)**

**I. APPLICATION INFORMATION**

A. Applicant:  
Colton-Fettig Company  
2245 SW Canyon Road  
Portland, OR 97201

Contact:  
Jay Harris, P.E.  
Harris-McMonagle Associates, Inc.  
12555 SW Hall Blvd.  
Tigard, OR 97223

Owners:  
David Hong, Young Hong & Sook Kyoung Chang  
6029 Woodfern Drive  
Palos Verdes, CA 90275

- B. Location: The west side of SW Elwert Road, approximately 300 feet north of SW Swanstrom Drive. Tax Map 2S130CC, Tax Lot 1000.
- C. Existing Development and Site Characteristics: The 11.20 acre tract is vacant except for a structure that will be demolished prior to construction of the subdivision. There is no infrastructure or significant vegetation on the site.
- D. Request: The applicant is requesting approval of a single-family preliminary subdivision plat consisting of 45 lots. The applicant has submitted a revised preliminary plat for Copper Meadows dated December 12, 2003. That is the plan reviewed in this Report and Decision. In response to the findings made by staff in the report dated December 8, 2003, the applicant has removed the noncompliant flag lots, reconfigured the internal streets and lot layout and recalculated density. Lot sizes are shown on the Site Plan, sheet 3 of 6 of the revised plans. The density calculations are as shown on the Preliminary Plat, sheet 1 of 6 of the revised plans. Since the proposed street that runs along the northern edge of the site and provides access to lots 34 – 45 is proposed as a private street, that area is included in the net site area of 393,367 square feet, yielding an allowable density of 45 units.
- E. Zoning Classification and Comprehensive Plan Designation: Low Density Residential (LDR). Pursuant to Section 2.102.02-A, of the Sherwood Zoning and Community Development Code (SZCDC), single-family detached is a permitted use in the LDR zone. The minimum/maximum density in this zone is 3.5 to 5 units per net buildable acre.

- F. Adjacent Zoning and Land Use: Land surrounding the site on its eastern and southern boundaries is zoned LDR. These sites are developed with single-family detached homes. Parcels to the north are within the Future Urban Growth area, and are also developed with single-family detached homes. Tax Lot 800 on the northwestern boundary of the proposed subdivision has not been annexed by the City of Sherwood.
- G. Review Type: Subdivisions containing less than 50 lots are subject to a Type III land use review procedure per Section 3.201.C of the Sherwood Zoning and Community Development Code. Type III actions are heard by the Hearings Officer. The Hearings Officer's decision may be appealed to the Planning Commission.
- H. Public Notice and Hearing: Notice of the December 15, 2003 public hearing on this item was published in the Tigard/Tualatin Times, posted and mailed to property owners within 100 feet of the site in accordance with Section 3.202 and 3.203 of the Sherwood Zoning and Community Development Code.
- I. Review Criteria: Required findings for preliminary subdivision approval are listed in Section 7.201.03 of the Sherwood Zoning and Community Development Code.

## II. PUBLIC COMMENTS

Written correspondence dated November 24, 2003, was received prior to the hearing. In addition, at the public hearing, a letter dated December 15, 2003, was received from attorney Robert Spajic on behalf of the Vineyards at Windham Creek Homeowners Association, a letter dated December was received from Steve Reynolds, and a petition with 17 co-signers living on SW Swanstrom Street was received. Testifying in person were Cathy Peterson, Kristine Weigel, Jaon Reynolds, Susan Fillmore, David Heironimus, and Amy Kraus. Issues raised included traffic on SW Handley Road, storm water runoff plans, increased noise in the area, the safety of the proposed intersection of SW Hanley Road and SW Elwert Road, drainage from the Swanstrom Street homes onto the proposed subdivision site, a visual buffer of the new private road from the north, and a request that the views from existing homes be preserved.

## III. AGENCY COMMENTS

The City requested comments from affected agencies. All original documents are contained in the planning file and are a part of the official record on this case. The following information briefly summarizes those comments:

- A. Clean Water Services -- The CWS Site Assessment Coordinator commented in a letter dated May 5, 2003 that sensitive areas do not exist on or within 200 feet of the site, therefore a Service Provider Letter is not required.

- B. Tualatin Valley Fire and Rescue – Eric McMullen, Deputy Fire Marshal in a letter dated October 17, 2003 indicated the Fire District requirements for this site, attached to this report.
- C. Tualatin Valley Water District – In a response dated October 2, 2003 it was stated that TVWD has reviewed the proposal and found no conflicts with their interests.
- D. Washington County -- Ning Zhou, Engineering Associate, in a memorandum dated November 28, 2003 stated that the County would recommend the proposed extension of SW Handley Street provided that SW Swanstrom Drive be closed at SW Elwert Road. Illumination and sight distance requirements are also outlined in this memo.

#### IV. PRELIMINARY PLAT – REQUIRED FINDINGS

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

**Findings:** *Handley Street:*

This street is now classified by the city as a *Local Street* but it serves as a collector street connecting Elwert Road with the Meinecke-99W intersection and is noted as such in the draft TSP. The applicant is proposing a 34-foot wide street in a 50-foot right-of-way (ROW) with 6-foot sidewalks and parking on both sides. The applicant is also proposing to end the sidewalk on the north side of Handley at tax lot 900. This configuration for Handley Street through the project is acceptable to the city.

*Elwert Road:*

This street is classified by the city as a *Major Collector*. The requirements for this class are:

ROW	70 ft
Paved Width	29 ft
Sidewalk width	8 ft
Tree Lawn (Parkway strip)	5 ft with street trees & acorn style lights
Design speed	35 mph

Elwert is a Washington County road; therefore, Washington County has jurisdiction of standards for this road. The applicant will be required to meet the most stringent of the city and county standards for Elwert Road, pursuant to Chapter 1.101.05 of the SZCDC.

The county's new standards for Elwert Road require a minimum 600-foot spacing between intersections. The proposed intersection of Handley and Elwert is less than 600 feet from the existing Swanstrom-Elwert intersection. Since Handley serves as a

collector street while Swanstrom is a less important local street, the applicant will need to close Swanstrom at Elwert when Handley is opened.

Closing Swanstrom will require at a minimum:

- New curb, gutter, sidewalk, and planter strip on Elwert
- A fire access between Elwert and Swanstrom
- A new curb and signage at the end of Swanstrom

The final design of the closure will be determined by the City Engineer after consultation with the County and applicant.

*Other Transportation Issues:*

The applicant's preliminary plans propose "shoebox" style street lights. This type of light is not allowed in the current Sherwood standards. Street lights shall be acorn style in accordance with current standards.

*Summary:*

With the revised street layout, creation of a private road, and the addition of Copper Terrace and Handley Terrace, the street layout is acceptable. The private road on the northern property line as proposed will have 24' of paving within 34' of right-of-way. Copper Terrace and Handley Terrace are proposed with 50' of right-of-way. Dedication of right-of-way on SW Elwert is required, and the street will be improved to meet City and County standards.

Based on the testimony of the City Engineer and the Washington County staff, the proposed street system will be adequate to safely handle the proposed traffic.

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

**Findings:** A private road is proposed along the northern property line. While private streets are not typically built in Sherwood to serve subdivisions, the adjacent property to the north is within the Future Urban Growth Area, which has not been annexed or included in the City Comprehensive Plan; therefore, public right-of-way is not necessary at this time. A one foot reserve strip is shown between the northern property line and the private street's edge in order to prevent access from the adjacent property. The private street will be maintained by the development. The potential for acquiring right-of-way may be presumed by way of a recorded non-remonstrance covenant on the deeds of the lots which have access to the private road. Per Section 6.804, the private street shall be built to the same standards as a public street.



