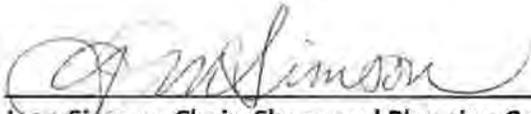


Old Town Townhomes

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The Sherwood Planning Commission held a public hearing on November 26, 2013. The Commission opened the public record and took public testimony on the subject application. After consideration of the application, staff report, and applicant's testimony, the Planning Commission voted to approve the application. The Planning Commission decision is based on the findings of fact and conditions contained in this notice, the applicant's materials and testimony, the testimony of the citizens who testified, and the staff report including exhibits.



Jean Simson, Chair, Sherwood Planning Commission

**Proposal:** The applicant proposed a minor land partition and construction of two townhomes with each unit on its own lot. The new townhomes will front SW 2<sup>nd</sup> Street but will gain access from the existing alley at the rear of the property. The property is zoned Retail Commercial (RC), and is located in the Smockville area of the Sherwood Old Town Overlay. The applicant's submittal materials are attached to this report as Exhibit A.

I. **BACKGROUND**

**Applicant/Owner:** C & L Properties LLC  
207 SW Santa Fe Terrace  
Sherwood OR 97140

**Contact:** Larry Wright

B. **Location:** 2S132BB tax lot 1700

C. **Parcel Size:** Tax lot 1700 is 10,000 square feet in size. There are two individual lots, each approximately 5,000 sq. ft.

D. **Existing Development and Site Characteristics:** The site is flat and currently vacant.

E. **Site History:** The site is currently vacant but at one time had a house on it that had been demolished or destroyed. In review of the records, there is no information concerning the date of the demolition, but an aerial photo from 1951 shows a house on the property. In October 2013, the Planning Commission approved a land use application to construct a single-family detached home on the MDRL portion of the site.

F. **Zoning Classification and Comprehensive Plan Designation:** The subject property is zoned Retail Commercial (RC) within the Smockville area of the Old Town Overlay zone, a designated historic

district which seeks to preserve and enhance the area's commercial viability and historic character.

- G. Adjacent Zoning and Land Use: The subject property is adjacent to residentially zoned and developed properties to the north and west, zoned MDRL. The properties to the east and south are zoned RC and are currently residentially developed (single-family homes).
- H. Review Type: The property is within Sherwood Old Town Overlay. As such, the application is subject to a Type IV review, which requires review and approval by the Planning Commission after conducting a public hearing. An appeal would be heard by the Sherwood City Council.
- I. Public Notice and Hearing: This application was processed consistent with the standards in effect at the time it was submitted. A neighborhood meeting was held on July 22, 2013 at the subject site in downtown Sherwood. The neighborhood meeting was attended by several neighborhood property owners and residents.

Notice of the application was mailed to property owners within 1,000 feet of the subject property and posted on the property and in five locations throughout the City on November 6, 2013 in accordance with Section 16.72.020 of the SZCDC. The notice was published in the Tigard Times (a paper of general circulation) on November 14, 2013 and again on November 21, 2013 in accordance with Section 16.72.020 of the SZCDC.

- J. Review Criteria: Sherwood Zoning and Community Development Code, 16.22 (Use Districts – RC); 16.44 (Townhomes); 16.82 (Conditional Uses); 16.122 (Land Partitions); 16.128 (Land Division Design Standards); 16.142 (Parks, Trees and Open Spaces) and 16.162 (Old Town Overlay District).

## II. PUBLIC COMMENTS

Public notice was mailed and posted on the property in five locations throughout the City on November 6, 2013. Staff received no public comments as of the date of this report. However, comments are accepted until the Planning Commission closes the public hearing.

## III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on November 1, 2013. The following is a summary of the comment received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: provided comments on November 14, 2013 that are attached as Exhibit B. Essentially, Engineering comments are related to street improvement requirements along SW 2<sup>nd</sup> Street, and the extension and protection of utilities.

Clean Water Services: provided comments on November 12, 2013 that are attached as Exhibit C. Clean Water Services comments related to the District Storm Water Connection Permit Authorization.

ODOT Outdoor Advertising Program: provided an e-mail stating that they had no concerns with the proposal.

As of the date of this report, no other agency comments have been received.

## V. APPLICABLE CODE PROVISIONS

The applicable zoning district standards are identified in Chapter 16.22 (Retail Commercial) below.

### A. Division II – Land Use and Development

#### Chapter 16.22 COMMERCIAL LAND USE DISTRICTS

##### 16.22.010 - Purpose

##### C. Retail Commercial (RC)

**The RC zoning district provides areas for general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts as per Division VIII.**

**FINDING:** The applicant proposes a 2-unit, common-wall townhome structure on two lots just over 2,500 square feet in size each. These lots are not large in size and the proposed use will not produce excessive environmental impacts. While residential dwellings are not addressed in the purpose of the RC zone, the unique location of this property in the Old Town Overlay sets it apart from other RC proposals. The Old Town Overlay District (Chapter 16.162.020, discussed below) allows townhomes as a conditional use in the RC zone.

##### 16.22.020 - Uses

**FINDING:** Attached single-family homes are not addressed in Chapter 16.22 (RC). However, as discussed above, Section 16.162.040 (Old Town Overlay District- Conditional Uses) allows townhouses (shared wall single-family attached) subject to the design criteria in Chapter 16.44 (Townhomes) as conditional uses subject to Chapter 16.82 (Conditional Uses). Responses to the requirements of Chapters 16.44 and 16.82 are found below.

##### 16.22.030 - Development Standards

##### A. Generally

**No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Variance and Adjustments)**

##### B. Development Standards

**Except as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table**

**RETAIL COMMERCIAL STANDARDS**

1.	Lot area:	5,000 sq ft
2.	Lot width at front property line:	40 ft
3.	Lot width at building line	40 ft
4.	Front yard setback	0
5.	Side yard setback	0
6.	Rear yard setback	0
7.	Height	50 ft

As identified above, the RC zone requires a minimum lot size of 5,000 square feet. However, Section 16.162.060 (Old Town Overlay District- Dimensional Standards) requires a 2,500 square foot minimum lot size in the RC zone within Old Town. The applicant proposes to partition the property into two 2,508 square-foot lots, which is permitted because of the property’s location within Old Town. Section 16.162.060 also states that no setbacks or minimum yards are required. The proposed townhomes will be 31 feet in height and will not exceed 50 feet in height.

While not specifically discussed within the development code, staff assumes the proposed lot widths of 25 feet would meet the intent of the code by permitting the placement of smaller lots in the Old Town District. In addition, with the set block pattern in Sherwood’s Old Town, each lot is generally 100-feet deep. Allowing 2,500 square foot lots in the RC zone inherently assumes a lot width of generally 25-feet.

**FINDING:** The size and shape of the proposed lots meets the dimensional standard requirements for an RC property within the Old Town Overlay District.

**16.44 – Townhomes**

**16.44.010 Townhome Standards**

**A. Generally**

A townhome may be located on property zoned MDRH or HDR, or in other zones as specified in an approved Planned Unit Development, provided that the townhome meets the standards contained below, and other applicable standards of Division V - Community Design. Such developments that propose townhomes can do so as condominiums on one parent lot, or in a subdivision, but shall do so in groups known as "townhome blocks," which consist of groups no less than two attached single-family dwellings and no more than six in a block, that meet the general criteria of Subsection B below, and specific design and development criteria of this Chapter.

Townhouses are permitted as a conditional use in the Old Town Overlay District per Section 16.162.040.B. This property is within the Old Town Overlay District and this application includes a conditional use permit for the townhomes. The two townhomes proposed with this development are on individual lots as a partition is also proposed with this application.

**FINDING:** Townhomes are conditionally permitted within the Old Town Overlay District. This property is within the Old Town Overlay District and, as such, townhomes are permitted conditionally. Therefore, this standard is met.

