

# **TYPE V CONDITIONAL USE,**

# **PUD NARRATIVE**

## **THE SPRINGS AT SHERWOOD**



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**The Springs at Sherwood  
Planned Unit Development – Preliminary Development Plan  
Design Team**

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## **PROJECT DESCRIPTION**

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### **Project Location:**

15667, 15685, 15699, 15704 and 15707 SW Oregon St., Sherwood, OR

### **Zoning Base Zones:**

HDR, MDRH

### **Lots:**

Tax lots 0400, 0401, 0402, 0600, 4300 and 4400

### **Map:**

2S132BA

### **Owner:**

The Springs Living  
640 NE Third  
McMinnville, Oregon 97128

### **Neighborhood:**

Old Town Overlay, Smockville - south portion of the site.

### **School District:**

Sherwood School District

### **General Description:**

The Springs Living (TSL) is a locally owned NW company based in McMinnville, OR. TSL currently owns and operates The Springs at Sherwood, the existing assisted living/memory care facility (formerly Cedar Creek Assisted Living Center). TSL proposes two additions to the existing facility to be completed at the same time. TSL's intent is to continue to operate and maintain the entire facility and site.

The 5.11 acre site has an existing one story building with 31 memory care, 16 assisted living units and a two story portion with 20 assisted living units. The project proposes two separate additions – a two story addition with 20 assisted living units and a three story addition with 70 independent living units. There are 21 existing onsite parking spaces, 62 proposed on-site spaces with a proposed enclosed area at the ground floor with parking for 13 vehicles for a total (existing + proposed) 96 parking spaces. City of Sherwood requires 63 spaces for the proposed and existing use.

### **16.12.010**

The majority of the 5.11 acre site is zoned HDR (High Density Residential – 4.11 acres), but there are four parcels with existing single family homes that are zoned MDRH (Medium Density Residential High – 1.0 acre total). The existing homes are planned to be demolished to clear the site for the proposed project. The existing memory care, assisted living units and proposed assisted living addition units are not counted toward density (per previous director's decision, ADM-13-0 – see attachment).

The assisted living and memory care (Special Care Facilities) are allowed as a conditional use in the MDRH zone and both are permitted in the HDR zone. Multi-family dwelling is permitted in both zones. The site is within the urban renewal boundary and the (3) residential parcels (zoned MDRH) at the south end of the site are within the Old Town Overlay zone (Smockville).

The site is located adjacent to Institutional/Public zones to the west (Sherwood Middle School) and north (St. Francis Parish/School), a MDRH zone and The New Life Assembly of God to the east, and the retail/commercial zones and Medium Density Residential zones of Old Town to the South.

The proposed project conforms to the goals of the City of Sherwood's Comprehensive and Urban Renewal Plans. The Comprehensive Plan identifies as Policy 1 – "Higher density residential development located to take advantage of collector streets, nearby shopping, parks...compatible with existing housing...and encourage the use of Planned Unit Development on sites larger than 5 acres" also Policy 4 – "provide housing and special care for the elderly". The Urban Renewal Plan indicates the desire to "promote private development in Old Town". The Springs at Sherwood will help the City attain the goal of encouraging balanced neighborhoods and to help Old Town/Smockville be a great place to live.

### **16.40.020**

In conversations with the Sherwood Planning department and in the pre-application meeting the City of Sherwood recommended applying for a conditional use for the special care facilities as required in the MDRH zone and a PUD because of the constraints of the site due to configuration, zoning and density. Per the PUD purpose statement (section 16.40.010) "The PUD process allows creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning...". "PUDs shall be considered on sites that are unusually constrained because of site configuration...on parcels within the Urban Renewal District where flexibility and creativity in design may result in greater public benefit."

The proposed project will be a positive addition to the Sherwood community with independent senior living located at the north end of the pedestrian walk that leads into the center of Old Town. The site is near the Library, City Offices, Cannery Square, the senior community center, Stella Olson Memorial Park and the site is also on the route of the Robin Hood Summer Parade. The project proposes to add a public plaza at the south end of the site along Oregon St. as well as other outdoor areas for the residents. Internally, a resident wellness center, exercise, activity, game, movie room and beauty salon will be provided along with a resident dining room and full kitchen. TSL's intent is to provide safe, healthy and active environment for Sherwood's aging population, jobs for the community and an efficient use of the available land and resources.

The design team is requesting:

- 1.) Conditional Use for the special care facility
- 2.) PUD

## **PROPOSED USES**

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### **Project Building Use:**

#### **EXISTING MEMORY CARE/ASSISTED LIVING**

#### **EXISTING CONSTRUCTION:**

**31 memory care and 16 assisted living units in an existing one story portion of the building and 20 assisted living units in an existing two story portion of the building for a total of 67 Special Care Facility units.**

32,327 SF (1st Flr.) + 9,738 SF (2nd Flr.)

= **42,065 SF Total Existing Assisted Living Memory Care building**

### **PROPOSED ASSISTED LIVING ADDITION:**

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#### **PROPOSED CONSTRUCTION:**

**20 assisted living units in a two story addition to the existing building.**

6,385 SF (1st Flr.) + 6,385 SF (2nd Flr.)  
= **12,770 SF Total Proposed Assisted Living Addition**

**PROPOSED INDEPENDENT LIVING ADDITION**

**PROPOSED CONSTRUCTION:**

**70 Independent Living units in a three story addition to the existing building + resident common areas.**

33,157 SF (1st Flr.) + 4638 SF (Auto Storage) + 30,286 SF (2nd Flr.) + 31,255 SF (3rd Flr) + 1,988 SF (Basement)  
= **101,324 SF Total Proposed Independent Living Addition**

**PROPOSED USE CATEGORIES**

**Residential Use Categories: Table 16.12.020**

(16.10.020)Definitions

Dwelling, Multi-Family “A single structure containing three (3) or more dwelling units that share common walls or floor/ceilings with one or more units.”