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

**Findings:** The following is the review of the proposal's compliance with the applicable sections of the Sherwood Zoning and Community Development Code (SZCDC):

1. **Chapter 2 - Land Use and Development**

**2.102 Low Density Residential (LDR)**

**2.102.01 Purpose**

**Findings:** LDR zoning requires this subdivision to have a density range of 3.5 to 5 dwelling units per net buildable acre. The 9.03 net buildable acres on this site allow for a range from 31 to 45 dwelling units. The applicant is proposing 45 units and is within the allowable density range.

The applicant proposes, and the planning staff agrees, to allow the area of the private street to remain in the net site area as shown in the Density Calculations on the Preliminary Plat, sheet 1 of 6 of the revised plans. This conforms with the Code Section 1.202.01.104 definition of "net buildable area", which excludes the square footage of areas reserved for public use but not those reserved for private use.

The Hearings Officer accepts the staff recommendation with the understanding that there is no current requirement for this access to be dedicated to the public, and with the understanding that a future requirement of transfer to public ownership will depend on if, when, and how the property to the north is developed. The arrangement, including proposed conditions of approval, as proposed or agreed to by the applicant and as recommended by the staff, comes close to making the private street look like a future right-of-way which should be excluded from the net buildable area calculation. The Hearings Officer finds in this specific case that the future dedication of the private strip is sufficiently speculative to allow this private street area to be included in the density calculation. This should not be interpreted as a finding that the square footage of all private streets is always included for the density calculation.

**2.102.02 Permitted Uses**

**Findings:** The applicant is proposing single-family detached homes, a permitted use per Section 2102.02(A).

**2.102.04 Dimensional Standards**

1. Minimum Lot Area: 7,000 square feet.

2. Lot width at front property line: 25 feet.
3. Lot width at building line: 60 feet.
4. Lot depth: 80 feet
5. Front setback: 20 feet
6. Side setback: 5 feet
7. Street side setback: 20feet
8. Rear setback: 20 feet
9. Maximum Height: 30 feet or 2 stories

**Finding:**

The proposed preliminary plat complies with the minimum lot area, lot depth and lot width requirements as shown on the revised plans, sheets 1 through 6. Each lot will be reviewed for setback and height requirements during building permit review.

**2.303 Fences, Walls and Hedges**

**Findings:** No retaining walls are indicated on the plans.

**2.304 Yard Requirements**

**2.305.03 Yards**

*A. Except for landscaping, every part of a required yard shall be open and unobstructed from its lowest point to the sky, except that awnings, fire escapes, open stairways, and chimneys may be permitted when so placed as not to obstruct light and ventilation.*

**Findings:** The proposed homes should not encroach into the setback area.

2. **Chapter 5 – Community Design and Appearance**

5.203.03 **Visual Corridors**

*New developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural Resources Recreation Plan Map, Appendix C of the Community Development Plan, Part II and the provisions of Section 8.304.*

**Finding:** SW Elwert Road is classified as a *Major Collector* and requires a landscaped visual corridor. A 10' corridor would be required per Section 8.304.04. The plans do not provide a detail for the visual corridor.

3. **Chapter 6 - Public Improvements**

**6.401 Sanitary Sewers - Required Improvements**

*Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains.*

**Finding:** The applicant proposes to extend the sanitary sewer through the project from an existing stub on Handley at the east edge of the project. While this sanitary sewer extension can generally not serve any property north of the project due to grades, it can and must be constructed deep enough to provide service for the future development of TL 800 on the northeast corner of Handley and Elwert. This tax lot is within the existing UGB and can only be served from the new sewer extension in Handley St.

**6.501 Water Supply - 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.*

**Finding:** The city contracts with Tualatin Valley Water District (TVWD) for review and approval of engineering plans related to the water system. TVWD will review the water portion of the engineering plans and make a final determination of needs.

The applicant proposes to connect existing mains on Elwert, List, and Handley with new water mains through the project. In addition, the applicant proposes to stub 8" mains at the north property line on Handley Court and List Terrace. This is acceptable to the city with the following additions:

- The water main in Elwert shall be extended to the northern edge of the project; i.e., the southern boundary of TL 900.
- Pressure relief valves (PRVs) shall be added at locations called for by TVWD because the project straddles two pressure zones in the city's water system.

**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 system consistent with the Comprehensive Plan.*

**Finding:** The applicant proposes to collect storm runoff from the site in a public storm sewer. Once collected, the runoff will be treated in the stormwater facility in the existing Wyndham Ridge Tract C pond. This approach is acceptable and

preferred by the city if the applicant can demonstrate through their stormwater analysis that CWS standards are being met for both this project and the existing development using the Wyndham Ridge facility. Staff expects that the applicant will be able to do this. If CWS standards cannot be met, a water quality and possibly detention facility will need to be located on the Copper Meadows site. Because the city does not accept in-ground stormwater treatment and detention systems, a facility on the applicant's site will likely reduce the number of lots that can be developed from that proposal.

6.700            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.*

**Finding:** The Deputy Fire Marshall, Eric McMullen has reviewed the proposal and indicated the fire code requirements in his letter dated October 17, 2003. The developer must meet the requirements of this letter.

4.    **Chapter 7 – Subdivisions and Partitions**

**7.400**            **Design Standards**

**Finding:** The applicant proposes an extension of SW Handley Street, the addition of Copper Terrace and Handley Terrace, a private street on the northern property boundary and frontage improvements to SW Elwert. The applicant proposes curb extensions at various points along SW Handley extension as a traffic calming method. The street designs are acceptable to the City.

**7.404**            **Lots**

**Findings:** All proposed lots meet the size and orientation requirements of this section. Although this section states that all lots in a subdivision shall abut a public street, private streets are allowed pursuant to Section 6.804.

5.    **Chapter 8 - Environmental Resources**

8.304.04        Visual Corridors

**Findings:** The proposed subdivision has frontage on a *Major Collector* and is therefore required to provide a 10' landscaped visual corridor. The width of this

corridor should be measured after the dedication of right-of-way to Washington County is factored. No visual corridor details have been provided.

8.304.06      Trees Along Public Streets or on Other Public Property

**Findings:** Street tree locations are indicated on the plans. A bond should be submitted for the installation and the trees installed after the homes and sidewalks are constructed; species and plant spacing must conform to the standards of 8.304.06.

8.304.07      Trees on Property Subject to Certain Land Use Applications

**Finding:** There are no trees on this site.

8.305      Wetland, Habitat and Natural Areas

**Finding:** The Site Assessment Coordinator with Clean Water Services (CWS) has indicated in a letter dated May 5, 2003 that sensitive areas do not exist on or within 200 feet of the site, therefore, CWS R&O 00-7 standards do not apply.

8.311.02      Energy Conservation Standards

**Finding:** The proposed lot layout allows for the single-family homes to receive sunlight sufficient for using solar energy systems.

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

**Findings:** Information submitted by the applicant and applicable agencies indicates adequate services can be extended to the site. No system-wide or service limitations were identified. Specific facility information was previously addressed under section C.2. of this report. Frontage improvements indicated for SW Elwert Road are subject to the approval of the City Engineer and Washington County. The rights-of-way shown for new streets indicate adequate dimensions and elements to comply with the construction standards.

Questions were raised by neighbors concerning the adequacy of the storm drainage plans. The Hearings Officer accepts the testimony of the applicable agencies and finds, based on their expertise, that the storm water can adequately be handled. The concerns of neighbors about water that runs from their property onto the subdivision site is outside the scope of this review.

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

**Finding** The applicant does not own any contiguous property.

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

**Finding:** The subdivision to the south will have access to SW Elwert Road from Orchard Hill and the proposed SW Handley extension. Tax Lot 800 and the remaining property along the northern boundary have access off of SW Elwert Road. Wyndham Ridge also has independent access.