**B. Standards**

**1. Each townhome shall have a minimum dwelling area of twelve-hundred (1,200) square feet in the MDRH zone, and one-thousand (1,000) square feet in the HDR zone. Garage area is not included within the minimum dwelling area.**

**FINDING:** Although no minimum dwelling area is specified for the RC zone, the proposed townhomes will be 1,814 square feet each in size, exceeding both of the stated minimum dwelling area standards. This standard is not applicable to the RC zone or this proposal.

**2. Lot sizes shall average a minimum of two-thousand five-hundred (2,500) square feet in the MDRH zone, and one-thousand eight-hundred (1,800) square feet in the HDR zone, unless the property qualifies as "infill," and meets the criteria of Subsection D below. If proposed as a subdivision, lots shall be platted with a width of no less than twenty (20) feet, and depth no less than seventy (70) feet.**

**FINDING:** No lot size average is specified for the RC zone. The proposed lots will be 2,508 square feet each in size, exceeding both of the stated minimum average lot sizes in this chapter as it applies to Townhomes, but this standard is not applicable to the RC Zone or this proposal.

**3. The townhome shall be placed on a perimeter foundation, the units must meet the front yard, street-side yard, and rear yard setbacks of the underlying zone, if abutting a residential zone designated for, or built as, single-family detached housing.**

The applicant's submitted materials show that the townhomes will be placed on a perimeter foundation. The RC zone does not require minimum setbacks; however, the applicant proposes a 6-foot side yard setback, 15-foot front yard setback and 18-foot rear yard setback.

**FINDING:** As discussed above, the applicant's submitted materials demonstrate compliance with this standard.

**4. All townhomes shall include at least two (2) off-street parking spaces in the HDR zone, and two and one-half (2-½) spaces in the MDRH zone; garages and/or designated shared parking spaces may be included in this calculation. The City Engineer may permit diagonal or angle-in parking on public streets within a townhome development, provided that adequate lane width is maintained. All townhome developments shall include a parking plan, to be reviewed and approved with the Site Plan application.**

Although parking is not required in the "Smockville Area" of the Old Town Overlay District, the applicant is providing garages and a driveway for each unit, for two total spaces per unit.

**FINDING:** As discussed above, this standard is met.

**5. All townhomes shall have exterior siding and roofing which is similar in color, material and appearance to siding and roofing commonly used on residential dwellings within the City, or otherwise consistent with the design criteria of Subsection E, Design Standards.**

The applicant's submitted materials demonstrate compliance with this standard, proposing a steeply pitched roof, varied materials including cultured stone, horizontal lap siding, window shutters, belly bands, gabled roof ends, double-hung style windows and earth tone colors.

**FINDING:** As discussed above, the applicant's proposal complies with this standard.

**6. All townhomes in the MDRH zone shall have an attached or detached garage.**

**FINDING:** As this property is within the RC zone, no garage is required; however, one is being provided for each unit. This standard is not applicable to this proposal.

**7. All other community design standards contained in Divisions V, VIII and IX relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design that are not specifically varied by this Chapter, shall apply to townhome blocks.**

**FINDING:** All other community design standards applicable to this proposal are discussed throughout this staff report.

**8. All townhome developments shall accommodate an open space or park area no less than five percent (5%) of the total subject parcel (prior to exclusion of public right-of-way and environmentally constrained areas). Parking areas may not be counted toward this five percent (5%) requirement.**

**FINDING:** The applicant's materials show each townhome with an open space area (pervious area) of 905 square feet, or 36%, of each lot. The proposal is in compliance with this standard.

**9. Side yard setbacks shall be based on the length of the townhome block; a minimum setback to the property line\* on the end of each "townhome block" shall be provided relative to the size of the block, as follows:**

a.	100 feet to 150 feet	6 feet minimum
b.	Less than 100 feet	5 feet minimum

\* In the case of condominium projects where no property line may exist at the end of each townhome block, the setback shall be applied as a minimum area of separation, as applied to each townhome block.

The length of this townhome block is less than 100 feet. Therefore, a 5-foot side yard setback is required. The applicant is proposing a 6-foot side yard setback.

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

**C. Occupancy**

**1. No occupancy permit for any townhome shall be issued by the City until the requirements of site plan review and the conditions of the approved final site plan are met. Substantial alteration from the**

approved plan must be resubmitted to the City for review and approval, and may require additional site plan review before the original hearing authority.

**2. The owner(s) of the townhomes, or duly authorized management agent, shall be held responsible for all alterations and additions to a townhome block or to individual homes within the block, and shall ensure that all necessary permits and inspections are obtained from the City or other applicable authority prior to the alterations or additions being made.**

**FINDING:** The applicant's materials indicate that the applicant is aware of the occupancy standards. These standards can be further enforced at time of building permit review and approval and inspection. It is feasible for the project to satisfy this standard.

#### **D. Infill Standard**

**The minimum lot size required for single-family, attached dwellings (townhomes) may be reduced by a maximum of 15% if the subject property is 1.5 acres or less, and the subject property is surrounded by properties developed at or in excess of minimum density for the underlying zone.**

**FINDING:** The applicant has not proposed a lot size reduction for infill and, therefore, this standard is not applicable.

#### **E. Design Standards**

**Each townhome block development shall require the approval of a site plan, under the provisions of Section 16.90.020, and in compliance with the standards listed below. The site plan shall indicate all areas of townhome units, landscaping, off-street parking, street and driveway or alley locations, and utility access easements. The site plan shall also include a building elevation plan, which show building design, materials, and architectural profiles of all structures proposed for the site.**

Section 16.90.020.B provides an exemption to site plan requirements for single and two-family uses and, therefore, only the site plan provisions of the standards listed below are applicable to this attached single-family development.

**FINDING:** As discussed above, the design standards below are the site plan standards applicable to this development.

**1. Building Mass: The maximum number and width of consecutively attached townhomes shall not exceed six (6) units or one-hundred fifty (150) feet from end-wall to end-wall.**

**FINDING:** The two proposed townhome units is less than the maximum of 6 and will not exceed the 150-foot length. This standard is met.

**2. Designation of Access/Alleys: Townhomes shall receive vehicle access only from the front or rear lot line exclusively, not both. If alleys are used for access they shall be created at the time of subdivision approval and built to City standards as illustrated in the Transportation System Plan.**

**FINDING:** The proposed townhomes will provide vehicle access only from rear loaded garages in the existing alley. This standard is met.

**3. Street Access:** Townhomes fronting on a neighborhood route, collector, or arterial shall use alley access, either public or private, and comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances and conflicts with other transportation users, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management. Direct access to local streets shall only be used if it can be demonstrated that due to topography or other unique site conditions precludes the use of alleys.

a. Alley loaded garages shall be set back a minimum five feet to allow a turning radius for vehicles and provide a service area for utilities.

b. If garages face the street, the garage doors shall be recessed behind the front elevation (living area, covered porch, or other architectural feature) by a minimum of one (1) foot.

**FINDING:** The proposed townhomes will take access from the alley with the alley-loaded garages setback 18- to 19-feet from the alley. The garages do not face the street. This standard is met.

c. The maximum allowable driveway width facing the street is two (2) feet greater than the width of the garage door. The maximum garage door width per unit is sixty percent (60%) of the total building width. For example, a twenty (20) foot wide unit may have one 12-foot wide recessed garage door and a fourteen (14) foot wide driveway. A 24-foot wide unit may have a 14-foot, 4-inch wide garage door with a 16-foot, 4-inch wide driveway.

The driveway and garage doors face the alley rather than SW 2<sup>nd</sup> Street. However, the width of the driveway and garage door meet this standard as shown on the submitted plans, with the garage door approximately 59% of the total building width and the driveway two (2) feet wider than the garage door.

**FINDING:** As discussed above, this standard is met.

**4. Building Design:** The intent of the following standards is to make each housing unit distinctive and to prevent garages and blank walls from being a dominant visual feature.

a. The front facade of a townhome may not include more than forty percent (40%) of garage door area.