Dwelling Unit “Any room, suite of rooms, enclosure, building or structure designed or used as a residence for one (1) family as defined by this code, and containing sleeping, kitchen and bathroom facilities.”

Specialized Care Facility “A facility licensed by the State of Oregon, defined in OAR and not otherwise defined in this code. Uses wholly contained within the facility and not independently accessible to the non-resident public which are either essential or incidental to the primary use shall be permitted. Where such facility contains uses which are otherwise listed as conditional uses in the base zone then those uses must be subjected to the conditional use process if they are independently accessible to the non-resident public from the outside of the facility buildings(s).”

**Response:**

**Per the July 2013 Notice of Decision Directors Interpretation ADM13-0 (see attachment 6):**

**“The facility qualifies as an assisted Living facility and per the code the units within the proposed building would not be dwelling units as defined in Chapter 16.10.020. It does not meet the Sherwood definition of a “residential care facility” or a “residential care home and more specifically fits within a use type of a “special care facility”.**

**The existing memory care and assisted living units along with the proposed assisted living units are not considered “dwelling units”.**

**The total number of dwelling units on the site for the proposed project will be located in the proposed three story independent senior living addition and defined as Multi-family Dwelling.**

**Note: The narrative is based on the Sherwood Oregon Municipal Code, up to date through March 4, 2014. Sections that are not applicable have been omitted and sections not requiring a response are marked as noted.**

### **Chapter 16.12 Residential Land Use Districts**

The total site is comprised of two different zones. The majority of the site is zoned High Density Residential (HDR), and the rest of the site is zoned Medium Density Residential High (MDRH). Both of the uses assisted living (AL) and the memory care (MC) are considered special care facilities, and the independent senior living is a multi-family dwellings use. The existing AL and MC are located in the HDR zone which is a permitted use in the zone. The proposed AL will be located in an MDRH zone which requires a conditional use, and the Independent Living (IL) is to be located in the both the HDR and MDRH zones and is permitted in both zones. A portion of the proposed independent living will be located in the Old Town Smockville overlay zone and multi-family dwellings are permitted in the overlay zone.

#### **Purpose and density requirements: 16.12.010**

Definition Net Buildable Acre: "Means an area measuring 43,560 square feet after excluding future...public areas." The proposed public plaza is removed from the site for the purposes of calculating density.

#### **16.12.030**

Total Site Area = 5.11 acres x 43,560 sf/acre = 222,591 sf – 11,800 sf (Plaza) = **210,790 sf**  
210,790 – 8000 (first 2 units) = 202,790/1,500 (ea add. Unit) = 135 +2=**137 units**

**Total Maximum Dwelling Units = 145 Units**

**Total Proposed Dwelling Units = 70 Units**

MDRH : Medium Density Residential High, 5.5 to 11 dwelling units per acre.

1 acre x 5.5 = 5.5 dwelling units

HDR : High Density Residential, 16.8 to 24 dwelling units per acre.

4.11 acres - .27 acres (public plaza, 11,800 sf) = 3.84 x 16.8 = 64.5 units

**Total Minimum Dwelling Units Required = 70 Units**

**Total Proposed Dwelling Units = 70 Units**

#### **16.40.040.C**

Multiple Zone Density Calculation – When a proposed PUD includes multiple zones, the density may be calculated based on the total permitted density for the entire project and clustered in one or more portions of the project, provided that the project demonstrates compatibility with the adjacent and nearby neighborhoods in terms of location of uses, building height, design and access.

**Response: Density is calculated based on the total permitted density per zone multiplied by the site area of each zone - see calculation above.**

#### **Allowed Residential Land Uses: 16.12.020**

HDR: Special Care Facilities and Multi-Family Dwellings are permitted in the zone

MDRH: Multi-Family Dwellings are permitted. Special Care Facilities are permitted as a conditional use.

#### **Residential Land Use Development Standards 16.12.030**

Maximum Height = 40 feet or 3 stories

Front Setback = 20'-0"

Side Setback = Per infill (16.68.030, B, 1.) ...elevations or portions of elevations exceeding 24 feet in height shall be setback from interior property lines an additional ½ foot for every 1 foot in height over 24 feet.

**Response: Proposed project is (3) stories or 30'-0" in height = side yard setback = 8'-0"**

**Architectural Features 16.50.050**

“Architectural features such as cornices, eaves...may extend up to 5'-0" into the front or rear setback two and one half (2 ½) into the required side yard setback”

**Chapter 16.40 Planned Unit Developments (PUD)**

**Purpose 16.40.010**

A. PUDs integrate buildings, land use transportation facilities, utility systems and open space through an overall site design on a single parcel of land or multiple properties under one or more ownerships. The PUD process allows creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards.

**Response:**

**The site is over 5 acres, there are multiple zones and multiple proposed/existing uses. Also there is the Old Town, Smockville overlay district on a portion on the site. The existing use (special care facility) requires a conditional use, and the multiple zones makes strict adherence to the code difficult. The PUD process requires the proposal to dedicate public space. A public plaza is to be located off Oregon St. which will be a great addition and gateway to the City.**

B. The PUD district is intended to achieve the following objectives:

1. Encourage efficient use of land and resources that can result in savings to the community, consumers and developers.
2. Preserve valuable landscape, terrain and other environmental features and amenities as described in the Comprehensive Plan or through site investigations.
3. Provide diversified and innovative living, working or neighborhood shopping environments that take into consideration community needs and activity patterns.
4. Achieve maximum energy efficiency in land use.
5. Promote innovative, pedestrian friendly, and human scale design in architecture and/or other site features that enhance the community or natural environment.