**G. Tree and woodland inventories have been submitted and approved as per Section 8.304.07.**

**Findings:** There is no significant vegetation on this site.

## V. SUMMARY

With the changes made in the revised preliminary plat dated December 12, 2003, sheets 1 through 6, the proposal meets the code requirements for approval of the preliminary plat.

One neighbor asked that views from existing homes be protected, however no one has been able to site any code provision which would allow the Hearings Officer to impose such a requirement.

## VI. DECISION

Based on the proposal's compliance with the applicable code requirements as discussed above, the agency comments and staff testimony, it is the decision of the Hearings Officer to **APPROVE WITH CONDITIONS** the revised proposed subdivision of SUB 03-05 Copper Meadows Preliminary Plat subject to the following conditions:

**A. General Conditions:**

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

1. Compliance with the Conditions of Approval is the responsibility of the developer.

2. This land use approval shall be limited to the submitted plans by Harris-McMonagle Associates, Inc. dated December 12, 2003; except as modified in the conditions below.
3. The developer is responsible for all costs associated with public facility improvements.
4. **This approval is valid for a period of two (2) years from the date of the decision notice, per Section 7.301.01.** Extensions maybe granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. The development must comply with the recommendations and conditions required of Eric T. McMullen, Deputy Fire Marshal Tualatin Valley Fire and Rescue in his comment letter dated October 17, 2003.
6. 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 Grading the site or the demolition of structures:

1. Obtain City of Sherwood Engineering Department approval of grading plans and erosion control.
2. Any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, and a report of the de-commissioning provided.
3. A demolition permit shall be obtained from the Sherwood Building Department prior to demolishing or moving any structures.
4. A geotechnical report, if requested by the Building Official.

C. Prior to Development of the site and connection to public utilities:

Receive City Engineer approval of construction plans for all public improvements, water quality facilities and all streets. These plans shall meet the applicable standards of the City of Sherwood, Clean Water Services, and Tualatin Valley Water District and the conditions of approval required from this land use action. These plans shall include:

1. A copy of the construction plans for county right-of-way, approved by Washington County.
2. A public sanitary sewer stub to Tax Lot 800 that is deep enough to serve the entire parcel.

3. A water main extension on SW Elwert Road to the northern edge of the project (i.e. the southern boundary of TL 900).
  4. Pressure relief valves (PRVs) at locations called for by TVWD.
  5. A configuration for SW Elwert Road that meets the most stringent of the City and County standards.
  6. Closure of SW Swanstrom at SW Elwert in a manner that is acceptable to the City Engineer.
  7. Use of acorn style street lights in accordance with City standards.
  8. A conduit for placement of future telecommunication equipment by the City in the public utility easement is required.
  9. Half width improvements to the private street along the north property line so that this street meets public street standards. This includes a parkway strip, street trees, street lights, sidewalk and curb and gutter on the south side of the street. The sidewalk may be contained in an easement.
  10. Renaming of Handley Terrace.
  11. The pavement width shall be 22 feet from curb-face to curb-face must be maintained at all curb extensions.
  12. A set of curb extensions constructed at the street labeled Handley Terrace.
  13. Construction access to the site from Elwert Road.
- D. Prior to submitting for Final Plat to the City of Sherwood:
1. The applicant shall receive Engineering Department Approval of Engineering Plans as stated above.
  2. The applicant shall submit a street tree planting plan in accordance with Section 8.304.06.
- E. Prior to Final Plat Approval:



1. The applicant shall submit a final plat application and fee. The final plat drawing shall substantially comply with the preliminary plat submitted by Harris-McMonagle Associates, Incorporated dated December 13, 2003, and be submitted for approval satisfying the approval criteria of Section 7.303 of the SZCDC, and the dimensional requirements of Section 2.103, the Low Density Residential (LDR) zoning district.
2. All public improvements shall be constructed and accepted unless otherwise covered by a performance bond, approved and accepted by the City Engineer. A completed and approved Compliance Agreement shall be accepted by the City Engineer.
3. Hydrants and other fire safety required improvements shall be installed by the developer as required and approved by Tualatin Valley Fire & Rescue.
4. A Consent and Non-remonstrance Covenant for Public Improvements must be recorded for lots with frontage on the private street that allows dedication of the private street to the City upon annexation and development of the adjacent properties, if required by the City Engineer.

F. Prior to building permit approval

1. The building plans shall conform to the approved preliminary plat and engineering plans, and applicable regulations in the SZCDC.
2. Building plans shall comply with Tualatin Valley Fire & Rescue requirements.
3. An approval letter from the Engineering Department accepting all public improvements shall be issued.
4. A compaction test shall be completed for each lot in the development, if required by the Building Official.
5. The City Engineering Department must confirm all needed easements and access agreements have been recorded. In addition, the vacation process must be completed for any easements to be vacated.
6. The Developer shall place a bond with the City Engineering Department covering the cost of installing all of the required street trees within the subdivision. The street trees shall be installed by the developer once the lots in the development have been issued a final inspection approval from the Building Department.
7. A final geotechnical and compaction test shall be completed for each lot in the

development if required by the Building Official.

8. The applicant shall provide an 11"x 17" copy of the approved engineering plans to the Planning Department.
9. Prior to or simultaneous with the construction of the first home accessing off the private drive, a 5 foot high site obscuring cedar fence shall be built along the north edge of the private drive.

G. On-going Conditions

1. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code.
2. Decks, fences, sheds, building additions and other site improvements shall not be located within any easement.
3. A one (1) foot wide strip of land along the entire north side of the private street shall be dedicated to the public to discourage access to this subdivision from neighboring properties, if requested by the City Engineer.

DATED this 13th day of January, 2004.

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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 re4view (an appeal) contact the City of Sherwood Planning Department located at 20 NW Washington Street, Sherwood, OR 97140, or telephone (503) 625-5522.***

PN/2

# COPPER MEADOWS

SITUATED IN THE SW 1/4 OF SECTION 30, TOWNSHIP 2 SOUTH,  
RANGE 1 WEST, WILLAMETTE MERIDIAN  
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

DATED: DECEMBER 20, 2004  
JOB No. 03-023  
SCALE: 1" = 50'

BASIS OF BEARING AND BOUNDARY DETERMINATION PER S.N. 29,421

HARRIS-McMONAGLE ASSOCIATES, INC.  
ENGINEERS-SURVEYORS

12255 S.W. HALL BLVD.  
TIGARD, OR 97223-8287  
PHONE: (503) 639-3453  
FAX: (503) 639-1232

SHEET INDEX:  
SHEET 1 LOTS 1-11, 28-39,  
PORTION OF TRACT A, CURVE TABLE  
SHEET 2 LOTS 12-27, 40-45,  
PORTION OF TRACT A, CURVE TABLE  
SHEET 3 SURVEYOR'S CERTIFICATE, PLAT NOTES, DECLARATION  
ACKNOWLEDGMENT, APPROVALS, CONSENT AFFIDAVIT

