

**City of Sherwood, Oregon
Ordinance No. 2004-008**

AN ORDINANCE APPROVING A PLANNED UNIT DEVELOPMENT (PUD) TO BE KNOWN AS WOODHAVEN CROSSING AND AMEND THE COMPREHENSIVE PLAN MAP, ESTABLISHING THE PUD OVERLAY ZONE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Peter Livingston, an attorney representing K & F Development and Milford and Marian Hosler submitted land use application for Woodhaven Crossing, a mixed-use residential/commercial Planned Unit Development to change the land use, divide and develop property known as tax lot 500 of Map 2S131B, on the south side of Pacific Highway 99W, northeast of the YMCA; and

WHEREAS, the Sherwood Planning Commission and recommended approval of the plan text amendment to the City Council; and,

WHEREAS, the Community Development and Zoning Code Section 2.202 specifies the criteria to approve a Planned Unit Development, and that the Sherwood City Council finds that the proposal complies based on the findings of the Planning Commission, public testimony and changes to the project plans as proposed by the applicant and dated May 7, 2004; and

WHEREAS, the Sherwood City Council has received the application materials, the City's Planning Staff report, the Planning Commission findings, and the Council reviewed the materials submitted and the facts of the proposal and conducted a public hearing on the Planned Unit Development proposal and PUD overlay amendment to the Comprehensive Plan Map on June 1, 2004.

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Commission Review & Public Hearings. That the application for a Planned Unit Development (city file No. PUD 03-01) to establish the PUD Overlay for Tax Lot 500 of WASHINGTON COUNTY ASSESSORS MAP 2S 1 31B was subject to full and proper review, and public hearings were held before the Planning Commission on the proposed PUD and map amendment on February 3rd and 24th, and March 2nd, 2004; and before the City Council on April 13th and May 11th, 2004.

Section 2. Findings. That after full and due consideration of the application, the City Staff report, the record, findings, and of the evidence presented at the public hearing, the Council finds that the subject property is approved for the proposed land use, to be developed in substantial conformance with the site plan approval and subdivision of the subject property for Woodhaven Crossing PUD; and therefore, the Council adopts the findings of fact contained in the attached Notice of Decision dated June 8, 2004.

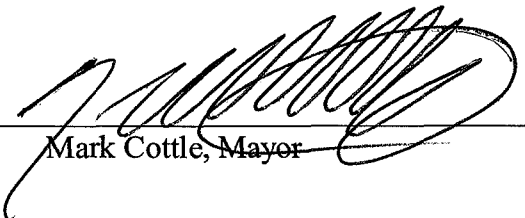
Section 3. Approval. That a request for a Planned Unite Development is hereby **APPROVED** as stipulated in the Notice of Decision dated June 8, 2004; labeled "Exhibit A" and attached to this ordinance.

Section 4. Manager Authorized. The Planning Director is hereby directed to take such action as may be necessary to document this map amendment, including preparation of a certified modification of the Official City Zoning Map, at such time the ordinance is in force.

Section 5. Effective Date. This ordinance shall become effective the 30th day after its adoption by the City Council.

Duly passed by the City Council this 8th day of June, 2004.

Approved by the Mayor this 8th day of June, 2004.



Mark Cottle, Mayor

Attest:



C.L. Wiley, City Recorder

	AYE	NAY
Weislogel	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Grant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Heironimus	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Durrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fox	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cottle	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Exhibit A: City Council Notice of Decision dated June 8, 2004 regarding Woodhaven Crossing, PUD 03-01.



**Exhibit A
ORDINANCE NO.
2004-008**

**CITY COUNCIL
NOTICE OF**

DECISION

Tax lot: 500
Map No.: 2S1 31B
Date of Decision: June 8, 2004
Decision Type: V (PUD)

Applicant:

Peter Livingston
Schwabe, Williamson & Wyatt
1211 SW Fifth Avenue, #1600
Portland, OR 97204

Owners:

Milford and Marian Hosler
c/o Peter Livingston
(address above)

I. DECISION

On June 8, 2004 the City Council of the City of Sherwood, Oregon **APPROVES with conditions PUD 03-01 Woodhaven Crossing**, a Planned Unit Development (PUD) with 150 residential units, as attached condominiums, 6 units to be used as commercial spaces per the OC zone, a recreation hall for the complex, and a preliminary partition plat, located on tax lot 500 of Tax Map 2S131B in the Office Commercial (OC) zoning district.