**Response:**

1. **The design has maximized the building area considering required parking, open space, landscaping, fire access and building heights. The plan locates the tallest building in the center of the site increasing side yard setback to the maximum possible. The proposed public plaza at the south end off Oregon St. allows the majority of the south elevation to be further than the required 20'-0" setback creating the area for the required public plaza. The design maximizes the use of the site resulting in the most efficient use of the property.**
2. **A complete environmental site assessment is provided with the submittal material – See attachment.**
3. **The proposed project will provide a complete community by providing a number of common functions – i.e. health center, activities, dining etc., but the goal of The Springs is to provide a vital addition to the Sherwood community. The project sits at the edge of Old Town on the pedestrian path to downtown.**
4. **The building is as compact as possible dues to the site constraints, and highly energy efficient rooftop mechanical systems are being proposed.**
5. **As mentioned, above the three story portion of the project is located as centralized as possible on the tight site. The public plaza is designed to add a human scale element. The plaza is viewed by the design team to be a gateway to the community and also serves to soften the visual impact of the three stories. The elevations are broken up as much as possible so the image is not a monolithic form on the edge of Old Town – see exterior elevations and architectural pattern book.**

**Preliminary Development Plan 16.40.020**

A. Generally

A PUD Preliminary Development plan shall be submitted for the review and approval in accordance with Chapter 16.72. PUDs shall be considered : a.) on sites that are usually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of : natural features such as...parcel configuration and surrounding development; b.) on parcels on land within the Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or c.) in other areas deemed appropriate by Council during the adoption of a concept plan required by a metro UGB expansion.

**Response:**

**The proposal is eligible for a PUD under a.) “the site is unusually constrained.” The Site is long and narrow. With the required fire access, parking landscaping etc. the design was challenged to achieve the required density. b.) the parcels is within the Urban Renewal District where flexibility and creativity will result in greater public benefit.**

**The proposed uses are a combination of specialized care for the elderly and independent senior living. The project also provides a number of common spaces both internally and externally. The greater public benefit will be provided by the creation of a unique living situation for both Sherwood independent seniors and the elderly that need specialized care, which are both goals of the Comprehensive and Urban Renewal plans.**

**Preliminary Development Plan 16.40.020. B**

B. Content

The Preliminary Development Plan supplication shall include the following documentation

1. Existing conditions map. **Response: Provided with plan set – See drawing C101**
2. Listing of property owners. **Response: Provided with submittal**
3. Proposal Maps. **Response: Provided with submittal – See Drawing A001**
4. Narrative. **Response: Provided with Submittal**
5. If the PUD involves a subdivision. **Response: Does not apply**
6. Architectural Pattern Book. **Response: Provided with submittal**

**Commission Review Procedures:16.40.020.C**

The commission shall make their decision based on the following criteria:

1. The proposed development is in substantial conformance with the Comprehensive plan and is eligible for PUD consideration per 16.40.020.A:

**Response:**

**16.40.020.A: indicates that “PUDs will be considered a.) on sites that are unusually constrained or limited in development potential...because of underlying zoning designation...or man-made features, such as parcel configuration; and b.) on parcels of land within the Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code.”**

- a.) **The site is long and narrow, and the site’s zoning designation intends to provide the greatest density, but a height requirement of three stories, building setbacks, fire access and parking requirements have limited the number of units provided on the site.**
- b.) **The site is within the Urban Renewal District. The site could be considered a gateway property into Old Town. The design conforms to Smockville design standards and will be fronted by a public plaza that connects the project with the city center via the pedestrian pathway. Resident balconies and outdoor walkways and activity areas will help the project become part of the community.**

The Sherwood Comp Plan, Chapter 4, C. Housing Trends identifies Aging Trends and mentions that Oregon is regarded as a state that attracts retirees...and that “The aging trend itself should result in larger market shares for...planned communities and a variety of elderly congregate care apartments. The summary of housing trends identifies “an increase in elderly housing as a Sherwood’s and a wider range of community based housing as priorities. This is what The Springs living is going to provide - a community for seniors as part of the larger community of Sherwood.

2. If the project is located within close proximity to existing public spaces such as parks, libraries or plazas...the development may propose no less than 5% on site public space :

**Response:** The site is located at the northeast end of the roundabout at the junction of NE First, SW ASH and SW Oregon St. The site is close to the main library, downtown shops and cannery square, Stella Olsen Park, and the Sherwood Senior Center. The proposed design creates a 11,800 square foot public plaza at the south end of the site. The plaza will consist of plantings and areas to sit and enjoy a sunny afternoon. There will be a building entry off the plaza. The plaza will be a focal point of the Old Town community and a jumping off point for the residents to become part of the City’s parks, libraries and civic events. The proposed plaza is located right on the Robin Hood Festival parade route – a great location for The Springs and Sherwood residents and to gather and watch the parade as well as providing a spot for the parade volunteers.

3. Exceptions from the design standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan:

**Response:**

The Springs at Sherwood is designed to create a community unto itself and part of the larger Sherwood community. The proposed independent living addition will house 70 (1) and (2) bedroom units and also a wellness center with exercise rooms, activity, card room, movie area along with a beauty salon and dining room. The Springs goal is to create an active home for our seniors. It would be possible to provide greater density by designing more dwelling units in lieu of common areas, but the goal is to create a healthy alternative to other senior housing projects. The design is a balance between, number of units, parking counts and common space.