RECORDED AS DOCUMENT NO. 2005022722

\* AMENDED BY RECORDING DOCUMENT NUMBER 2006014929



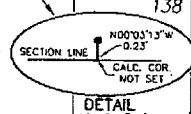
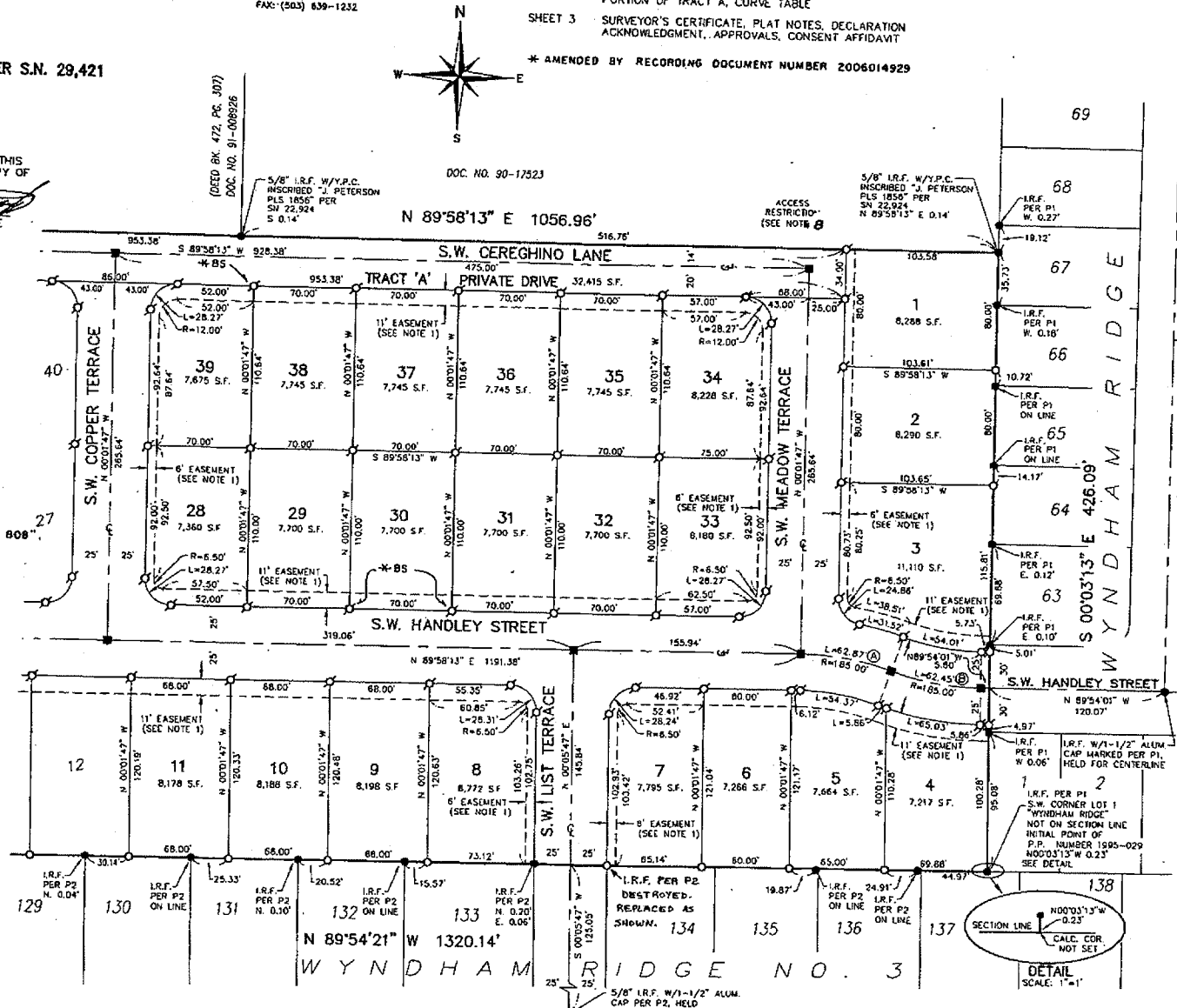
I HEREBY CERTIFY THAT THIS  
TRACING IS AN EXACT COPY OF  
THE ORIGINAL PLAT.  
WILLIAM L. McMONAGLE

LOT/CODE	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
A	19°28'14"	185.00'	62.87'	62.57'	S 80°17'40" E
B	19°20'27"	185.00'	62.45'	62.15'	S 80°13'47" E
3	19°20'27"	180.00'	54.01'	53.75'	N 80°13'47" W
3	08°35'59"	210.00'	31.52'	31.49'	N 74°51'33" W
3	79°07'45"	18.00'	24.86'	22.93'	N 38°35'39" W
4	17°44'36"	210.00'	65.03'	64.77'	S 81°01'42" E
5	19°28'14"	180.00'	54.37'	54.11'	S 80°17'40" E
5	01°35'51"	210.00'	5.86'	5.86'	S 71°21'29" E
7	89°52'26"	18.00'	28.24'	25.43'	N 45°02'00" E
8	90°07'34"	18.00'	28.31'	25.46'	S 44°58'00" E
28	90°00'00"	18.00'	28.27'	25.46'	N 45°01'47" W
33	90°00'00"	18.00'	28.27'	25.46'	S 44°58'13" W
34	90°00'00"	18.00'	28.27'	25.46'	S 45°01'47" E
39	90°00'00"	18.00'	28.27'	25.46'	N 44°58'13" E

\*BS SET A 3/4" BRASS SCREW AND WASHER STAMPED "WLMC LS 808"

### LEGEND:

- 5/8" IRF RPC "WLMC LS 808" OR OTHER POINT FOUND AS NOTED.
- DENOTES POINT SET 5/8" X 30" IRON ROD WITH RED PLASTIC CAP STAMPED "WLMC LS 808"
- ⊠ DENOTES POINT TO BE SET-REMAINING CORNER MONUMENTATION PER O.R.S. 92.070 5/8" X 30" IRON ROD WITH RED PLASTIC CAP STAMPED "WLMC LS 808", SET ON 2-9-05
- DENOTES POINT TO BE SET-REMAINING CORNER MONUMENTATION PER O.R.S. 92.070 5/8" X 30" IRON ROD WITH RED PLASTIC CAP STAMPED "WLMC LS 808" IN MONUMENT BOX ON CENTERLINE OF RIGHT OF WAY OR AS SHOWN, SET ON 2-9-05
- IPF IRON PIPE FOUND
- IRF IRON ROD FOUND
- RPC RED PLASTIC CAP
- YPC YELLOW PLASTIC CAP
- R/W RIGHT OF WAY
- SN SURVEY NUMBER
- CL CENTERLINE
- DOC. NO. DOCUMENT NUMBER
- ALUM ALUMINUM
- CALC. CALCULATED
- COR. CORNER
- P1 PLAT OF "WYNDHAM RIDGE"
- P2 5/8" IRF w/YPC, "ALPHA ENG INC"
- P3 PLAT OF "WYNDHAM RIDGE NO. 3"
- P4 5/8" IRF w/YPC, "ALPHA ENG INC"
- PP PARTITION PLAT



SHEET 1 OF 3

Resolution 2007-046, Exhibit C (3 pgs) June 5, 2007 1 of 3

# COPPER MEADOWS

SITUATED IN THE SW 1/4 OF SECTION 30, TOWNSHIP 2 SOUTH,  
RANGE 1 WEST, WILLAMETTE MERIDIAN  
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

DATED: DECEMBER 20, 2004  
JOB No. 03-023  
SCALE: 1" = 50'

BASIS OF BEARING AND BOUNDARY DETERMINATION PER S.N. 29,421

HARRIS-McMONAGLE ASSOCIATES, INC.

ENGINEERS-SURVEYORS

12535 S.W. HALL BLVD.  
TIGARD, OR 97223-6287  
PHONE: (503) 639-3463  
FAX: (503) 639-1232



I HEREBY CERTIFY THAT THIS TRACING IS AN EXACT COPY OF THE ORIGINAL PLAT.