II. FINDINGS

This decision was based on the findings of fact contained in the Planning Commission Staff Report addressed to the City Council dated April 6, 2004 and the most recent submittal of revised application materials from the applicant, by Otak, Inc. dated May 7, 2004. Additional findings in response to the May 7th submittal are detailed below.

Required Findings for Approval: Required findings and criteria are listed in Section 2.105 (HDR Zoning District); 2.202 (Planned Unit Developments); Section 5.100 (Site Plan Review); Chapter 6 (Public and Private Improvements) and Chapter 7 (Subdivisions and Partitions) of the Sherwood Zoning and Community Development Code (SZCDC).

III. (Additional) FINDINGS

Findings of the City Council made in addition to those of the Planning Commission are highlighted in underlined text, below. The remaining findings of the Planning Commission are incorporated into this decision, as documented in the April 6, 2004 staff report to the Council.

PLANNED UNIT DEVELOPMENT (PUD) – REQUIRED FINDINGS (SECTION 2.202)

A. OBJECTIVES (SECTION 2.202.01-B)

The PUD district is intended to achieve the following objectives:

1. *Encourage efficient use of land resources that can result in savings to the community, consumers and developers.*

Findings: The proposed PUD would preserve 2.05 acres of the Cedar Creek tributary and wetlands. The site is between a single-family residential subdivision and other commercially-zoned property that borders Highway 99W.

2. *Preserve valuable landscape, terrain and other environmental amenities.*

Findings: Wetland and open space preservation is proposed, consistent with Clean Water Services' standards. The applicant proposes to use a portion of this open space tract for stormwater discharge. The Council finds that the open space tract is a benefit to the City, and will enhance the function of the proposed recreational path.

3. *Provide diversified and innovative living, working or shopping environments that take into consideration community needs and activity patterns.*

Findings: The applicant proposes both multi-family residential and shopping opportunities: condominiums and a commercial space. With the commercial development parcel (lot 3) on a 0.39-acre parcel, the opportunity for viable commercial development is available.

A proposed trail is connected to the existing trail system. The Sherwood Parks Master Plan does provide for a trail designation along the tributary to Cedar Creek that crosses the southern boundary of this property, which would allow future residents to access recreational opportunities by foot and bicycle. The City Council finds that the proposed trail contributes to an innovative living environment, and provides an amenity for the City. The proposed 150 residential units and 4,800sf of commercial development (in 6 units) would create a large number of trips on Highway 99W and could result in detrimental impacts to other local streets, but based

on ODOT testimony by Access Manager John Bosket (submitted May 11, 2004), such impacts should be minor.

4. *Achieve maximum energy efficiency in land uses.*

Findings: The proposed roadway system would require most residents of the project to drive to other places in Sherwood. A connection to the trail system developed across Woodhaven Drive encourages biking or walking to Old Town. The proposed development is within the required densities of the HDR zone dimensional standards, as prescribed by the Office Commercial (OC) district provision for multi-family PUDs and provides a transition between the single-family Woodhaven subdivision and the commercial zoning along Highway 99W.

5. *Provide innovative design in architecture or other site features that enhance the community or natural environment.*

Findings: The site is constrained by the tributary to Cedar Creek riparian area and wetlands located on the southern portion of the property. The units proposed are in compliance with the design standards for townhomes in the SZCDC, and the Council finds that the design is compatible with surrounding residential development.

B. COMMISSION REVIEW (SECTION 2.202.02-C)

The Commission shall review the application pursuant to Section 3.200 and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their decision based on the following criteria:

1. *The proposed development is in substantial conformance with the Comprehensive Plan and is sited in an area that is unusually constrained due to existing natural or man-made features, while protecting the environmental resources of the site and adjacent properties.*

Findings: The proposed condominium development is a permitted use in the Office Commercial (OC) zoning district if approved through a PUD using the High Density Residential (HDR) zoning district dimensional standards, consistent with the Comprehensive Plan. The property is somewhat constrained by the riparian area and wetlands located on the southeast portion of the site; although this area could not realistically be developed, due to slopes and unstable soils. The proposed development is within the density of the zoning standard, while protecting the Cedar Creek wetlands and buffers per Clean Water Services R&O 00-7 regulations.