4. “The proposal is in harmony with the surrounding area and incorporates unified architectural treatments, vernacular and scale...”:

**Response:**

The south section of the site is in the Old Town – Smockville design overlay zone (16.162.090). The desire of the Springs Living is to provide a project that fits the surrounding community as best as possible – to blend in and still be distinctive. The proposed project will conform to the Smockville design standards – i.e. traditional visual character, Building height under forty feet, hipped roofs at 6:12 pitch, siding to be lap, shingle with veneer stone and traditional trim and architectural wood detailing like eave brackets, eave returns, corner boards etc.

The Smockville design standards encourage verticality. The long narrow shape of the site, and the height restrictions have made it a challenge for the design team to provide a vertical expression. The exterior elevations will be broken into a large number of smaller areas by designing the planes of the building to step in relation to the property line. Each unit will have an eight foot deep balcony which will aid in breaking up the exterior mass. The use of material and the light and shadow created by the architecture will give the building a vertical emphasis.

5. “The system of ownership and the means of developing, preserving and maintaining open spaces is acceptable.”

**Response:**

**The Springs Living owns and operates the existing facility on the site and plans to continue to do so after the project is completed. The Springs will maintain the public open space at the south end of the site.**

6. “The PUD will have a beneficial effect on the area which could not be achieved using the underlying zone.”:

**Response:**

**The existing site contains two zones – The MDRH and HDR zones. The majority of the site is in the HDR zone. The intent is that because the site is located partially within and just outside the Old Town overlay zone, it is desired to maximize the number of dwelling units on the site. The width of the site, the existing special care facility, height restrictions and required parking have limited the design team but by using density calculations as shown above in section 16.12.010 the design achieves the lowest required density for the site area.**

**The proposed plan provides the greatest benefit for the community by providing a maximum number of living units with more than required number of surface parking spaces and a maximum area of landscaping and resident open area. The benefit to the community will be providing a home to a large number of senior citizens that will become a vital part of the community. In addition the community will have a new public plaza in a perfect location for Sherwood.**

7. “The proposed development can be substantially complete within one year from the date of approval”:

**Response:**

**As understood by the design team the review process should take 5 – 6 months. If all goes well The Springs Living would like to start construction as soon as possible and the project should be able to be completed within a year depending on permit review time, weather conditions and other unforeseen issues.**

8. “Adequate public facilities are available...”:

**Response:**

**The team participated in a pre-application meeting and Jason Waters (City of Sherwood Engineer) notes from October 28, 2014 indicate that the site appears to have adequate sanitary and water service at the site – see Civil dwgs, C103. Storm water will be a challenge, but the plan is to provide on site filtration and detention. The design team has met with the Fire Marshal (TVFR) to determine that their requirements for fire access have been met – see the attached fire flow test and the utility plan for electrical. The development plan has been reviewed and approved by Pride Disposal for refuse pickup – see attached service provider letter.**

9. “The general objectives of the PUD concept...have been met.”

**Response:**

**The purpose of the PUD is to integrate buildings, land use, transportation systems, utility systems and open space through overall site design. The proposed plan is an efficient use of land in that the design maximizes the use of the site within design guidelines. The site was analyzed by an**

independent company (Pacific Habitat) and no sensitive areas exist on the site or within 250 feet of the property. The Springs living at Sherwood has existing memory care and assisted living and proposes more assisted living units and independent senior living which will provide diversified living on the property and finally the design promotes a pedestrian friendly, human scale development by breaking up large volumes into smaller areas and siting the building as far from property lines as possible. The location of the public plaza also will reduce the visual impact of the project.

10. "The minimum area for a residential PUD is 5 acres":

**Response: The site is 5.11 acres.**

**D. Council Action**

Upon receipt of the findings and recommendations of the commission, the council shall conduct a public hearing pursuant to Chapter 16.72. The council may approve, conditionally approve, or deny the Preliminary Development Plan. A council decision to approve the Preliminary development Plan shall be by ordinance establishing a PUD overlay zoning district. The ordinance shall contain findings of fact as per this Section, state all conditions of approval, and set an effective date subject to approval of the Final Development Plan as per 16.40.030.

**Response: Noted by the applicant**

**E. Effect of Decision**

Approval of the Preliminary Development Plan shall not constitute final acceptance of the PUD. Approval shall, however, be binding upon the City for the purpose of preparation of the Final Development Plan, and the City may require only such changes in the plan as are necessary for compliance with the terms of the preliminary approvals.

**Response: Noted by the Applicant**

**Final Development Plan: 16.40.030.A**

A. Generally

Upon approval of the PUD overlay zoning district and preliminary development plan by the Council, the applicant shall prepare a detailed Final Development plan as per this Chapter for the review and approval of the commission. The Final Development Plan shall comply with all conditions of approval as per Section 16.40p.020. In addition, the applicant shall prepare and submit a detail site plan for any non-single family structure or use not addressed under Section 16.40.020 (B)(C), for review and approval, pursuant to the provisions of Chapter 16.90. The site plan shall be process concurrently with the Final Development Plan.

**Response: Noted by the applicant**

**Final Development Plan: 16.40.030.B**

B. Final Subdivision Plan

**Response: Does Not Apply**

**General Provisions: 16.40.040.A**

A. 1. Phasing

**Response: Project will not be completed in phases and is planned to be completed in less than twenty four (24) months.**

2. Failure to complete

- a. When substantial construction or development of a PUD or any approved phase of a PUD, has not taken place within one year from the date of approval of the final development plan the commission shall determine whether or not the PUD's continuation in whole or in part in is the public interest.
- b. If continuation is found not to be in the public interest the commission shall recommend to the council the PUD be extinguished.