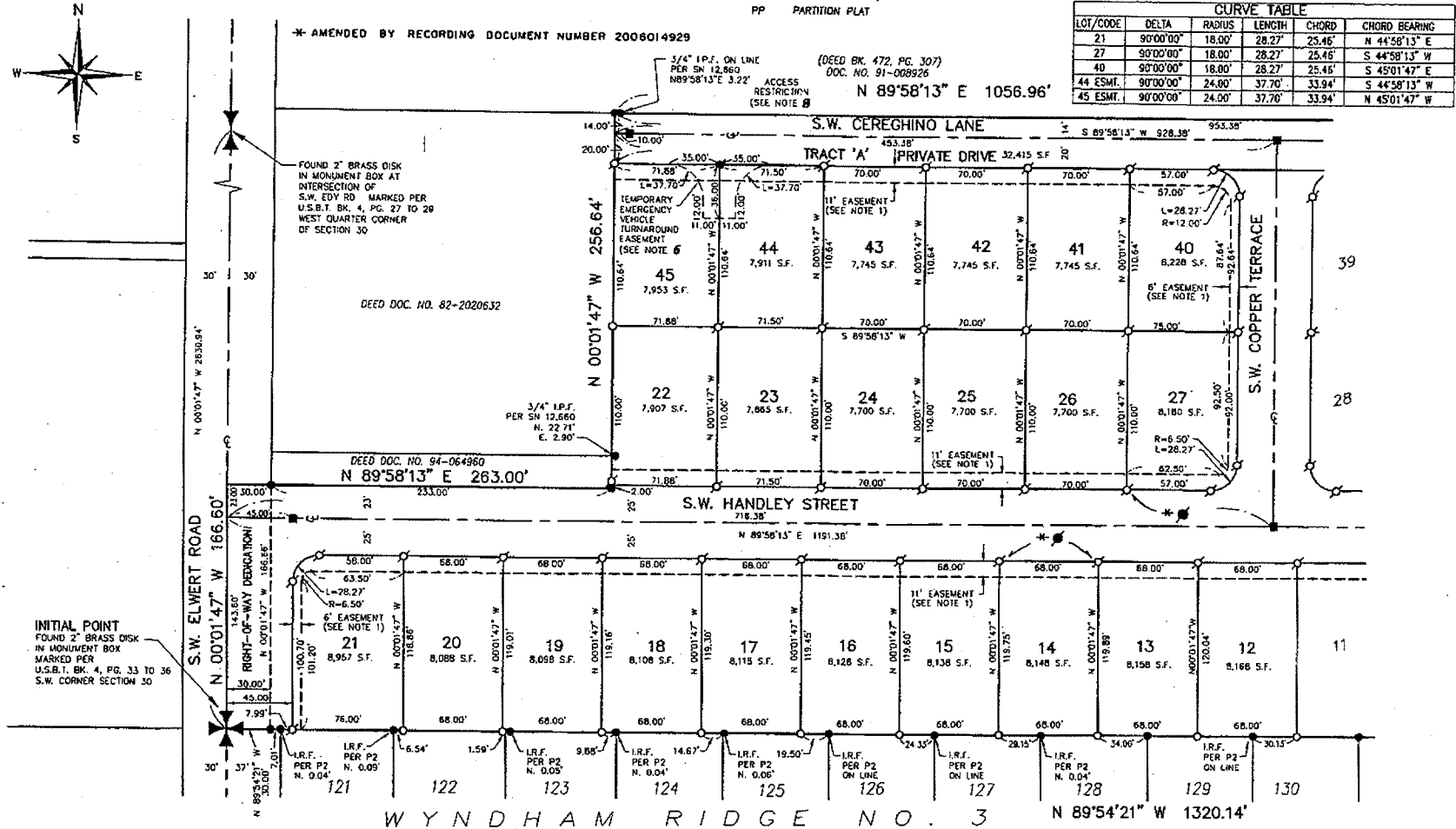
WILLIAM L. McMONAGLE

• DENOTES SET BRASS SCREW WITH A WASHER INSCRIBED "W.L.M.C. L.S.808".

## LEGEND:

- 5/8" IRF RPC "W.L.M.C. L.S.808" OR OTHER POINT FOUND AS NOTED.
- DENOTES POINT SET 5/8" x 30" IRON ROD WITH RED PLASTIC CAP STAMPED "W.L.M.C. L.S.808"
- ⊠ DENOTES POINT TO BE SET-REMAINING CORNER MONUMENTATION PER O.R.S. 92.070 5/8" x 30" IRON ROD WITH RED PLASTIC CAP STAMPED "W.L.M.C. L.S.808", SET ON 2-9-05
- DENOTES POINT TO BE SET-REMAINING CORNER MONUMENTATION PER O.R.S. 92.070 5/8" x 30" IRON ROD WITH RED PLASTIC CAP STAMPED "W.L.M.C. L.S.808" IN MONUMENT BOX ON CENTERLINE OF RIGHT OF WAY OR AS SHOWN, SET ON 2-9-05
- ⊕ DENOTES SECTION CORNER FOUND AS DESCRIBED
- ⊞ DENOTES QUARTER SECTION CORNER FOUND AS DESCRIBED
- PP PARTITION PLAT
- IRF IRON PIPE FOUND
- IRR IRON ROD FOUND
- RPC RED PLASTIC CAP
- YPC YELLOW PLASTIC CAP
- R/W RIGHT OF WAY
- SN SURVEY NUMBER
- CL CENTERLINE
- DOC. NO. DOCUMENT NUMBER
- ALUM ALUMINUM
- CALC. CALCULATED
- COR. CORNER
- P1 PLAT OF "WYNDHAM RIDGE" 5/8" IRF w/YPC, "ALPHA ENG INC"
- P2 PLAT OF "WYNDHAM RIDGE NO. 3" 5/8" IRF w/YPC, "ALPHA ENG INC"

CURVE TABLE					
LOT/CODE	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
21	90°00'00"	18.00'	28.27'	25.45'	N 44°58'13" E
27	90°00'00"	18.00'	28.27'	25.45'	S 44°58'13" W
40	90°00'00"	18.00'	28.27'	25.45'	S 45°01'47" E
44 ESMT.	90°00'00"	24.00'	37.70'	33.94'	S 44°58'13" W
45 ESMT.	90°00'00"	24.00'	37.70'	33.94'	N 45°01'47" W



# COPPER MEADOWS

SITUATED IN THE SW 1/4 OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

DATED: DECEMBER 20, 2004  
JOB No. 03-023

HARRIS-McMONAGLE ASSOCIATES, INC.  
ENGINEERS-SURVEYORS

12555 S.W. HALL BLVD.  
TIGARD, OR 97223-6287  
PHONE: (503) 839-3453  
FAX: (503) 839-1232



I HEREBY CERTIFY THAT THIS TRACING IS AN EXACT COPY OF THE ORIGINAL PLAT.  
*William L. McMonagle*  
WILLIAM L. McMONAGLE

## SURVEYOR'S CERTIFICATE:

I WILLIAM L. McMONAGLE, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, ALL LOT AND TRACT CORNERS AND BOUNDARY LINE CHANGES IN DIRECTION OF THE LAND REPRESENTED IN THE ANNEXED SUBDIVISION PLAT AND THAT AT THE INITIAL POINT, I FOUND A 2 INCH BRASS DISK MARKING THE S.W. CORNER OF SECTION 30, T2S, R1W, W.M., AND ALSO BEING ON THE CENTERLINE OF S.W. ELWERT ROAD (COUNTY ROAD A-163); THENCE DESCRIBING THE PLAT BOUNDARY, ALONG CENTERLINE OF SAID ROAD N 00°01'47" W 166.80 FEET; THENCE ALONG THE SOUTH LINE OF THAT TRACT DESCRIBED IN DOCUMENT NO. 94-084960, N 89°58'13" E 263.00 FEET; THENCE N 00°01'47" W 256.64 FEET TO THE NORTH LINE OF THAT TRACT AS DESCRIBED IN DOCUMENT NO. 94-084253; THENCE ALONG SAID NORTH LINE N 89°58'13" E 1056.96 FEET, TO A POINT ON THE WEST LINE OF LOT 67 OF THE DULY RECORDED PLAT OF "WYNDHAM RIDGE"; THENCE ALONG THE WEST LINE OF "WYNDHAM RIDGE" S 00°03'13" E 426.09 FEET TO THE SOUTH LINE OF SECTION 30; THENCE ALONG SAID SECTION LINE N 89°54'21" W 1320.14 FEET TO THE INITIAL POINT. CONTAINING 11.32 ACRES.