A total of 150 residential units, 6 units to be used as commercial spaces per the OC zone, and a recreation hall for the complex are proposed on a total of 6.582 acres. The HDR zone dimensional standards requires a net density of 16.8 to 24 units per net acre. The applicant is utilizing the provision of Section 2.202.05C,

which allows density transfer for sensitive areas. The transfer of 20% of the sensitive lands adds .41 acre of developable area (to total 6.582 acres), which results in a maximum of 157 dwelling units for the “net buildable acres” on the site.

2. *That exceptions from the standards of the underlying zoning district are warranted by the design and amenities incorporated in the development plan.*

Findings: The applicant is proposing to preserve 2.05 acres of riparian area and wetlands and intends to convey this area to the City of Sherwood for preservation. The applicant is proposing another area for a pool and recreation building to serve the condominiums. No plan details were provided for this feature; Council finds the recreation building be required as proposed, and final architectural layout be determined through the final development plan process (site plan review).

3. *That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments.*

Findings: The applicant proposes to grade the property so that units along the eastern property boundary will be 1-2 feet higher in elevation, and install a drainpipe along the border between the development and Woodhaven Phase No. 5 to capture drainage before it leaves the site and impacts adjacent homes. The applicant proposes “midpoint” elevations of 35 feet (this method is consistent with the measurement of building height in the code).

Architectural standards of the proposed condominiums are consistent with that of the adjacent neighborhood. An issue raised by neighbors was that of the relative height of the buildings in this development; the applicant now proposes grading the property so that units along the eastern property boundary will be 1-2 feet higher than the existing ground elevation; rather than the 4 to 6 feet previously proposed. This will reduce the “towering” effect with the proposed units, which are 40-feet tall, as there is minimal grading now proposed which would increase their height.

Landscaping is proposed along the eastern border to provide a screen between the proposed condominiums and adjacent residences. The caliper and height proposed should be required as minimum standards to assure adequate screening.

4. *That the system of ownership and the means of developing, preserving, and maintaining open spaces are acceptable.*

Findings: The wetlands and required buffers are proposed to be conveyed to the City of Sherwood as proposed Tract A; the remainder of the corridor is in public ownership, and protected from further development (except for a trail system). The public stormwater system is proposed to be treated in a storm filter system, then conveyed to the proposed Tract A. Proposed private drives are to be

maintained by the Home Owners Association. Tract B is private open space and is to be maintained by the Home Owner's Association. The wetlands and buffer would be protected and enhanced per the Clean Water Services, Service Provider Letter # 3177. This method of ownership and responsibility for maintenance is acceptable to the City of Sherwood.

5. *That the PUD will have a beneficial effect on the area which could not be achieved under the underlying zoning district.*

Findings: The applicant is proposing a use that may only be allowed in the zone through the approval of a PUD. The application has been revised in the May 4, 2004 plans to satisfy several issues raised in the original staff report; the off-site parking standard and density allowed by the HDR standard has been satisfied. There are 247 spaces provided for the residential units and commercial spaces on proposed lots 1 and 2; lot 3 will be required to provide on-site parking for the future commercial use, when proposed during site plan review.

6. *That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year of the date of approval.*

Findings: The Commission finds that construction of this project within one year is feasible. A conflict exists in the code, whereupon the Site Plan review chapter of the zoning Code, section 5.102.06 allows 2 (two) years for the preliminary approval before expiration.

7. *That adequate public facilities and services are available or are made available by the construction of the project.*

Findings: Tualatin Valley Water District reviewed this proposal and indicated that water service could be extended. The City Engineer reviewed the proposal and summarized his comments in the attached memorandum, dated December 29, 2003. Tualatin Valley Fire & Rescue reviewed the original proposal and indicated that the layout with no secondary emergency access is acceptable, as long as fire sprinklers are installed in all the units. Despite the changes in the proposal, it is not anticipated that the water supply will be affected. The sidewalk on 99W should be 8' wide as specified in our current street standards, in 6.306.02 of the SZCDC.