**FINDING:** The garage door is on the rear of the townhome and therefore the front façade contains 0% garage door. This standard is met.

b. The roofs of each attached townhome must be distinct from the other through either separation of roof pitches or direction, variation in roof design, or architectural feature. Hipped, gambrel, gabled, or curved (i.e. barrel) roofs are required. Flat roofs are not permitted.

The roofs of the two townhomes are distinct from each other in that they are individually pitched, gabled roofs with gabled covered entries.

**FINDING:** As discussed above, the roofs of each townhome are distinct from the other and, therefore, the proposal meets this standard.

**c. A minimum of fifty percent (50%) of the residential units within a block's frontage shall have a front porch in the MDRH zone. Front porches may encroach six (6) feet beyond the perimeter foundation into front yard, street-side yard, and landscape corridor setbacks for neighborhood routes and collectors, and ten (10) feet for arterials, and are not subject to lot coverage limitations, in both the MDRH and HDR zones. Porches may not encroach into the clear vision area, as defined in Section 16.58.010**

**FINDING:** This standard is not applicable because this property is located within the RC zone, but it should be noted that front porches are proposed.

**d. Window trim shall not be flush with exterior wall treatment for all windows facing public right-of-ways. Windows shall be provided with architectural surround at the jamb, head and sill.**

**FINDING:** Shutters and trim molding pieces are shown around each window. The application meets this standard.

**e. All building elevations visible from the street shall provide doors, porches, balconies, windows, or architectural features to provide variety in facade. All front street-facing elevations, and a minimum of fifty percent (50%) of side and rear street-facing building elevations, as applicable, shall meet this standard. The standard applies to each full and partial building story. Alternatively, in lieu of these standards, the Old Town Design Standards in Chapter 16.162 may be applied.**

**FINDING:** The location of this property in Old Town requires application of the Old Town Design Standards, as discussed further in this report under Chapter 16.162. This standard has been met.

**f. The maximum height of all townhomes shall be that of the underlying zoning district standard, except that: twenty-five percent (25%) of townhomes in the MDRH zone may be 3-stories, or a maximum of forty (40) feet in height if located more than one-hundred fifty (150) feet from adjacent properties in single-family (detached) residential use.**

**FINDING:** Both townhomes will be 31 feet in height, meeting the RC zoning standard of a maximum height of 50 feet. This standard has been met.

**5. Vehicular Circulation: All streets shall be constructed in accordance with applicable City standards in the Transportation System Plan. The minimum paved street improvement width shall be:**

**a. Local Street: Twenty-eight (28) feet, with parking allowed on one (1) side.**

**b. Neighborhood Route: Thirty-six (36) feet, with parking on both sides.**

**c. Collector: Thirty-four (34) feet with parking on one side, fifty (50) feet with parking on both sides.**

**d. In lieu of a new public street, or available connection to an existing or planned public street, a private 20 foot minimum driveway, without on-street parking, and built to public improvement standards, is allowed for infill properties as defined in Section 16.44.010(D). All townhome developments in excess of thirty (30) units require a secondary access.**

**e. Any existing or proposed street within the townhome block that, due to volumes of traffic, connectivity, future development patterns, or street location, as determined by the City, functions as a neighborhood route or collector or higher functional classification street based on connectivity, shall be constructed to full City public improvement standards.**

No new streets are proposed with this two-unit townhome development. Safe and convenient vehicular access is provided via the alley in the rear of the property. Pedestrian access is provided from the front door to the sidewalk that will be constructed along SW 2<sup>nd</sup> Street.

**FINDING:** As discussed above, this standard is not applicable.

#### **16.58.010 - Clear Vision Areas**

**A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.**

**A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.**

**A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2-1/2) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground.**

**The following requirements shall govern clear vision areas:**

**A. In a residential zone, the minimum distance shall be thirty (30) feet, or at intersections including an alley, ten (10) feet.**

**B. In commercial and industrial zones, the minimum distance shall be fifteen (15) feet, or at intersections including an alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.**

**C. Where no yards are required, buildings may be constructed within the clear vision area.**

The parcels are not located near an intersection. The driveway will be located in the rear and have access at the alley. The plans do not show any impediment to the clear vision area.

**FINDING:** Based on the above discussion, this standard is met.

**B. Division IV – Planning Procedures**

**Chapter 16.82 Conditional Uses**

**16.82.020.C**

**Use Criteria**

**No conditional use shall be granted unless each of the following is found:**

**1. All public facilities and services to the proposed use, including but not limited to sanitary sewers, water, transportation facilities, and services, storm drains, electrical distribution, park and open space and public safety are adequate; or that the construction of improvements needed to provide adequate services and facilities is guaranteed by binding agreement between the applicant and the City.**

This property is located in Old Town Sherwood, where significant investment has been made in transportation and utility infrastructure in recent years. This site is served by PGE for electrical service and is less than ¼ mile from Stella Olsen Park. Old Town Sherwood is frequently patrolled by Sherwood Police and is the location of the City Hall and Library. All public facilities and services to the proposed townhomes are adequate to serve the development. The applicant will participate in the on-going maintenance of these infrastructure and services via system development charges (SDCs), utility bills and property taxes.

**FINDING:** As discussed above, this standard is met.

**2. Proposed use conforms to other standards of the applicable zone and is compatible with abutting land uses in regard to noise generation and public safety.**

The townhome use is compatible to other housing and commercial development in Old Town. This moderate level of density is an efficient use of land in an area where urban services are available. Excessive noise generation or threat to public safety is not anticipated with this townhouse development.

**FINDING:** As discussed above, this standard is met.

**3. The granting of the proposal will provide for a facility or use that meets the overall needs of the community and achievement of the goals and/or policies of the Comprehensive Plan, the adopted City of Sherwood Transportation System Plan and this Code.**

As this is a residential development, the housing goals of the Sherwood Comprehensive Plan are applicable. Two housing objectives (Comprehensive Plan Chapter 4, Land Use, Section E.2.A) are to (1.) encourage the formation of balanced neighborhoods with a mix of residential, commercial, institutional and recreational uses appropriate to local resident needs, and to (2.) to seek to provide housing which meets local needs with regard to style, price, density, quality and energy efficiency. One policy strategy

listed to help meet this objective is to locate higher density residential developments so as to take advantage of arterial and major collector streets; nearby shopping, parks, mass transit and other major public facilities and services. Single-family attached dwelling units are scarce in the City and are a practical dwelling type for the Old Town location. This development has safe and convenient, alley-loaded access consistent with the goals and policies of the Transportation System Plan and, as evidenced by this staff report, meets the requirements of this Code.

**FINDING:** As stated above, this standard is met.

**4. Surrounding property will not be adversely affected by the use, or that the adverse effects of the use on the surrounding uses, the neighborhood, or the City as a whole are sufficiently mitigated by the conditions proposed.**

The surrounding properties are developed residentially (though some are zoned commercially and may redevelop over time). There is no evidence in the record to suggest that the proposed 2-unit townhome development will adversely affect surrounding property or uses, the neighborhood, or the City as a whole.

**FINDING:** As discussed above, this standard is met.

**5. The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography and natural features.**

The impacts of this two-unit townhome development can be accommodated on this site considering size, shape, location, topography and natural features. The project complies with the Smockville design standards (as addressed below in Chapter 16.162). There are no sensitive areas or environmental constraints on or within 200-feet of the site, per the Clean Water Services Service Provider Letter.

**FINDING:** As discussed above, this standard is met.

**6. The use as proposed does not pose likely significant adverse impacts to sensitive wildlife species or the natural environment.**

There are no sensitive areas or environmental constraints on or within 200-feet of the site, per the Clean Water Services Service Provider Letter. Therefore, the townhome use does not pose likely significant adverse impacts to sensitive wildlife species or the natural environment.