PER ORS 92.070 (PAR. 2) THE POST-MONUMENTATION OF THE INTERIOR MONUMENTS IN THIS SUBDIVISION WILL BE ACCOMPLISHED WITHIN 90 CALENDAR DAYS FOLLOWING THE COMPLETION OF PAVING IMPROVEMENTS OR ONE YEAR FOLLOWING THE ORIGINAL PLAT RECORDATION WHICHEVER OCCURS FIRST IN ACCORDANCE WITH ORS 92.060.

## DECLARATION:

KNOW ALL MEN BY THESE PRESENTS THAT ECF SHERWOOD, LLC, AN OREGON LIMITED LIABILITY COMPANY DOES HEREBY MAKE, ESTABLISH AND DECLARE THE ANNEXED MAP OF "COPPER MEADOWS" AS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE TO BE A TRUE MAP AND PLAT THEREOF; ALL LOTS AND TRACTS BEING OF THE DIMENSIONS SHOWN AND DOES HEREBY DEDICATE TO THE PUBLIC, AS PUBLIC WAYS ALL RIGHT OF WAYS, (EXCEPT PRIVATE DRIVE TRACT "A") AND HEREBY GRANT ALL EASEMENTS SET FORTH FOR THE USES STATED AND AS SHOWN OR NOTED ON SAID MAP.

BY: COLTON FETTIG COMPANY, LLC, AN OREGON LIMITED LIABILITY COMPANY, MEMBER

BY: *Charles J. Fettig*  
CHARLES J. FETTIG, MEMBER

## ACKNOWLEDGMENT:

STATE OF OREGON )  
COUNTY OF WASHINGTON ) SS.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON JANUARY 20, 2005  
BY CHARLES J. FETTIG AS A MEMBER OF THE COLTON FETTIG COMPANY, LLC, AN OREGON LIMITED LIABILITY COMPANY A MEMBER OF ECF SHERWOOD, LLC, OREGON LIMITED LIABILITY COMPANY.

*Cheryl H. Moore*  
NOTARY SIGNATURE

COMMISSION NO. 350410

*Cheryl H. Moore*  
NOTARY PUBLIC - OREGON

MY COMMISSION EXPIRES NOVEMBER 3, 2005

## PLAT NOTES:

- IN ADDITION TO OTHER EASEMENTS AS SHOWN OR NOTED, THE FRONTAGE OF ALL LOTS AND TRACT "A" ABUTTING THE PUBLIC RIGHTS OF WAY AND THE PRIVATE STREET TRACT BOUNDARY, ARE SUBJECT TO AN EASEMENT AS SHOWN FOR PUBLIC STORM AND SURFACE WATER DRAINAGE, PUBLIC SANITARY SEWER FACILITIES, PUBLIC WATER SUPPLY, PUBLIC PEDESTRIAN SIDEWALKS AND OTHER PUBLIC AND PRIVATE REGULATED UTILITIES.
- ALL LOTS AND TRACT "A", ARE SUBJECT TO THE COVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED IN DEED DOCUMENT NO. 2005022723.
- TRACT "A" IS SUBJECT TO AN EASEMENT FOR PUBLIC SANITARY SEWERS, PUBLIC STORM AND SURFACE WATER DRAINAGE, PUBLIC WATER SUPPLY, PUBLIC PEDESTRIAN ACCESS AND OTHER PUBLIC AND PRIVATE REGULATED UTILITIES OVER ITS ENTIRETY.
- TRACT "A" IS A PRIVATE DRIVE AND SHALL BE OWNED IN AN EQUAL AND UNDIVIDED INTEREST BY THE OWNERS OF LOT 1 AND LOTS 34 THROUGH 45.
- TRACT "A" SHALL BE MAINTAINED AS SET FORTH IN THE COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AS DOCUMENT NO. 2005022723.
- THE TEMPORARY EMERGENCY VEHICLE TURNAROUND EASEMENT SHOWN ON LOTS 44 AND 45 SHALL TERMINATE UPON THE EXTENSION OF S.W. CEREGHINO LANE OR UPON ACCEPTANCE OF AN ALTERNATE EMERGENCY VEHICLE ACCESS BY THE GOVERNING JURISDICTION. THE MAINTENANCE RESPONSIBILITY OF THE IMPROVEMENTS LOCATED WITHIN THE EASEMENT IS SET FORTH IN THE COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AS DOCUMENT NO. 2005022723.
- THERE SHALL NOT BE ANY DIRECT MOTOR VEHICLE ACCESS TO OR FROM LOT 21 ONTO S.W. ELWERT ROAD UNLESS AUTHORIZED BY THE GOVERNING BODY HAVING JURISDICTION OF SAID ROADWAY.
- THERE SHALL NOT BE ANY DIRECT MOTOR VEHICLE ACCESS TO OR FROM THE ABUTTING PROPERTIES TO THE NORTH OF TRACT "A" ONTO TRACT "A" UNLESS OTHERWISE GRANTED BY THE OWNERS OF LOT 1 AND LOTS 34 THROUGH 45, OR UPON THE GOVERNING BODY ACCEPTING S.W. CEREGHINO LANE AS A PUBLIC RIGHT OF WAY.
- THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL PER CITY OF SHERWOOD CASE FILE NO. SUB 03-05

RECORDED AS DOCUMENT NO. 2005022722

## CITY OF SHERWOOD APPROVAL:

APPROVED THIS 7<sup>th</sup> DAY OF FEBRUARY 2005  
COMMUNITY DEVELOPMENT DIRECTOR  
CITY OF SHERWOOD  
BY: *Robert A. Dajon*

## WASHINGTON COUNTY APPROVALS:

APPROVED THIS 12<sup>th</sup> DAY OF MARCH 2005  
WASHINGTON COUNTY SURVEYOR  
BY: *William L. McMonagle*

APPROVED THIS 12<sup>th</sup> DAY OF MARCH 2005  
WASHINGTON COUNTY BOARD OF COMMISSIONERS  
BY: *Tom Brown*

APPROVED THIS 3<sup>rd</sup> DAY OF MARCH 2005  
DIRECTOR OF ASSESSMENT AND TAXATION  
(WASHINGTON COUNTY ASSESSOR)  
BY: *James K. Gregory*

ATTEST THIS 3<sup>rd</sup> DAY OF MARCH 2005  
DIRECTOR OF ASSESSMENT AND TAXATION  
EX-OFFICIO COUNTY CLERK  
BY: *James K. Gregory*  
DEPUTY



STATE OF OREGON )  
COUNTY OF WASHINGTON ) SS.

I DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT, WAS RECEIVED FOR RECORD ON THIS 3<sup>rd</sup> DAY OF MARCH 2005 AT 3:49 O'CLOCK P. M. AND RECORDED IN THE COUNTY CLERK RECORDS.

*James K. Gregory*  
DEPUTY COUNTY CLERK

STATE OF OREGON )  
COUNTY OF WASHINGTON ) SS.

I DO HEREBY CERTIFY THAT THIS TRACING IS A COPY CERTIFIED TO ME, BY THE SURVEYOR OF THIS SUBDIVISION PLAT, TO BE A TRUE AND EXACT COPY OF THE ORIGINAL, AND THAT IT WAS RECORDED ON THE 3<sup>rd</sup> DAY OF MARCH 2005 AT 3:49 O'CLOCK P. M. IN THE COUNTY CLERK RECORDS.