8. *That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in Section 2.202 have been met.*

Findings: The Council finds that the objectives of the PUD concept can now be met with the proposed development, as revised from the original plan. There is a public benefit to be gained from the project; which includes a connection to the City's trail system, an open space buffer to a recreational area (the YMCA), and the first link in the road system that will provide access for the development of

commercial properties to the north, along Pacific Highway. There is now an opportunity for sufficient commercial activity in the project, as anticipated in the Office Commercial (OC) zone. The PUD development proposal is being used in this case to gain high-density residential development in a Commercial zone, and dedicate property which cannot otherwise be developed, but does offer some public benefit in its protection in a natural state. The project will be difficult to access via automobile, due to the single connection to Highway 99W, but now provides approximately all of the parking spaces needed to satisfy the required off-street parking standard. The road alignment has been changed at the connection to 99W, to allow better traffic flow; the applicant responded to ODOT and addressed their major concerns, according to John Bosket, ODOT Engineer who testified at the February 3, 2004 hearing. Council finds that the turning movements created at the Sunset Boulevard intersection as residents southbound on Highway 99W try to return home, may still present added congestion. ODOT has no current recommendation, other than to monitor the situation for a potential failing standard for turning movements at this intersection.

9. *That minimum area for a Residential PUD shall be five (5) acres, unless the Commission finds that a specific property of lesser area is suitable as a PUD because it is unusually constrained by topography, landscape features, location, or surrounding development, or qualifies as "infill" as defined in Section 2.202.05(C) (3).*

Findings: Land area is 8.97 acres, in excess of the 5 acre minimum. The property is constrained by the riparian area and wetlands located on the southeast portion of the site.

C. RESIDENTIAL PUD (SECTION 2.202.05)

Permitted Uses (Section 2.202.05-A)

Findings: The applicant is now proposing 150 units of multi-family development, a permitted use if approved through a Planned Unit Development in the Office Commercial (OC) zone, according to the High Density Residential (HDR) dimensional standards. Commercial uses are also proposed in 6 units of the project, subject to those uses allowed in the OC zone; the applicant has not specified what type of commercial uses might be sought. Design standards were proposed in the May 7, 2004 submittal, which will apply to future commercial development of lot 3, a parcel divided from the residential portion of the project, to ensure its compatibility with the rest of the development. The site area for commercial use on lot 3 is now .31 acre in size, which may accommodate required parking and circulation on the site.

Development Standards (Section 2.202.05-C)

1. *Density*

The number of dwelling units permitted in a Residential PUD shall be the same as that allowed in the underlying zoning district, except as provided in Section 2, below.

2. *Density Transfer*

Where the proposed PUD site includes lands within the base floodplain, wetlands and buffers, or steeply sloped areas which are proposed for public dedication, and such dedication is approved as a part of the preliminary development plan, then a density transfer may be allowed adding a maximum of 20% to the overall density of the land to be developed.

Findings: The site is zoned Office Commercial, subject to the High Density Residential (HDR) dimensional standards. The 150 new condominiums have a net density of 24 dwelling units per acre, which is within the density range of 16.8 to 24 per net acre allowed within the HDR zone. A density transfer of no more than 20% of the sensitive area adds .41 acres of net buildable acreage, enough to accommodate the current proposal.

SITE PLAN REVIEW (Section 5.100)

5.300 Off-Street Parking and Loading
5.302 Off-Street Parking Standards

Findings: The proposed off-street parking for the complex is 247 spaces (excluding garages, per Section 5.302.02). The ordinance requires off-street parking as follows: 1.25 per 1bdr unit (30 units); 1.5 per 2bdr unit (70); and 1.75 per 3bdr unit (50). For the commercial spaces in 6 units of the site that total 4800 sf of leasable space, 13 minimum parking spaces are required – for a total of 244 spaces required. On the .31 acre commercial parcel; parking requirements are unknown at this time, as the use of this parcel is not specified.

5.302.03B Layout

Findings: With the elimination of garages in some units as shown on the original plan, the proposal can meet this requirement.

5.703.01-B Permanent Residential Development Sign

One (1) ground sign, not exceeding thirty-two (32) square feet in size, denoting a subdivision development may be permitted. Illumination may be permitted provided a public nuisance is not created.

Findings: A ground sign has not been indicated on the revised plans, dated May 4, 2004. The Council finds that the final development plan project should

comply with the new standard for residential development signage, effective May 11, 2004; the applicant agreed to this provision.