**FINDING:** As discussed above, this standard is met.

**7. For a proposed conditional use permit in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.070 Highway 99W Capacity Allocation Program, unless excluded herein.**

**FINDING:** This site is within the Old Town Overlay Zone and, as such, this standard is not applicable.

**8. For wireless communication facilities, no conditional use permit shall be granted unless the following additional criteria is found:**

- a. The applicant shall demonstrate to the satisfaction of the City that the wireless communication facility cannot be located in an IP zone due to the coverage needs of the applicant.
- b. The proposed wireless communication facility is designed to accommodate co-location or it can be shown that the facility cannot feasibly accommodate co-location.
- c. The applicant shall demonstrate a justification for the proposed height of the tower or antenna and an evaluation of alternative designs which might result in lower heights.
- d. The proposed wireless communication facility is not located within one-thousand (1,000) feet of an existing wireless facility or that the proposed wireless communication facility cannot feasibly be located on an existing wireless communication facility.
- e. The proposed wireless communication facility is located a minimum of three-hundred (300) feet from residentially zoned properties.

**FINDING:** This application does not include a wireless communication facility; therefore, this section is not applicable.

**9. The following criteria apply to transportation facilities and improvements subject to Conditional use approval (in addition to criteria 1—7) per 16.66. These are improvements and facilities that are (1) not designated in the adopted City of Sherwood Transportation System Plan (TSP), and are (2) not designed and constructed as part of an approved subdivision or partition subject to site plan review.**

- a. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
- b. The project includes provisions for bicycle and pedestrian access and circulation consistent with the Comprehensive Plan, the requirements of this Code, and the TSP.
- c. Proposal inconsistent with TSP: If the City determines that the proposed use or activity or its design is inconsistent with the TSP, then the applicant shall apply for and obtain a plan and/or zoning amendment prior to or in conjunction with conditional use permit approval.
- d. State transportation system facility or improvement projects: The Oregon Department of Transportation (ODOT) shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in Section 1—7 and 9.a—9.d. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.

**FINDING:** This application does not propose improvements to transportation facilities; therefore, this section is not applicable.

**D. Additional Conditions**

In permitting a conditional use or modification of an existing conditional use, additional conditions may be applied to protect the best interests of the surrounding properties and neighborhoods, the City as a whole, and the intent of this Chapter. These conditions may include but are not limited to the following:

1. Mitigation of air, land, or water degradation, noise, glare, heat, vibration, or other conditions which may be injurious to public health, safety or welfare in accordance with environmental performance standards.
2. Provisions for improvement of public facilities including sanitary sewers, storm drainage, water lines, fire hydrants, street improvements, including curb and sidewalks, and other above and underground utilities.
3. Increased required lot sizes, yard dimensions, street widths, and off-street parking and loading facilities.
4. Requirements for the location, number, type, size or area of vehicular access points, signs, lighting, landscaping, fencing or screening, building height and coverage, and building security.
5. Submittal of final site plans, land dedications or money-in-lieu of parks or other improvements, and suitable security guaranteeing conditional use requirements.
6. Limiting the number, size, location, height and lighting of signs.
7. Requirements for the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.
8. Requirements for design features which minimize potentially harmful environmental impacts such as noise, vibration, air pollution, glare, odor and dust.

**FINDING:** This two-unit townhome development does not warrant additional conditions to protect the best interests of the surrounding properties and neighborhoods, the City as a whole, and the intent of this Chapter. This standard is not applicable.

**C. Division VI – Public Infrastructure**

**Chapter 16.106 TRANSPORTATION FACILITIES**

**16.106.020 Required Improvements**

**B. Existing Streets**

**Except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located between the centerline of the right-of-way and the property line of the lot proposed for development. In no event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet.**

This property abuts SW 2<sup>nd</sup> Street, an existing street in need of improvement. The Engineering Department has reviewed the proposal and recommends the applicant be conditioned to provide a ¼ street improvement along the frontage of SW 2<sup>nd</sup> Street with a new curb and gutter, full depth A/C replacement out 2' from the end of the gutter, a 1" grind and overlay of the existing AC pavement, a 5-foot-wide non-meandering sidewalk, street trees and street lighting. The Engineering Department's recommendations are attached as Exhibit B.

**FINDING:** As stated above, this standard is not met but can be met if the applicant is conditioned to provide the improvements identified by the Sherwood Engineering Department and discussed later in this report.

**D. Extent of Improvements**

**1. Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards. Streets shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicant may be required to dedicate land for required public improvements only when the exaction is directly related to and roughly proportional to the impact of the development.**

**2. If the applicant is required to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist, as determined by the City:**

**a. A partial improvement is not feasible due to the inability to achieve proper design standards;**

**b. A partial improvement may create a potential safety hazard to motorists or pedestrians.**

**c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;**

**d. The improvement would be in conflict with an adopted capital improvement plan;**

**e. The improvement is associated with an approved land partition on property zoned residential use and the proposed land partition does not create any new streets; or**

**f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project that would contribute only a minor portion of the anticipated future traffic on the street.**

The Engineering Department's recommendations, attached as Exhibit B, indicate that the existing infrastructure needs to be improved to bring the street section up to current City standards. The future improvement guarantee has not been proposed by the applicant.

**FINDING:** As discussed above and in the engineering comments received November 14, 2013, the proposal does not indicate street improvements that have been deemed necessary for this development. This standard can be met if the applicant is conditioned to provide the improvements identified by the Sherwood Engineering Department.

**RECOMMENDED CONDITION:** Prior to final plat approval, the applicant shall Construct ¼ street improvements along SW 2<sup>nd</sup> Street extending along both lots frontage as detailed below:

- a) Install new curb/gutter
- b) Full depth AC replacement extending out 2' from end of gutter. Perform a 1" grind and overlay of the existing AC pavement from the edge of the new full depth pavement section to the center of the road.
- c) Install 5' landscape strip with street trees.
- d) Install 5 non-meandering sidewalk (5' wide is ADA minimum).
- e) Record Public Utility Easement (PUE) for franchise utilities & plants for screening.
- f) Install street lighting based on spacing standards.
- g) In front yard adjacent to 2<sup>nd</sup> Street, replace storm cleanout with a manhole. City PW to provide manhole and offset construction cost of installation.
- h) Replace the existing outdated catch basin with a sumped catch

## **16.106.060 Sidewalks**

### **A. Required Improvements**

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

**2. For Highway 99W, arterials, or in special industrial districts, the City Manager or designee may approve a development without sidewalks if alternative pedestrian routes are available.**

**3. In the case of approved cul-de-sacs serving less than fifteen (15) dwelling units, sidewalks on one side only may be approved by the City Manager or designee.**

### **B. Design Standards**

#### **1. Arterial and Collector Streets**

**Arterial and collector streets shall have minimum eight (8) foot wide sidewalks/multi- use path, located as required by this Code.**

#### **2. Local Streets**

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

**3. Handicapped Ramps**

Sidewalk handicapped ramps shall be provided at all intersections.

C.

**Pedestrian and Bicycle Paths**

Provide bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 330 feet except where prevented by topography, barriers such as railroads or highways, or environmental constraints such as rivers and streams.

SW 2<sup>nd</sup> Street is a local street and, as such, a 5-foot sidewalk is required. The applicant’s submittal shows a 5-foot sidewalk.

**FINDING:** As discussed above, and conditioned previously in this report, this standard is satisfied.

**Chapter 16.110 SANITARY SEWERS**

**16.110.010 Required Improvements**

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

**16.110.020 Design Standards**

**A. Capacity**

Sanitary sewers shall be constructed, located, sized, and installed at standards consistent with this Code, the Sanitary Sewer Service Plan Map in the Sanitary Sewer Master Plan, and other applicable Clean Water Services and City standards, in order to adequately serve the proposed development and allow for future extensions.

**FINDING:** The townhomes will each connect to an existing sanitary sewer main in the alley via private service laterals, one existing and one new. The existing line has capacity and the laterals will be sized appropriately. This standard is met.

**Chapter 16.112 WATER SUPPLY**

**16.112.010 Required Improvements**

Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains or shall construct new mains appropriately sized and located in accordance with the Water System Master Plan.