**Response: Noted by the applicant**

**B. Changes in Approved Plans**

**1. Major Changes**

Proposed Major changes in the Final Development Plan shall be considered by the council the same as a new application, and shall be made in accordance with the procedures specified in this Chapter.

**Response: Noted by the Applicant**

**2. Minor Changes**

Minor changes in a final development plan may be approved by the council without further public hearing or commission review, provided that such changes do not increase densities, change boundaries.....

**Response: Noted by the applicant**

**C Multiple Zone Density Calculation**

When a proposed PUD includes multiple zones, the density may be calculated based on the total permitted density for the entire project and clustered in one or more portions of the project, provided that the project demonstrates compatibility with the adjacent and nearby neighborhoods in terms of location of uses, building heights, design and access.

**Response: The site is composed of two zones – HDR (High Density Residential) and the MDHR (Medium Density Residential High). The applicant used the area for each zone and the associated densities to calculate the density for the entire site. The density of the site is calculated using only number of living units in the three story Independent Living addition – The existing memory care and Existing/proposed assisted living units do not contribute to the overall density – see attached Director's decision and density calculations pages 6-7.**

**Residential PUD 16.40.050.A**

A. Permitted Uses – The following are permitted outright in Residential PUD when approved as part of a Final Development Plan.

- 1. Varied Housing Types including....multi-Family dwellings.

**Response: The majority of the proposed work will be multi-family dwellings.**

**Residential PUD 16.40.050.B**

B. Conditional Uses – A conditional use permitted in the underlying zone in which the PUD is located may be allowed as part of the PUD upon payment of the required application fee and approval by the commission as per 16.82 (Ord. 86-851, & 3)

**Response: Special Care Facilities are allowed in the HDR zone, but are a conditional use in the MDRH zone. The attached director's decision determined a conditional use was required (see attachment 6)**

**Residential PUD 16.40.050.C**

C. Development Standards

1. Density

The number of dwelling units permitted in a Residential PUD shall be the same as that allowed in the underlying zoning district, except as provided in Subsection (C) (2), below or 16.40.040.C above.

**Response: Density was calculated per zone after removing the Public Plaza (per the definition of Net Buildable acre) from the overall site area calculation and conforms to the underlying zone.**

2. Density Transfer

Where the proposed PUD site includes lands.....proposed for public dedication, and such dedication is approved as a part of the preliminary development plan, then a density transfer may be allowed adding a maximum of 20% to the overall density of the land to be developed.

**Response: The applicant does not need to increase the density of the proposed development.**

3. Minimum Lot Size

**Response: Does Not Apply**

**Chapter 16.82 Conditional Uses**

**Conditional Uses 16.82.010**

**Generally**

A. Authorization

Uses permitted in zoning districts as conditional uses may be established, enlarged or altered by authorization of the Commission in accordance with the standards and procedures established in this Chapter. If the site or other conditions are found to be inappropriate for the use requested, the commission or hearings Office may deny the conditional use

**Response: Noted by the Applicant.**

B. Changes in Conditional Use

Changes in use or expansion of a legal non-conforming use, structure or site, or alteration of structures or uses classified as conditional uses, that either existed prior to the effective date of this code or were established pursuant to this chapter shall require the filing of a new application for review conforming to the requirements of this Chapter if the changes would increase the size, square footage, seating capacity or parking of existing permitted improvements by 20% or more.

**Response: Noted by the applicant.**

C. Application Fee

**Response: Noted by the Applicant**

**Permit Approval 16.82.020**

A. Hearing Authority Action

1. The hearings Authority shall conduct a public hearing pursuant to Chapter 16.72 and take action to approve with conditions, or deny the application. Conditions may be imposed by the Hearings Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Code. The decision shall include appropriate findings of fact as required by this section and an effective date.

**Response: Noted by the applicant.**

2. Conditional uses may be approved at the hearing for a larger development (i.e. business campus or industrial park), to include future tenants of such development, if the range of uses allowed as conditional uses are considered, and specifically approved, at the time of the original application.

**Response: Noted by the applicant.**

**Permit Approval 16.82.020. B**

**B. Final Site Plan**

Upon approval of a conditional use the Hearing Authority, the applicant shall prepare a final site plan for review and approval pursuant to 16.90. The final site plan shall include any revisions or other features or conditions required by the hearing authority at the time of the approval of the conditions.

**Response: Noted by the applicant.**

**Permit Approval: 16.82.020.C**

**C. Conditional Use Criteria**

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 need to provide adequate services and facilities is guaranteed by binding agreement between the applicant and the City.

**Response: Per communication dated October 28<sup>th</sup>, 2013 between Jason Waters (Sherwood Civil Engineer) Brad Kilby (Sherwood Planning Manager) “There appears to be sufficient sanitary and water service around the site. Storm water will be provided with water quality treatment/detention on-site (see Civil drawing C103) in a private facility to convey runoff to the southeast.” A traffic study has been conducted – see attached. See Civil/C103/Electrical E002 drawings for water and electrical distribution. A proposed crosswalk is shown across Oregon St per conversations with City Engineers Bob Galati and Jason Waters. The project provides public open space per PUD requirements and is located near Stella Olsen Park.**

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”.