IV. CONDITIONS of APPROVAL

A. General Conditions:

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

1. Compliance with the Conditions of Approval and compliance agreement is the responsibility of the developer.
2. This land use approval shall be conditioned to require a Final Site Development plan and plat, substantially in conformance with the submitted plans prepared by Otak, Inc. noted: "Permit Submittal May 7, 2004", and as specified in the conditions below:
 - a. Applicant shall provide a 10-foot wide pedestrian access trail adjoining "Tract A" on the site, and a 8-foot wide sidewalk meeting City standards adjacent to the Pacific Highway right-of-way.
 - b. The site plan shall include approximately 4,800sf of commercial space in 6 units, and 150 residential condominium units, or as many as necessary to comply with the density of the HDR zone, between 16.8 and 24 units per net buildable acre.
 - d. Applicant shall obtain a Trip Allocation Certificate from the City Engineer per Section 6.307 of the SZCDC prior to approval of the Final Development Plan.
 - e. Landscaping plan details, including those that specify minimum caliper and height of landscaping materials, shall be interpreted as minimum standards for approval of the Final Development plans.
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 unless (permitted) construction has begun, per Section 5.102.06.** Extensions maybe granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. The developer shall comply with Service Provider Letter #3177 issued by Astrid Dragoy, Site Assessment Coordinator, Clean Water Services.
6. Retaining walls (single, or combination thereof – in excess of 6 feet, from bottom of footing to top of wall) are prohibited unless approved under a future site plan application.

7. Comply with the letter from Eric T. McMullen, Deputy Fire Marshal Tualatin Valley Fire and Rescue dated November 24, 2003.
8. 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 specifically modified in this decision.
9. Additional development or change of use may require a new development application and approval.

B. Prior to Grading the site or the demolition of structures:

1. If proposed site grades or the final proposed ground-floor elevation of buildings do not substantially comply with that of the preliminary development plan, they will be required to obtain a new site plan approval.
2. The applicant shall submit a tree inventory to the Planning Department, noting any significant trees (trees over 5 inches in diameter at breast height). Trees to be saved shall be protected during grading with construction fencing around the drip-line. Trees to be removed shall be mitigated at an inch to inch caliper by planting new trees in the landscaped area. New plantings shall be approved by the Planning Department.
3. Obtain City of Sherwood Engineering Division approval of grading plans and erosion control.
4. Any existing septic systems, water supply wells, and underground storage tanks shall be abandoned in accordance with Oregon state law, including those located off-site that serve the subject property.
5. A demolition permit shall be obtained from the Sherwood Building Department prior to demolishing any structures.
6. Comply with the Clean Water Services, Service Provider Letter #3177, including all conditions pertinent to grading activities and erosion control.
6. Prior to grading within the Highway 99W right-of-way, the applicant must submit grading plans and obtain permits from Oregon Department of Transportation (ODOT). A copy of the approved permit shall be presented to the Building Department.

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

1. Documentation of approval from Oregon Department of Transportation (ODOT) to access Highway 99W shall be submitted to the City Engineer.
2. The applicant shall submit for site plan review for the community room and recreation facility, and a final plat application, for Planning Commission review as a part of the Final Development Plan approval process, per Section 2.202.03.
3. Receive approval of engineering plans for all public improvements including the stormwater system, trail connection, and improvements within the ODOT right-of-way from Sherwood Engineering Division and other applicable agencies. The plans shall conform with the Sherwood Public Works and other applicable standards. The plans shall be in substantial conformance with the approved plans

prepared by Otak, Inc. dated May 7, 2004, except as modified below:

- a. Installation of an ADA ramps where the proposed trail meets Woodhaven Drive, and all street intersections, including that of private drives.
- b. The road noted as "Public Street" on the preliminary PUD plans shall have a minimum 5-foot planter strip between curb and sidewalk. The sidewalk may be located in a public easement where it cannot be contained within a 50-foot right of way.
- c. Where parking is proposed on both sides of a public street, the paved street width shall be a minimum of 38 feet.
- d. The multiuse path paralleling the wetlands shall be a minimum 10-foot wide and paved.
- e. The storm sewers shall be extended within the project, as needed, to allow drainage from all development to be piped directly into a public storm sewer system.
- f. A storm drainage pipe shall be installed along the eastern property line to prevent excess drainage from reaching existing homes in Woodhaven No. 5, located on Hosler Way.
- g. Any lots graded so that they drain onto other lots shall require a drainage system to prevent runoff from crossing property lines.
- h. The applicant shall abandon any off-site wells formerly utilized by the nursery that existed on the site. Abandonment shall include: decommissioning wells in accordance with state requirements; releasing of easements covering the well site and transmission mains from the well to the project site; releasing water rights for the abandoned well to the City of Sherwood; and, restoring the well to a condition acceptable to the City Engineer.