**16.112.020 Design Standards**

**A. Capacity**

Water lines providing potable water supply shall be sized, constructed, located and installed at standards consistent with this Code, the Water System Master Plan, the City's Design and Construction Manual, and with other applicable City standards and specifications, in order to adequately serve the proposed development and allow for future extensions.

**B. Fire Protection**

All new development shall comply with the fire protection requirements of Chapter 16.116, the applicable portions of Chapter 7 of the Community Development Plan, and the Fire District.

**FINDING:** The townhomes will each connect to an existing water main in the alley via private service laterals, one existing and one new. The existing line has capacity and the laterals will be sized appropriately. Fire protection standards are discussed further in this report. This standard is met.

**Chapter 16.114 STORM WATER**

**16.114.010 Required Improvements**

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

**16.114.020 Design Standards**

**A. Capacity**

Storm water drainage systems shall be sized, constructed, located, and installed at standards consistent with this Code, the Storm Drainage Master Plan Map, attached as Exhibit E, Chapter 7 of the Community Development Plan, other applicable City standards, the Clean Water Services Design and Construction standards R&O 04-9 or its replacement, and hydrologic data and improvement plans submitted by the developer.

**B. On-Site Source Control**

Storm water detention and groundwater recharge improvements, including but not limited to such facilities as dry wells, detention ponds, and roof top ponds shall be constructed according to Clean Water Services Design and Construction Standards.

**C. Conveyance System**

The size, capacity and location of storm water sewers and other storm water conveyance improvements shall be adequate to serve the development and accommodate upstream and downstream flow. If an upstream area discharges through the property proposed for development, the drainage system shall provide capacity to the receive storm water discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in storm water caused by new development, provisions shall be made by the developer to increase the downstream capacity or to provide detention such that the new development will not increase the storm water caused by the new development.

**16.114.030 Service Availability**

**Approval of construction plans for new storm water drainage facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing storm water drainage systems shall include certification by the City that existing or proposed drainage facilities are adequate to serve the development.**

The City Engineering Department's review of this development finds a deficiency in the storm cleanout in the front yard on SW 2<sup>nd</sup> Street and an outdated catchbasin. The applicant will need to replace the storm cleanout with a manhole. City Public Works will provide the manhole and offset the construction cost of installation. The applicant will need to replace the outdated catchbasin with a sumped catchbasin.

**FINDING:** As discussed above, the existing stormwater collection and conveyance system is out of date. However, this standard could be met if the applicant is conditioned as proposed earlier in this report to provide the improvements identified by the Sherwood Engineering Department.

## **Chapter 16.116 FIRE PROTECTION**

### **16.116.010 Required Improvements**

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

### **16.116.020 Standards**

#### **A. Capacity**

**All fire protection facilities shall be approved by and meet the specifications of the Fire District, and shall be sized, constructed, located, and installed consistent with this Code, Chapter 7 of the Community Development Plan, and other applicable City standards, in order to adequately protect life and property in the proposed development.**

#### **B. Fire Flow**

**Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty (20) pounds per square inch residual pressure. Water supply for fire protection purposes shall be restricted to that available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists.**

#### **C. Access to Facilities**

**Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further**

prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.

#### **D. Hydrants**

Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.

### **16.116.030 Miscellaneous Requirements**

#### **A. Timing of Installation**

When fire protection facilities are required, such facilities shall be installed and made serviceable prior to or at the time any combustible construction begins on the land unless, in the opinion of the Fire District, the nature or circumstances of said construction makes immediate installation impractical.

#### **B. Maintenance of Facilities**

All on-site fire protection facilities, shall be maintained in good working order. The Fire District may conduct periodic tests and inspection of fire protection and may order the necessary repairs or changes be made within ten (10) days.

#### **C. Modification of Facilities**

On-site fire protection facilities, may be altered or repaired with the consent of the Fire District; provided that such alteration or repairs shall be carried out in conformity with the provisions of this Chapter.

**FINDING:** This residential development is within 500-feet of a hydrant with adequate flow. Access to the site is in compliance with fire district standards. This standard has been met.

### **Chapter 16.118 PUBLIC AND PRIVATE UTILITIES**

#### **16.118.020 Standard**

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

**B.** Public utility easements shall be a minimum of eight (8) feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.

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

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

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

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

#### **16.118.030 Underground Facilities**

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

**FINDING:** Per the applicant's proposal, utilities will be sized and installed properly. Public utility easements are not required in the Old Town Overlay. This standard has been met.

### **D. Division VII – Land Divisions, Subdivisions, Partitions, Lot Line Adjustments and Modifications**

#### **Chapter 16.122 LAND PARTITIONS**

##### **16.122.020 Approval Criteria: Preliminary Plat**

**Partitions shall not be approved unless:**

**A. The partition complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX, and complies with Chapter 16.128 (Land Division Design Standards).**

The partition complies with all applicable zoning district standards and design standards in Division II and all provisions of Divisions IV and VI, as discussed above, and all provisions of Divisions VIII and IX and Chapter 16.128 as discussed further in this report.

**FINDING:** As discussed above, this standard is met.

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

SW 2<sup>nd</sup> Street and the alley are of adequate width and there are no parks or floodplains on this property.

**FINDING:** No dedications are necessary in association with this partition and, therefore, this standard is met.

**C. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land, as determined by the City and are in compliance with City standards. For the purposes of this section:**

- 1. Connection to the City water supply system shall be deemed to be adequate water service.**
- 2. Connection to the City sewer system shall be deemed to be adequate sanitary sewer service if sewer lines are within three-hundred (300) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within three-hundred (300) feet.**
- 3. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.**

Water facilities, storm sewer facilities, sanitary sewer facilities, private utilities and streets exist with capacity to support the townhome development.

**FINDING:** As discussed above, this standard is met.

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

The partition of this property will not impact the ability of any other property to develop in the future. All surrounding land has access to a public street and alley.

**FINDING:** As discussed above, this standard is met.

**E. Future Development Ability**

In addition to the findings required by Section 16.122.010, the City Manager or his/her designee must find, for any partition creating lots averaging one (1) acre or more, that the lots may be re-partitioned or resubdivided in the future in full compliance with the standards of this Code. The City Manager or his/her designee may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If re-partitioning or resubdividing in full compliance with this Code is determined not to be feasible, the City Manager or his/her designee shall either deny the proposed partition, require its redesign, or make a finding and condition of approval that no further partitioning or subdivision may occur, said condition to be recorded against the property.

**FINDING:** The lots created by this partition will be 2,508 square feet each and, as such, this standard is not applicable.

**Chapter 16.128 LAND DIVISION DESIGN STANDARDS**

**16.128.010 Blocks**

**A. Connectivity**

**1. Block Size**

The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.

## **2. Block Length**

Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.

**3. Pedestrian and Bicycle Connectivity.** Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.

The length, width and shape of the block were determined with the "Smockville" plat and is consistent with Old Town development. Pedestrian and bicycle connectivity are provided via public streets and alleys. No changes to the block pattern are proposed with this partition.

**FINDING:** As discussed above, this standard is met.

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

No public utilities are proposed on this property. This property will connect to public utilities in the alley via private stubs to the property and, therefore no easements are needed.

**FINDING:** As discussed above, this standard is met.

## **C. Drainages**

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

**FINDING:** This partition is not traversed by a drainageway. This standard is not applicable.

## **16.128.020 Pedestrian and Bicycle Ways**

**Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.**

**FINDING:** As discussed above, pedestrian and bicycle connectivity is provided via public streets and alleys and, therefore, this standard is met.

## **16.128.030 Lots**

### **A. Size and Shape**

Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision or partition, and shall comply with applicable zoning district requirements, with the following exception:

**1. Lots in areas not served by public sewer or water supply shall conform to any special County Health Department standards.**

**FINDING:** The proposed lots are appropriate in size, width, shape and orientation and are served by public water. This standard is met.