**Response: The proposed project will be designed to conform to other standards i.e. setbacks, height, Smockville design standards, etc. The proposed additions will be consistent with the existing use on the site. Senior residential living uses do not create much noise, odors, vibration, air quality issues or heat and glare and will not adversely affect the adjacent middle school playfields, St Francis or neighboring residential properties. Providing the public plaza at Oregon St will allow clear sight lines for entering or exiting the site either by car or on foot. The building will be staffed at all hours and the goal is to provide a safe secure residence.**

3. “The granting of the proposal will provide for a facility or use that meets the overall needs of the community and achievement goals and/or policies of the Comprehensive Plan”.

**Response: The Sherwood Comprehensive Plan, Chapter 4, C. Housing Trends identifies Aging Trends and mentions that Oregon is regarded as a state that attracts retirees...and that “The aging trend itself should result in larger market shares for....planned communities and a variety of elderly congregate care apartments. The summary of housing trends identifies “an increase in elderly housing as a Sherwood’s and a wider range of community based housing as priorities. The Springs Living is going to provide exactly the intent of the Comprehensive Goals- a community for seniors as part of the larger community of Sherwood.**

4. “Surrounding properties will not be adversely affected by the use, or the adverse impacts to sensitive wildlife species or the natural environment”.  
**Response: The site is currently being used as an assisted living/ memory care facility. The site is adjacent the middle school playfields on the west, St Francis to the north and the vacate residential site to the east. The southern end of the site is in Old Town. Locating the independent living and public plaza at the south end of the site will encourage the residents to interact with the City and downtown area.**
  
5. “Impacts of the proposed use of the site can be accommodated considering size, shape, location topography and natural features”  
**Response: The site is tight. The design team feels confident that within the confines of setbacks, fire truck access, height restrictions, landscaping requirements and required parking the design maximizes the number of living units possible. Averaging the density required for each zone the total number of units is at the lowest end of the density requirements. Any impacts of the development can be accommodated through site design elements such as the public plaza and locating the building additions much farther from property lines than required by minimum setbacks.**
  
6. “The use as proposed does not pose likely significant adverse impacts to sensitive wildlife species or the natural environment”.  
**Response: Pacific Habitat Services completed a site assessment and determined that there are “no sensitive areas onsite or within 250 feet on properties adjoining the development site.”**
  
7. **N.A – Proposed project not in the identified zones and is partially in the Old Town overlay zone.**
8. **N.A. – Not a wireless communication facility.**
9. **N.A. – Not a Transportation Facility**

**Permit Approval: 16.82.020.D**

- 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 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. Increase 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.

**Response: Noted by the applicant**

**Permit Approval: 16.82.020. E.**

**E. Time Limits**

Unless approved under Section 16.82.02. A.2 for a larger development to include future tenants of such development, authorization of a conditional use shall be void after (2) years or such lesser time as the approval may specify unless substantial construction, in the City's determination, has taken place. The Hearing Authority may extend authorization for an additional period, not to exceed one year, upon written request from the applicant showing adequate cause for such extension and payment of an extension application fee.

**Response: Noted by Applicant**

**Permit Approval 16.82.020. F.**

**F. Revocation** Any departure from the approved plans not authorized by the Hearing Authority shall be cause for revocation of applicable building and occupancy permits....

**Response: Noted by the applicant**

**Chapter 16.90.030 Site Planning**

**16.90.010 Purpose**

**A. Generally** This Division is intended to establish a process and define a set of development standards to guide physical development in the City consistent with the Community Development Plan and this Code.

**B. Objectives**

Site planning review is intended to:

1. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity.
2. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:
  - a. The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features.
  - b. Vehicular and pedestrian ways and parking areas.
  - c. Existing or proposed alteration of natural topographic features, vegetation and water-ways.

**Response: Noted by the applicant**

**16.90.020 Site Plan Review**

**A. Site Plan Review Required**

Site Plan review shall be required prior to any substantial change to a site or use, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use, and prior to the issuance of a sign permit for the erection or construction of a sign

For the purposes of Section 16.90.020, the term "substantial change" and "substantial alteration" shall mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

1. The activity alters the exterior appearance of a structure, building or property and is not considered a modification.
2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial and is not considered a modification.
3. The activity involves non-conforming uses as defined in Chapter 16.48.
4. The activity constitutes a change in a City approved plan, per Section 16.90.020 and is not considered a modification.

5. The activity is subject to site plan review by other requirements of this Code.
6. The activity increases the size of the building by more than 100% (i.e. the building more than doubles in size), regardless of whether it would be considered a major or minor modification.

**Response: Noted by the applicant**

### **6.90.030 Site Plan Modifications and Revocation**

#### **A. Modifications to Approved Site Plans**

##### **1. Major Modifications to Approved Site Plans**

- a. Defined. The review authority shall determine that a major modification(s) review is required if one or more of the changes listed below are proposed:
  - (1) A change in land use (i.e. residential to commercial, commercial to industrial, etc.);
  - (2) An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;
  - (3) A change in setbacks or lot coverage by more than 10 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;
  - (4) A change in the type and/or location of access-ways, drives or parking areas negatively affecting off-site traffic or increasing Average Daily Trips (ADT) by more than 100;
  - (5) An increase in the floor area or height proposed for non-residential use by more than 10 percent;
  - (6) A reduction of more than 10 percent of the area reserved for common open space; or
  - (7) Change to a condition of approval that was specifically applied to this approval (i.e. not a "standard condition"), or a change similar to items (1)-(2) as determined by the Review Authority.
- b. Approval Criteria. An applicant may request a major modification as follows:
  - (1) Upon the review authority determining that the proposed modification is a major modification, the applicant shall submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The review authority may require other relevant information, as necessary, to evaluate the request.
  - (2) The application shall be subject to the same review procedure (Type II, III or IV), decision making body, and approval criteria used for the initial project approval, except that adding a conditional use to an approved project shall be reviewed using a Type III procedure.
  - (3) The scope of review shall be limited to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping.
  - (4) Notice shall be provided in accordance with Chapter 16.72.020.
  - (5) The decision maker shall approve, deny, or approve with conditions an application for major modification based on written findings of the criteria.