D. Prior to submitting for Final Plat to the City of Sherwood:

1. The applicant shall receive Engineering Division Approval of Engineering Plans.
2. The applicant shall secure ODOT approval of an access permit for access to Highway 99W.

E. Prior to Final Plat Approval:

1. Tract 'A' shall be preserved in its current condition as an open space/ vegetative buffer to the tributary stream (to Cedar Creek), as indicated on the preliminary plat prepared by Otak, Inc. dated May 7, 2004. The final plat shall dedicate the tract to the City of Sherwood. Tract 'B' as indicated on the preliminary plat shall be owned and maintained by a Homeowner's Association.
2. The applicant shall submit a final plat application and fee. The final plat application shall include a response to these conditions of approval.
3. All public improvements shall be constructed and accepted unless otherwise covered by a performance bond, approved and accepted by the City Engineer and

Clean Water Services, including the restoration of disturbed areas of Tract 'A', after the stormwater system is installed.

4. "No Parking Signs", hydrants and other fire safety required improvements shall be installed by the developer and approved by Tualatin Valley Fire & Rescue. Required improvements shall comply with the attached letter from Eric T. McMullen, Deputy Fire Marshal dated November 24, 2003, unless TVF&R requirements are modified during final development plan review.
5. Reciprocal easements for ingress/egress shall be included with the subdivision plat, to assure access for lots 1 and 2 to the shared (private) access drive.
6. Documentation of private CC&Rs and Home Owner's Association maintenance agreements shall be provided to the Planning Department for review and approval.
7. The applicant shall comply with ODOT permits requirements for connection to Pacific Highway 99W, as stated in the letter from Marah Danielson, Associate Planner, ODOT dated January 28, 2003.
8. The final CC&R's shall contain architectural standards consistent with conceptual plans (elevations) submitted by the applicant.
9. The multi-use path designated on the site plan shall be constructed at a 10-foot width, located within a public easement, allowing ingress/egress for pedestrians, bicycles, and other non-motorized traffic.

F. Prior to placing a temporary construction office trailer on-site:

1. A temporary use permit shall be obtained from the City of Sherwood per SZCDC Section 4.500.
2. Appropriate permits for water, sewer and electrical shall be obtained from the Building Department.

G. Prior to construction of a monument entry sign:

1. A land use permit for any signage shall be approved by the Planning Department, subject to the standards of the SZCDC, Section 5.700, revised May 11, 2004.
2. Adequate sight distance shall be approved by ODOT.
3. Unless exempted by the Building Official, the applicant shall obtain a Building Permit for the sign.
4. The sign shall be maintained by the Home Owner's Association

H. Prior to the Building Department Approving Building Permits:

1. Three copies of the recorded plat plus one reduced copy (11" by 17"); and a map with assigned addresses for each lot/building or independent tract (for water services) shall be submitted to the Building Department.
2. The Engineering Division shall issue an approval letter accepting all public improvements and bonding.
3. The Developer shall place a bond with the City Engineering Division covering the cost of installing all of the required street trees within the public right-of-way.

4. Building plans shall comply with the letter from Eric T. McMullen, Deputy Fire Marshal, Tualatin Valley Fire & Rescue dated November 24, 2003.
5. A compaction test shall be completed for each lot in the development if required by the Building Official.

I. Prior to receiving an occupancy permit or final inspection approvals:

1. All other appropriate agency conditions shall be met.
2. Street trees shall be installed by the developer before the development has been issued a final occupancy permit from the Building Department.
3. The applicant shall provide documentation to the Planning Department that ODOT has accepted the *construction* of required public improvements to Pacific Highway 99W, including approval of sight distance for any proposed signage.

J. 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. The sensitive area shall continue to be protected as required by Clean Water Services, Service Provider Letter #3177.

VIII. ATTACHMENTS

- A. Letter from Marah Danielson, ODOT, Dated January 28, 2004.
- B. Letter from Eric McMullen, TVF&R, dated November 24, 2003.
- C. Supplemental memorandum from applicant's Engineer, Don Hanson, Otak, Inc., dated May 3, 2004.
- E. Revised Preliminary Development Plan, noted as "Permit Submittal" May 7, 2004.



David L. Wechner, M.S. AICP
Planning Director

End of Report