**B. Access**

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

**FINDING:** The proposed lots abut SW 2<sup>nd</sup> Street, a public street. This standard is met.

**C. Double Frontage**

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

**FINDING:** The proposed lots front SW 2<sup>nd</sup> Street and back to the alley, as does the existing lot. This is a set orientation that is common to Old Town. This standard is met.

**D. Side Lot Lines Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.**

**FINDING:** The proposed side lot lines run at right angles to SW 2<sup>nd</sup> Street and the alley. This standard is met.

**E. Grading**

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

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

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

This site is relatively flat and very little grading is required. All grading standards will be met.

**FINDING:** As discussed above, this standard is met.

**E. Division VIII– Environmental Resources**

**Chapter 16.142 PARKS, TREES and OPEN SPACES**

**16.142.060 Street Trees**

**A. Installation of Street Trees on New or Redeveloped Property.**

**Trees are required to be planted to the following specifications along public streets abutting or within any new development or re-development. Planting of such trees shall be a condition of development**

approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.

**1. Location:** Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.

**2. Size:** Trees shall have a minimum trunk diameter of two (2) caliper inches, which is measured six inches above the soil line, and a minimum height of six (6) feet when planted.

**3. Types:** Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.

**4. Required Street Trees and Spacing:**

a. The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in section 16.142.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.

b. All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.

c. A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:

(1) Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or

(2) There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and

(3) The street trees are spaced as close as possible given the site limitations in (1) and (2) above.

(4) The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.

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

The applicant has proposed two Cleveland Norway Maples, which are listed on the City's recommended street tree list. The trees will be a minimum of 2" DBH and 6' tall and will be planted along the SW 2<sup>nd</sup> Street frontage. The canopy for this type of tree is 30 feet and, therefore, the spacing should be 30 feet. The applicant does not show that installing street trees consistent with this chapter are exempt from the size and spacing requirements.

**FINDING:** As discussed above, this standard is not met, and the following condition is recommended.

**RECOMMENDED CONDITION:** Prior issuing building permits, the applicant shall provide the Planning department with a revised site plan that provides a street tree from the City's recommended street tree list that is planted in accordance with the spacing standards of 16.142.060.

#### **16.142.070 Trees on Property Subject to Certain Land Use Applications**

##### **D. Retention requirements**

**4. The City may determine that, regardless of D.1 through D.3, that certain trees or woodlands may be required to be retained. The basis for such a decision shall include; specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:**

**a. Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or**

**b. A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or**

**c. Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Clean Water Services stormwater management plans and standards of the City Comprehensive Plan, or**

**d. Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or**

**e. Otherwise merit retention because of unusual size, size of the tree stand, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.**

**5. Tree retention requirements for properties located within the Old Town Overlay or projects subject to the infill standards of Chapter 16.68 are only subject to retention requirements identified in D.4. above.**

The applicant's submittal materials include a Tree Inventory and Report provided by Burness L/S landscape & Maintenance. In the report, two apple trees with decayed trunks are proposed for removal

from Lot 7 (location of the townhomes). The apple trees do not meet any of the retention requirements identified in D.4 above, as they are not in a significant natural area, are not protecting other trees, are not necessary for soil stability or erosion control, and are not particularly notable in size, species, historic association or wildlife habitat. Therefore, retention of the two apple trees is not warranted.

**FINDING:** As discussed above, this standard is met.

**F. Division IX – Historic Resources**

**Chapter 16.162 OLD TOWN OVERLAY DISTRICT (OT)**

**16.162.040 Conditional Uses**

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Division VIII, and are approved in accordance with Chapter 16.82:

**A. Uses permitted as conditional uses in the RC zone, Section 16.28.020, HDR zone, Section 16.20.020, and the MDRL zone, Section 16.16.020, provided that uses permitted as conditional uses on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by Section 16.162.030 and this Section.**

**B. Townhouses (shared wall single-family attached) subject to Chapter 16.44. In addition, any garages shall use alley access. RC zone setback standards may be used in lieu of other applicable standards.**

**FINDING:** Townhouses are a conditional use in the Old Town Overlay District and, therefore, this application is for a conditional use permit for townhouses in Old Town. This standard is met.

**16.162.060 Dimensional Standards**

In the OT overlay zone, the dimensional standards of the underlying RC, HDR and MDRL zones shall apply, with the following exceptions:

**A. Lot Dimensions - Minimum lot area (RC zoned property only): Twenty-five hundred (2,500) square feet.**

**FINDING:** The proposed lots are zoned RC and will be 2,508 square feet each, exceeding the 2,500 square foot minimum on RC lots in Old Town. This standard is met.

**B. Setbacks – Minimum yards (RC zoned property only): None, including structures adjoining a residential zone, provided that Uniform Building Code, Fire District regulations, and the site design standards of this Code, not otherwise varied by this Chapter, are met.**

**FINDING:** This property is located in the RC zone and, therefore, no setbacks are required. However, the applicant proposes 6' side yards, 15' front yards, and 18' rear yards. This standard is met.

- C. **Height** - The purpose of this standard is to encourage 2 to 4 story mixed-use buildings in the Old Town area consistent with a traditional building type of ground floor active uses with housing or office uses above.

Except as provided in Section 16.162.080, subsection C below, the maximum height of structures in RC zoned property shall be forty (40) feet (3 stories) in the "Smockville Area" and fifty (50) feet (4 stories) in the "Old Cannery Area". Limitations in the RC zone to the height of commercial structures adjoining residential zones, and allowances for additional building height as a conditional use, shall not apply in the OT overlay zone. However, five foot height bonuses are allowed under strict conditions. Chimneys, solar and wind energy devices, radio and TV antennas, and similar devices may exceed height limitations in the OT overlay zone by ten (10) feet.

**Minimum height:** A principal building in the RC and HDR zones must be at least sixteen (16) feet in height. (Ord. 2006-009 § 2)

**FINDING:** The height of the proposed townhomes is 31 feet (2 stories) and, therefore, this standard is met.

#### **16.162.070 - Community Design**

Standards relating to off-street parking and loading, environmental resources, landscaping, historic resources, access and egress, signs, parks and open space, on-site storage, and site design as per Divisions V, VIII and this Division shall apply, in addition to the Old Town design standards below:

##### **C. Off-Street Parking**

For all property and uses within the "Smockville Area" of the Old Town Overlay District off-street parking is not required. For all property and uses within the "Old Cannery Area" of the Old Town Overlay District, requirements for off-street automobile parking shall be no more than sixty-five percent (65%) of that normally required by Section 16.94.020. Shared or joint use parking agreements may be approved, subject to the standards of Section 16.94.010.

**FINDING:** Although no parking is required for this property as it is within the "Smockville Area" of the Old Town Overlay District, the applicant proposes a garage for the dwelling. The applicant meets this criterion.

**G. Downtown Street Standards** - All streets shall conform to the Downtown Street Standards in the City of Sherwood Transportation System Plan and Downtown Streetscape Master Plan, and as hereafter amended. Streetscape improvements shall conform to the Construction Standards and Specifications, and as hereafter amended.

This property abuts SW 2<sup>nd</sup> Street, an existing street in need of improvement. The Engineering Department has reviewed the proposal and recommends the applicant be conditioned to provide a ¼ street improvement along the frontage of SW 2<sup>nd</sup> Street with a new curb and gutter, full depth A/C replacement out 2' from the end of the gutter, a 1" grind and overlay of the existing AC pavement, a 5-

foot-wide non-meandering sidewalk, street trees and street lighting. The Engineering Department's recommendations are attached as Exhibit B.

**FINDING:** Based on the above discussion, the applicant has not met this criterion, but can do so by complying with the condition recommended previously in this report as it pertains to the ¼ street improvement.

**H. Color - The color of all exterior materials shall be earth tone. A color palette shall be submitted and reviewed as part of the land use application review process and approved by the hearing authority.**

The applicant proposes materials comprised of off-white and grey tones as well as other elements that are earth toned. The applicant has submitted a color palette and pictures for approval of the hearing authority.