##### **2. Minor Modifications to Approved Site Plans**

- a. A Minor Modification is any modification to a land use decision or approved development plan that is not within the description of a major modification as provided, above.
- b. Minor Modification Review Procedure. An application for approval of a minor modification shall be reviewed by the review authority using a Type I review procedure under Section 16.72.010.A. Minor modifications shall involve only clear and objective code standards.
- c. Minor Modification Applications. An application for minor modification shall include an application form, filing fee and narrative, updated Clean Water Services (CWS) Service Provider Letter or equivalent acknowledgement from CWS, and a site plan using the same plan format as in the original approval if possible. The review authority may require other relevant information, as necessary, to evaluate the request.

- d. Minor Modification Approval Criteria. The review authority shall approve, deny, or approve with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the Development Code and conditions of approval on the original decision, and the modification is not a major modification as above.

**Response: Noted by the applicant**

B. Revocation

Any departure from approved plans shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of site plan approval are not or cannot be satisfied, the site plan approval, or building and occupancy permits, shall be revoked.

**Response: Noted by the applicant**

D. Required Findings –

No site plan shall be granted unless each of the following is found:

1. The proposed development meets applicable zoning district standards and Design Standards in Division II, and all of the provisions of Divisions V, VI, VIII and IX.

**Response: The proposed development meets all applicable zoning district standards other than the conditional use of Special Care Facility in the MDHR zone and the project is applying for a PUD – see sections above.**

2. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.

**Response: Per communication dated October 28<sup>th</sup>, 2013 between Jason Waters (Sherwood Civil Engineer) Brad Kilby (Sherwood Planning Manager) “There appears to be sufficient sanitary and water service around the site. Storm water will be provided with water quality treatment/detention on-site (see Civil, C103) in a private facility to convey runoff to the southeast.” A traffic study has been conducted – see attached a proposed crosswalk is shown across Oregon St per conversations with City Engineers Bob Galati and Jason Waters. See Civil, C103 and Electrical drawings, E002 for site water and electrical distribution. The project provides public open space per PUD requirements and is located near Stella Olsen Park.**

3. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.

**Response: The Springs Living owns and maintains the existing facility and plans to continue to do so.**

4. The proposed development preserves significant natural features to the maximum feasible extent, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive land), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.

**Response: The site assessment (see attachment) indicates there are no sensitive areas on the site or within 250’ of the property line. The proposed three story building is located as far (setback) from the property lines as possible reducing the visual impact from the surrounding properties.**

5. For a proposed site plan is 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 16.106.070 Highway 99W Capacity Allocation Program, unless excluded herein.

**Response: The project is located with the Old Town – Smockville overlay zone and is not zoned as indicated above.**

6. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant shall provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate for impacts attributable to the project. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.

**Response: See the attached traffic study by Lancaster Engineering.**

7. The proposed development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:

- a. Primary, front entrances shall be located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.

**Response: The main building entrance needs to be located off the existing private drive on the east side of the site because of the entrance and parking of the existing building. The design provides a pedestrian entry tower off the Public Plaza – see exterior elevations and model image on the cover of this document.**

- b. Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.

**Response: The building is located off Oregon St and on the same grade. The ground floor plane is located off the Public plaza.**

- c. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding material shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.

**Response: The design conforms to the standards addressed in the Old Town Overlay zone - see narrative response to 16.162 – Old Town Overlay District and the Architectural Pattern book with this submittal.**

- d. As an alternative to the above standards 7a-7c, the Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from standards 7a--7c above. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

**Response: The project is in the Old Town overlay zone and will not be using the Commercial Design Review Matrix.**

## **Chapter 16.92 Landscaping**

### **16.92.010 Landscaping Plan Required**

All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan that meets the standards of this Chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan.

### **16.92.020 Landscaping Materials**

**Response: See attached Landscape plans**

### **Landscaping Standards 16.92.030**

#### A. Perimeter Screening and Buffering

##### 1. Perimeter Screening Separating Residential Zones:

A minimum six-foot high sight-obscuring wooden fence, decorative masonry wall, or evergreen screen, shall be required along property lines separating single and two-family uses from multi-family uses, and along property lines separating residential zones from commercial, institutional/public or industrial zones subject to the provisions of [Chapter 16.48.020](#) (Fences, Walls and Hedges).

- a. For new uses adjacent to inventoried environmentally sensitive areas, screening requirements shall be limited to vegetation only to preserve wildlife mobility. In addition, the Review Authority may require plants and other landscaping features in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses.
- b. The required screening shall have breaks, where necessary, to allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and security.
- c. Evergreen hedges used to comply with this standard shall be a minimum of thirty-six (36) inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one (1) year after planting.

**Response: The site is residential and is located adjacent to Sherwood Middle School (Institutional/Public zone) to the west. The design proposes evergreen landscaping - See the landscape plan. The property to the east is also zoned residential and is separated by the private drive and a 10'-0" landscape strip.**

##### 2. Perimeter Landscaping Buffer

- a. A minimum ten (10) foot wide landscaped strip comprised of trees, shrubs and ground cover shall be provided between off-street parking, loading, or vehicular use areas on separate, abutting, or adjacent properties.