*James K. Gregory*  
DEPUTY COUNTY CLERK

## REMAINING CORNER MONUMENTATION

IN ACCORDANCE WITH O.R.S. 92.070, THE REMAINING CORNERS OF THIS SUBDIVISION HAVE BEEN CORRECTLY SET WITH PROPER MONUMENTS. AN AFFIDAVIT HAS BEEN PREPARED REGARDING THE SETTING OF SAID MONUMENTS AND IS RECORDED IN DOCUMENT NO. 2005022723, WASHINGTON COUNTY DEED RECORDS.

APPROVED THIS 3<sup>rd</sup> DAY OF MARCH 2005  
WASHINGTON COUNTY SURVEYOR  
*William L. McMonagle*

## PLAT CONSENT AFFIDAVIT:

A SUBDIVISION PLAT CONSENT AFFIDAVIT FROM STERLING SAVINGS BANK A DEED OF TRUST BENEFICIARY, HAS BEEN RECORDED IN DOCUMENT NO. 2005022724, WASHINGTON COUNTY, OREGON

AFTER RECORDING RETURN TO:  
Landye Bennett Blumstein LLP  
3500 Wells Fargo Center  
1300 SW Fifth Avenue  
Portland, OR 97201

**DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR COPPER MEADOWS**

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**DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR COPPER MEADOWS**

The undersigned, ECF Sherwood, LLC, an Oregon limited liability company, ("Declarant"), is the owner of the real property described on Exhibit "A" attached hereto located in Washington County, Oregon (hereinafter referred to as "the Property"), and hereby makes the following Declaration of Covenants, Conditions and Restrictions ("Declaration"), covering the Property, specifying that this Declaration shall constitute covenants to run with all of said land and be binding upon all persons claiming under them and that all covenants and restrictions shall be for the benefit of and limitations upon all future owners, occupants, and tenants of said real property. Declarant intends to develop Copper Meadows as a Class III planned community, not subject to the Oregon Planned Community Act.

1. **Land Use and Building Type.** Copper Meadows consists of forty-five (45) Lots, all of which are restricted to single family detached homes used for residential purposes. "Lot" shall mean and refer to each and any of Lots 1 through 45 of Copper Meadows according to the plat thereof recorded in the Washington County, Oregon plat records.

2. **Dwelling Structures.** All dwellings and other buildings shall be constructed on site, and in accordance with the building requirements of the State of Oregon and Washington County. The garage and any outbuilding constructed on the property shall be constructed to match the dwelling in style and exterior materials and colors. No mobile home, modular home, manufactured home, trailer, basement, tent, shack, garage or other outbuilding, or any other structure of a temporary character, shall be used as a residence.

3. **Structures Prohibited As Residences.** No single- or double-wide trailers, manufactured homes, mobile homes, or modular homes shall be allowed for residences.

4. **No Commercial Use.** No building or any part of any thereof shall be erected, maintained, or used on any Lot for any commercial purpose; provided that home occupations permitted in accordance with the City of Sherwood ordinances (such as a home office or art studio) may be allowed, provided that such home occupation does not generate significant pedestrian or vehicular traffic.

5. **Nuisance.** No obnoxious, noxious, or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may reasonably become an annoyance or nuisance to other persons in the subdivision. Parking of machinery, equipment, motor homes, trailers, recreational vehicles, or other heavy duty vehicles or equipment on the private drive shall be deemed a nuisance. No inoperable motor vehicles, vehicles in disrepair or not currently licensed, trailers or similar items shall be stored on the Property.



6. **Garbage and Refuse Disposal.** No Lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.

7. **Exterior Materials.** Roofing material shall be tile or Architectural 80 Composition in colors of gray, black, or weathered wood, with a minimum life expectancy of twenty-five (25) years. All exterior walls shall be of double wall construction with siding such as cedar, redwood, concrete based lap (Hardiplank), or other equivalent materials. Exterior trim, fences, doors, railings, decks, eaves, gutters and the exterior finish of garages and other accessory buildings shall be designed, built and maintained to be compatible with the exterior of the structure they adjoin. Dwellings shall also be required to have a minimum of 100 square feet of brick or stone (real or manufactured) on the exterior walls facing the private drive, or as otherwise deemed necessary by the Architectural Review Committee ("ARC").

8. **Fences.** No fence shall exceed six (6) feet in height and/or be forward of the front building line of the house. Fences shall be constructed of wood, brick, wrought iron or stone and shall be good quality material.

9. **Parking.** Parking shall be in designated areas only. No recreational vehicle, boat or trailer shall be stored or parked forward of the front building line for more than twenty-four (24) hours. Storage of said vehicles for any period longer than twenty-four (24) hours shall be behind a sight-obscuring fence and shall be fenced on all sides. No owner shall permit any vehicle which is in extreme state of disrepair to be abandoned or to remain parked upon any lot or private drive for a period in excess of twenty-four (24) hours.

10. **Service Facilities; Antennas and Satellite Dishes.** Service facilities (garbage containers, fuel tanks, clotheslines, etc.) shall be screened such that such facilities are not visible at any time from the street. All telephone, electrical, cable television and other utility installations shall be placed underground in conformance with applicable law and subject to approval by the ARC. Except as otherwise provided by law or this section, no exterior antennas, satellite dishes, microwave, aerial, tower or other devices for the transmission or reception of television, radio or other forms of sound or electromagnetic radiation shall be erected, constructed or placed on any Lot. Without prior written consent from the ARC, exterior satellite dishes or antennas with a surface diameter of one (1) meter or less and antennas designed to receive television broadcast signals only may be placed on any Lot if they are not visible from an adjacent public or private street and are screened from neighboring Lots. The ARC may adopt reasonable rules and regulations governing the installation, safety, placement and screening of antennas, satellite dishes and other transmission devices. Such rules shall not unreasonably delay or increase the cost of installation, maintenance or use or preclude reception of a signal of acceptable quality.

11. **Construction Time.** A time limit is hereby imposed on the length of time required for construction once construction starts of the residence structure. A period of time not to exceed eighteen (18) months is allowed.

12. **Building Location.** All residences within the Property shall comply with the City of Sherwood setback requirements.

13. **Animals.** No animals, livestock or poultry of any kind, other than a reasonable number of cats, dogs or birds as household pets that are not kept, bred, or raised for commercial purposes and that are reasonably controlled so as not to be a nuisance, shall be raised, bred, kept or permitted within any Lot. Owners whose pets cause any inconvenience or unpleasantness to other owners shall take all steps reasonably necessary to prevent recurrence thereof and owners whose pets damage other owners' Lots or personal property shall reimburse such other owners for reasonable costs actually incurred by such other owners in repairing such damage. An owner shall ensure that such owner's dog is leashed when on the Property and outside of such owner's Lot.

14. **Use of Improvements During Construction; Damage or Destruction.** No improvement upon any Lot shall be occupied until the same is completed and made to comply with covenants, conditions and restrictions contained in this Declaration. Any improvements which are partially or totally destroyed or damaged by fire, earthquake or otherwise, shall be removed, repaired or replaced within a reasonable time after such destruction or damage occurs.

15. **Maintenance By Owner.** Each owner shall be responsible for maintenance of his/her Lot and home in a clean, sanitary and attractive condition and shall keep the same free from rubbish and litter and maintain such Lot in a good condition as not to create a fire hazard and repair and adequately paint, stain or otherwise maintain, repair and replace all improvements located thereon. In addition, each owner shall keep all shrubs, trees, grass, plantings, of every kind on his/her Lot neatly trimmed, irrigated, properly cultivated and free of trash, weeds and other unsightly material.