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

#### **16.162.090 OLD TOWN SMOCKVILLE DESIGN STANDARDS**

##### **RESIDENTIAL STRUCTURES**

Historically, the Old Town District contained both commercial and residential structures, often intermixed on the same block. Today, many of the city's oldest residential structures remain as private dwellings while others have been converted to professional office or other commercial uses. The following standards are intended to reinforce the traditional mixed architectural character of the district and apply equally to all residential designs, including those now used for other commercial purposes, such as professional offices, restaurants, antique stores, and other similar uses. However, the International Building Code still dictates any requirements for interior remodeling.

##### **Residential Standard 1: Volume & Mass**

Historically, residential architecture in the Old Town core was comprised of multiple volumes or articulations, with extended porches, intersecting roof lines, dormers, and other features creating a complex whole rather than a single large volume. To maintain that traditional visual character the following standards apply:

**a. Verticality: Buildings shall have a generally vertical character or are comprised of a primary vertical element surrounded by more horizontally appearing wings.**

The townhome design includes gabled roofs and an additional gabled front porch cover. Second story decks project on the front of the homes. The roof lines are distinct but intersect above the second story of the structure. The front porch extends from the front of the home.

**FINDING:** As discussed above, this standard is met.

**b. Complexity: Single large volumes are prohibited. Total area shall be contained within a minimum of two intersecting volumes, one of which may be a porch under a separate roof element. An attached garage does not constitute a second volume for purposes of this standard.**

The front porches are under a separate gable and second story decks break up the large volume.

**FINDING:** As discussed above, this standard is met.

**c. Height: No building may be greater than 40 feet in overall height. Major roof ridges shall be no lower than 16 feet in height. [Note: this lower limit is designed to encourage steeper gables as opposed to low-pitched roof forms]**

The height of the townhomes is proposed to be 31 feet.

**FINDING:** As discussed above, this standard is met.

### **Residential Standard 2: Roof Forms**

Roofs play a significant role in the overall character of a structure and, in combination with Standard 1, shelter the complex volumes typical of the traditional development pattern.

**a. Pitch: Roof pitches of less than 6/12 for gables are prohibited. Roof pitches of less than 5/12 for hipped roofs are prohibited. Flat roofs visible from the street are prohibited. An exception to this standard may be made for porch roofs attached to the primary volume.**

**b. Complexity: As per Standard 1(B), single large roof forms are prohibited. A single roof form with two or more dormers is considered a complex roof form and accordingly will meet this Standard.**

**c. Materials: Roofs shall be of historically appropriate materials, including asphalt shingle, wood shingle, or wood shake. The use of metal roofing, concrete tile roofing, hot-mopped asphalt, rolled asphalt, terra cotta tiles and other non-historic materials are prohibited in view of the public right-of-way.**

There are no flat roofs visible from the street. The pitches of the main roof and of the porch cover are both 14/12. The roof of each townhome is pitched separately. The applicant proposes asphalt shingle roofing material.

**FINDING:** As discussed above, this standard is met.

### **Residential Standard 3: Siding/Exterior Cladding**

Generally, vertical appearance of historic volumes in Sherwood was typically balanced by strong horizontal wood siding. The following standard requires a continuation of this horizontal character. All structures shall employ one or more of the following siding types:

- **Horizontal wood siding, maximum 8" exposed to weather: Concrete or manufactured wood-based materials are acceptable under this Standard. This includes so-called "Cottage Siding" of wide panels scored to form multiple horizontal lines. Applicants are strongly encouraged to use smooth surfaces,**

not "rustic" or exposed wood grain pattern materials, which are inconsistent with Sherwood's architecture.

- Wood Shingle siding (painted shingles are preferred, with a maximum 12" to weather)
- True board and batten vertical wood siding, painted
- Brick
- Brick and stone veneer (see below)

The applicant proposes a variety of materials including narrow Hardie Lap, Hardie Board & Batt siding and Hardie Shingles, a form of concrete material. Cultured stone is proposed as a trim material. All of these materials are permitted materials.

**FINDING:** As discussed above, this standard is met.

#### **Residential Standard 4: Trim and Architectural Detailing**

The vernacular residential architecture of Sherwood reflects the construction techniques of the late 19th and early 20th century, when buildings had "parts" that allowed for easy construction in a pre-power saw era. Today, many of these traditional elements are considered "trim," as newer materials better shed water and eliminate the original functional aspects of various historic building elements. This Standard provides for sufficient architectural detail within the Old Town Area to assure compatibility between new and old construction and create a rich and visually interesting streetscape. All residential construction shall employ at least FOUR (4) of the following elements to meet this Standard:

- Water table or decorative foundation treatments (including stucco)
- Corner boards
- Eave Returns
- Stringcourse or other horizontal trim at plate or floor levels
- Eave brackets or support elements
- Bargeboards/Raking cornice (decorative roof "edge" treatments)
- Decorative projecting rafter tails
- Decorative gable end wall details, including change of materials (shingle bands), decorative venting, eave compass features and similar
- Wide cornice-level frieze and wall treatments.

The applicant proposes to use four of these materials, including 5/4 corner boards, bargeboard with 5/4 shake mold trim, decorative Gable Ends using knee braces and a 2x10 Belly Band between floors and at gable separation. Decorative window shutters are also proposed.

**FINDING:** As discussed above, this standard is met.

#### **Residential Standard 5: Openings [Windows & Doors]**

**Doors and windows form the "eyes" and "mouth" of a building and play a significant role in forming its character.**

#### **Windows**

**a. Verticality: All windows will reflect a basic vertical orientation with a width-to-height ratio of 1.5 to 2, or greater (i.e., a 24" wide window must be a minimum 36" tall). Larger window openings shall be formed by combining multiple window sash into groupings.**

**b. Types: The following windows types are permitted:**

- 1. Single and double hung windows.**
- 2. Hopper and transom-type windows.**
- 3. Casement windows.**
- 4. Any combination of the above, including groupings containing a central single pane fixed window flanked by two or more operable windows.**
- 5. Glass block windows.**
- 6. Fixed leaded or stained glass panels.**

The applicant proposes three 26x50 windows with 26x10 transoms above on the front. All other windows meet the width to height ratio of 1.5 to 2.

**FINDING:** As discussed above, this standard is met.

**c. Lights: (internal divisions of window, formed by "muntins" or "mullions") True-divided lights are preferred. "Pop-In" or fake muntins are not historic, nor appropriate within Sherwood's vernacular tradition, and are prohibited when visible from the public right-of-way.**

The applicant proposes windows with mullions on some of the windows. A mullion is a heavy vertical or horizontal member between adjoining window units. Muntins are the narrow strips of wood that divide the individual panes of glass in a traditional sash. In the case of so-called "simulated divided lites," grilles resembling muntins are either sandwiched between double glass panes or else installed over the outer surface of the glass to give a divided look. In this case, the standard is categorized as "preferred."

**FINDING:** As discussed above, this standard is met.

#### **Doors**

**a. Transparency: Primary entry doors will retain a degree of transparency, with no less than 25% of the surface being glazed, either in clear, leaded, or stained glass materials. Solid, flat single, panel doors are prohibited.**

**b. Materials: Doors may be of wood, metal-clad wood, or metal. Other materials that can be painted or stained, such as cast fiberglass, so as to reflect traditional materials are permitted.**

Front and back doors are clad wood with a transom above and have windows on all doors. The upstairs balcony doors are primarily glass windows.

**FINDING:** As discussed above, this standard is met.

#### **Trim**

**a. Sills:** All windows will have a projecting sill and apron.

**b. Side and Head Casing:** Door and window trim will including side and head casing that sits no less than ½" proud of the surrounding wall surface. Trim mounted in plane with siding is not permitted in the Old Town area. Trim mounted atop siding is not recommended.

**c. Other Trim Elements:** As discussed in Standard 4, above, the use of trim to articulate the construction process was a standard character-defining element of Sherwood's vernacular architecture. Although not required by this Standard, the use of the following traditional door and window trim elements are encouraged, particularly on the primary facade.