16. **Road Maintenance Agreement.**

(a) **Tract A.** Tract A of Copper Meadows is a Private Driveway known as S.W. Cereghino Lane. The owners of Lots 1 and 34-45 are served by Tract A (the "Maintaining Owners"). The Maintaining Owners shall each own an undivided interest in Tract A as tenants in common, regardless of whether such ownership shall be expressed in any deed or contract for any such Lot. Each such owner shall have an appurtenant easement over Tract A for purposes of access to such owner's Lot.

(b) **Maintenance and Repair; Assessment for Costs.** The Maintaining Owners shall be responsible for a pro rata share of the cost of maintenance, repair, and eventual replacement of the pavement surface of the Private Driveway, excepting for any such maintenance, repair or replacement required due to the act of an individual owner or such owner's guests or invitees. At such time as the City of Sherwood or the owners of three or more of the Lots agree that maintenance, repairs or replacement are then needed (the "Initiating Owners"), such work may be undertaken on behalf of all Maintaining Owners. Before contracting to perform any work costing more than Five Hundred and No/100 Dollars (\$500.00), the Initiating Owners shall obtain lump sum bids from at least two (2) qualified contractors who are licensed, bonded, and insured to do such work in Oregon. Generally, the contractor with the

lowest bid shall be selected to do the work. If the Initiating Owners believe that it would be in the best interests of all owners to select a contractor other than the low bidder, the Initiating Owners shall state the reason for this decision in writing to all Maintaining Owners. Before awarding a contract to perform maintenance, repair or replacement work, the Initiating Owners shall request payment from all Maintaining Owners for all or a portion of the total lump sum bid amount. Payment by each owner shall be made within fourteen (14) days of request (thirty (30) days for any individual payment of more than Two Hundred Fifty and No/100 Dollars(\$250.00)).

(c) **Lien.** In addition to any and all other remedies available at law or equity, any Initiating Owner shall have the right to file a lien against the Lot of any delinquent owner. Such lien shall arise, be filed, and foreclosed, as nearly as practicable, in the same manner as a lien of a homeowners' association under ORS Chapter 94.

(d) **Dedication; Improvement.** The Maintaining Owners, by acceptance of a deed or contract for the Lot of each such owner, whether or not it shall be expressed in such deed or contract, hereby irrevocably consents to the dedication of the Private Driveway as a public street, if such dedication shall be requested by the City of Sherwood in connection with the development or redevelopment of the property located to the north of the Private Driveway. The Maintaining Owners shall execute such documents as may be requested by the City of Sherwood to effect such dedication. The Maintaining Owners shall also perform such maintenance or repair work to the Private Driveway, if any, to maintain it in serviceable condition. At that time, any additional work to be performed on the Private Driveway by the Maintaining Owners shall only be applicable to maintaining the Private Drive in serviceable condition and shall not include any improvement of the Private Driveway to meet full street standards to accommodate development of the property on the North side of the Copper Meadows Subdivision in connection with or as a condition to the City's acceptance of such dedication. Each Maintaining Owner, by acceptance of a deed or contract for such owner's Lot, whether or not it shall be expressed in such deed or contract, expressly waives the right to remonstrate against the dedication of the Private Driveway or the obligation to maintain or repair the Private Driveway in connection therewith.

17. **Sign.** No sign of any kind shall be displayed to the public view on any Lot except one professional sign conforming to the City of Sherwood's sign regulations regarding placement and dimensions, advertising the property for sale or rent or signs used by a builder to advertise the property during the construction and sales period. Standard street signs and visual address signs for directing fire, life and safety personnel shall be allowed.

18. **Benefit.** The foregoing protective covenants, conditions, and restrictions shall inure to the benefit of and shall be binding upon Declarant and all parties who claim any interest in the Property, including, without limitation, all residents of the Property. These provisions shall constitute a covenant running with the land, and shall be deemed to touch and concern the land.

19. **Architectural Review.** No improvement shall be commenced, erected, placed or altered on any Lot until the construction plans and specifications showing the nature, shape, heights, materials, colors, and proposed location of the improvement have been submitted to and

approved in writing by the ARC. Declarant reserves the right to appoint the member(s) of the ARC and all replacements thereto until Copper Meadows is 100% built out. After build out, the owners may elect from among themselves a three (3) member ARC. The ARC, at its sole discretion, may withhold consent to any proposed work if the ARC finds the proposed work would be inappropriate for the particular Lot or incompatible with the design standards that the ARC intends for Copper Meadows. The ARC may consider siting, shape, size, color, design, height, solar access or other effect on the enjoyment of other Lots or any other factors that it reasonably believes to be relevant in determining whether or not to consent to any proposed work. Consent by the ARC to any matter proposed to it or within its jurisdiction shall not be deemed to constitute precedent or waiver impairing its right to withhold approval as to any similar matter thereafter proposed or submitted to it for consent. Neither the ARC nor any member thereof shall be liable to any person or entity for any damage, loss or prejudice suffered or claimed on account of any action or failure to act of the ARC or a member thereof, provided only that the ARC or the member has, in accordance with its or his actual knowledge, acted in good faith. The ARC shall not be responsible for determining compliance with structural and building codes, solar ordinances, zoning codes or other governmental regulations, all of which are the applicant's responsibility.

20. **Titles Subject to Restrictions.** Nothing contained in this Declaration shall impair or defeat the lien of any mortgage or deed of trust made in good faith and for value, but titles to any property subject to this Declaration obtained through sale in satisfaction of any such mortgage or deed of trust shall, therefore, be held subject to all of the protective covenants, conditions and restrictions hereof.

21. **Enforcement/Attorneys' Fees.** The Lot owners or any mortgagee on any Lot shall have the right to enforce all of the covenants, conditions, restrictions, reservations, easements, liens and charges now or hereinafter imposed by any of the provisions of this Declaration as may appertain specifically to such parties or owners by any proceeding at law or in equity. Failure by the owners or mortgagee to enforce any covenant, condition or restriction herein contained shall in no event be deemed a waiver of their right to do so thereafter. In the event suit or action is commenced to enforce the terms and provisions of this Declaration, the prevailing party shall be entitled to its attorneys' fees and costs in such suit or action to be fixed by the trial court, and in the event of an appeal, the cost of the appeal, together with reasonable attorneys' fees, to be set by the appellate court.

22. **Severability.** Invalidation of any one of these covenants, conditions and restrictions by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

23. **Amendment.** This Declaration of Protective Covenants, Conditions, and Restrictions may be amended with the consent of not less than seventy-five percent (75%) of the owners of all Lots, except that any material amendment relating to the Road Maintenance Agreement for Tract A shall require the consent of the owners of at least seventy-five percent (75%) of the Lots responsible for the maintenance of Tract A, and subject to the further condition that no such amendment relating to the Road Maintenance Agreement may materially

and disproportionately increase the obligation of any Maintaining Owner as against all other Maintaining Owners without the consent of such Maintaining Owner.

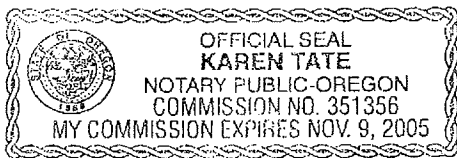
The undersigned Declarant of the subject property has caused this Declaration to be executed this 25<sup>th</sup> day of February, 2005.

**ECF SHERWOOD, LLC,**  
an Oregon limited liability company

By: Charles J. Fetteg  
Its managing member

STATE OF OREGON            )  
  ) ss.  
County of Multnomah )

Personally appeared Charles Fetteg who, being duly sworn, did say that he is the \_\_\_\_\_ of ECF Sherwood, LLC, an Oregon limited liability company, and that the foregoing instrument was signed in behalf of said company, and acknowledged said instrument to be its voluntary act and deed.



Karen Tate  
NOTARY PUBLIC FOR OREGON