- Simple window "hoods," mounted over the window opening. Such features are traditionally treated as pents and clad with roofing material
- Parting bead, between the side and head casings
- Crown moldings
- Decorative corner elements at the head, apron, or both
- Single or dual flanking sidelights at entryways
- Transom windows above the major door or window openings

All of the windows have a projecting sill and apron at least ½" thick. Windows and exterior doors have trim and most have decorative shutters.

**FINDING:** As discussed above, this standard is met.

#### **Residential Standard 6: Porches/Entrances**

In combination with doors, front porches help create a "sense of entry" and typically serve as the focal point of the front-facing facade of the structure. Porches should be encouraged and adequately detailed to create that sense of entry and serve as a primary element of the exterior character.

**a. Depth:** Projecting or recessed porches should be a minimum of five (5) feet deep. Projecting covered stoops should be a minimum of three (3) feet deep.

**b. Width:** Projecting or recessed porches should be a minimum of ten (10) feet wide or 25% of the primary facade width, whichever is the lesser. Projecting covered stoops should be a minimum of five (5) feet wide.

**c. Supports:** To assure appropriate visual weight for the design, vertical porch supports shall have a "base" of no less than six (6) inches square in finished dimension from floor level to a minimum 32" height. Upper posts shall be no less than four (4) inches square.

**1. Base features may be of boxed wood, brick, stone, true stucco, or other materials that reflect a support structure. The use of projecting "caps" or sills is encouraged at the transition between the base and column.**

**2. When the entire support post is a minimum of six (6) inches square no base feature is required.**

**3. Projecting covered stoops, with no full-height vertical support, shall utilize members of no less than four (4) inches square.**

The applicant is proposing a covered front porch area. The front stoop area projects 3-feet out and is 10-feet wide. The vertical porch supports are at least 6" square. The stoop is covered with a gabled roof and decorative ends.

**FINDING:** As discussed above, this standard is met.

#### **Residential Standard 7: Landscape, Fencing, and Perimeter Definition**

Fencing or other edge-defining perimeter features, including the use of landscape materials, are traditional elements in Old Town Sherwood's residential areas. Please refer to Chapter 16.92 of the SZCDC for applicable landscaping standards and requirements. In addition to those provisions, such features within the Smockville Area shall also comply with the following Standard to maintain the area's character.

**a. Materials:** The following fencing materials are permitted in the Smockville Area:

**1. Brick**

**2. Concrete, including concrete block, "split faced" concrete block and similar.**

**3. Stone**

**4. Wood, including vertical or horizontal board, pickets, split rail, and similar traditional fence designs.**

The applicant proposes a good neighbor fence running the perimeter of the property and comprised of wood. Where allowed, the fence will be six feet tall. Flower beds are proposed in the front yard.

**FINDING:** As discussed above, this standard is met.

#### **Residential Standard 8: Additions to Existing Buildings**

**a. Compatibility:** Additions to existing properties will continue the existing character of the resource or return to the documented original character in scale, design, and exterior materials. The creation of

non-documented elements outside the traditional vernacular character such as towers, turrets, elaborate surface decoration and similar "earlying-up" is prohibited.

**b. Attachment:** Additions should "read" as such, and be clearly differentiated from the historic portion of the structure and shall be offset or "stepped" back from the original volume a minimum of four (4) inches to document the sequence of construction. An exception to this standard is allowed for the reconstruction of previously existing volumes that can be documented through physical or archival evidence.

**c. Non-Compatible Materials:** Repair of existing non-compatible materials is exempt from Standard 8(A). Rear-facing additions to existing buildings may continue the use of these materials so long as they are a continuation of the attached materials.

No additions are proposed.

**FINDING:** This criterion is not applicable to the proposed development.

**Residential Standard 9: Front-Facing Presentation**

Traditionally, the portions of a structure facing the public right of way were considered the most important for presenting an aesthetically pleasing appearance. Skylights were not used, and there was very little venting since the structures were not tightly enclosed and wrapped as they are today. Therefore, keeping all modern looking venting and utilities to the side that is not visible from the public right of way is important and greatly adds to the appearance.

**a. Skylights:** Skylights shall be placed on the side of the structure not visible from the public right of way, and shall be of a low profile design.

**b. Roof vents:** Roof vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material. Where possible, a continuous ridge vent is preferred over roof jacks for venting purposes. In the case of using a continuous ridge vent with a vintage structure, care should be taken in creating inconspicuous air returns in the eave of the building.

**c. Plumbing vents:** Vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material.

The applicant has not proposed skylights. The roof and plumbing vents are not visible on the elevations in a manner that would suggest that they would be visible from the street.

**FINDING:** The applicant's materials demonstrate that the design of the townhomes would comply with the Residential Design standards.

**STAFF RECOMMENDATION**

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's revised submittal, staff finds that the requested approval can comply with the applicable standards of the SZCDC. Therefore, staff recommends land use **approval of File No: CUP 13-02/MLP 13-03 Old Town Townhomes.**

## VI. CONDITIONS OF APPROVAL

### A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to the plat as required by these conditions of approval, to the plans, standards, and specifications of the City of Sherwood. The developer shall also provide to the City financial guarantees for construction of all public streets and utilities within and adjacent to the plat, as required by the engineering compliance agreement.
3. **The Conditional Use runs with the property, but the Minor Land Partition approval is valid for a period of one (1) year from the date of the decision notice.** Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
4. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
5. Placement of construction trailers or temporary storage containers on the subject property shall require a Temporary Use Permit per Section 16.86 of the SZCDC.
6. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.

### B. Prior to issuance of grading or erosion control permits from the Building Department:

1. Obtain Building Department permits and approval for erosion control and grading on private property and Engineering Department permits and approval for all grading in the public right of way.

### C. Prior to Approval of the Final Plat:

1. Prior to final plat approval, the applicant shall Construct  $\frac{1}{4}$  street improvements along SW 2<sup>nd</sup> Street extending along both lots frontage as detailed below:
  - a) Install new curb/gutter
    1. Full depth AC replacement extending out 2' from end of gutter. Perform a 1" grind and overlay of the existing AC pavement from the edge of the new full depth pavement section to the center of the road.
  - b) Install 5' landscape strip with street trees.
  - c) Install 5 non-meandering sidewalk (5' wide is ADA minimum).

- d) Record Public Utility Easement (PUE) for franchise utilities & plants for screening.
  - e) Install street lighting based on spacing standards.
  - f) Replace the existing outdated catch basin with a sumped catch basin
2. Obtain approval from the Engineering Department of the public improvement plans and signature of a compliance agreement must be complete prior to release of the plat to the County for review. In addition, prior to final plat approval, either all on-site work must be complete or the improvements bonded or guaranteed with a cash deposit.
  3. The final plat shall show the following:
    - a. The Planning Manager as the City's approving authority within the signature block of the final plat.
  4. Obtain a Storm Water Connection Permit Authorization from CWS that includes the following:
    - a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.2b.-1 Design and Construction Standards.
    - b. Detailed grading and erosion control plans. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans.
    - c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.

**D. Prior to Issuance of a Building Permit:**

1. The public improvements must be complete and accepted by the City Engineer, and the final plat(s) must be recorded. An approval letter shall be issued from the Engineering Department, accepting all public improvements.
3. Submit an electronic version of the final plat to the planning department.

**F. Prior to Final Occupancy:**

1. Plant the approved street trees with a minimum trunk diameter of two (2) caliper inches which is measured six inches above the soil line and a minimum of six feet tall.
2. Prior issuing building permits, the applicant shall provide the Planning department with a revised site plan that provides a street tree from the City's recommended street tree list that is planted in accordance with the spacing standards of 16.142.060.

**VII. EXHIBITS**

- A. Applicant's submitted materials October 8, 2013
- B. Engineering comments dated November 14, 2013.
- C. Clean Water Services comments dated November 12, 2013.