**Response: A 10 foot landscape strip is provided between the proposed parking area and the private drive on the east side of the street.**

##### 3. Perimeter Landscape Buffer Reduction

If the separate, abutting property to the proposed development contains an existing perimeter landscape buffer of at least five (5) feet in width, the applicant may reduce the proposed site's required perimeter landscaping up to five (5) feet maximum, if the development is not adjacent to a residential zone. For example, if the separate abutting perimeter landscaping is five (5) feet, then applicant may reduce the perimeter landscaping to five (5) feet in width on their site so there is at least five (5) feet of landscaping on each lot.

**Response: The Sherwood Middle School's play fields are located to the west side of the site and in conversations with City of Sherwood planning department, the playfields can be considered as a**

landscape buffer so the project proposes to provide the reduced landscape buffer on the west side of the site to 5'-0".

**Landscaping Standards (16.92.030 B)**

B. Parking Area Landscaping

1. Purpose. The standard is a landscape treatment that uses a combination of trees, shrubs, and ground cover to provide shade, storm water management, aesthetic benefits, and screening to soften the impacts of large expanses of pavement and vehicle movement. It is applied to landscaped areas within and around the parking lot and loading areas.
2. Definitions - a. Parking Area Landscaping: Any landscaped area on the site that is not required as perimeter landscaping [§ 16.92.030](#) (Site Landscaping and Screening).
3. Required Landscaping - There shall be at least forty-five (45) square feet parking area landscaping for each parking space located on the site. The amount of required plant materials are based on the number of spaces as identified below.

**Response: The project proposes 62 new surface parking spaces x 45 sf = 2,790 sf required parking landscaping. Parking landscaping and screening of delivery and loading areas = 5,583 sf.**

4. Amount and Type of Required Parking Area Landscaping.

**Response: See Landscape plans, L1.0 for Size, Type and location of planting material**

5. Individual Landscape Islands Requirements

- a. Individual landscaped areas (islands) shall be at least ninety (90) square feet in area and a minimum width of five (5) feet and shall be curbed to protect the landscaping.

**Response: All parking landscape islands are 5 feet wide and at least 90 sf**

6. Landscaping at Points of Access

When a private access-way intersects a public right-of-way or when a property abuts the intersection of two (2) or more public rights-of-way, landscaping shall be planted and maintained so that minimum sight distances shall be preserved pursuant to [Section 16.58.010](#).

**Response: Noted by the Applicant**

C. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas

All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and any adjacent residential zones. If unfeasible to fully screen due to policies and standards, the applicant shall make efforts to minimize the visual impact of the mechanical equipment.

**Response: Noted by the Applicant. All mechanical equipment for the facility is to be roof top mounted and screened by the roof structure. The trash enclosure area is screened with a 6'-0" tall gate. Any other site equipment will be screened from the public streets**

D. Visual Corridors

Except as allowed by subsection 6. above, new developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural Resources and Recreation Plan Map, Appendix C of the Community Development Plan, Part II, and the provisions of [Chapter 16.142](#) (Parks, Trees, and Open Space). Properties within the Old Town Overlay are exempt from this standard.

**Response: Not required for Old Town Overlay.**

## **Chapter 16.94 Parking**

### **General Requirements. (16.94.010. A.)**

#### A. Off-Street Parking Required

No site shall be used for the parking of vehicles until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or structures that reduces the current off-street parking and loading spaces provided on site, or that increases the need for off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off-street parking or loading areas are provided in accordance with [Section 16.94.020](#), or unless a variance from the minimum or maximum parking standards is approved in accordance with [Chapter 16.84](#) Variances.

**Response: Per Old Town Overlay District (Section 16.162.070. C.) off street parking is not required. Also per planning director's decision – see attachment 6 - the memory care and assisted living units are not considered dwelling units and therefore do not count towards required parking. The design team has calculated the required parking from the number of units in the independent living addition that are outside the Old Town Overlay District. See calculation below.**

### **General Require. 16.94.010. E.**

#### E. Location

##### 1. Residential off-street parking spaces:

- a. Shall be located on the same lot or development as the residential use.

**Response: All required parking is located on site.**

- b. Shall not include garages or enclosed buildings with the exception of a parking structure in multifamily developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).

**Response: The project does provide (13) enclosed parking spaces accessed off the service drive/Fire lane. All spaces are accessed through overhead doors, but all spaces are open to each other – i.e. there are no walls separating each parking space.**

### **Off Street Parking Standards 16.94.020. A.**

#### A. Off-Street Parking Standards

Multi-Family 1.5 parking spaces per (2) bedroom and 1.25 per (1) bedroom.

The proposed independent living units outside the Old Town Overlay District:

(13) 2 bedroom x 1.5 = 20 spaces

(28) 1 Bedroom x 1.25 = 35 spaces

+ 15% for visitor parking (per 16.94.020. A. 4) = 8 spaces

Total required parking spaces = 63 spaces

Total parking provided spaces = 96 spaces

### **Off Street Parking Standards 16.94.020. B.**

#### B. Dimensional and General Configuration Standards

**Response: The proposed on site parking conforms to the standards of 60 degree parking with a one way aisle. See site development drawings, A101.**

### **Off Street Parking Standards 16.94.020.B.3.**

##### 3.c. Wheel Stops

The paved portion of the parking stall length may be reduced by three (3) feet if replaced with three (3) feet of low lying landscape or hardscape in lieu of a wheel stop; however, a curb is still required. In other words,

the traditional three-foot vehicle overhang from a wheel stop may be low-lying landscaping rather than an impervious surface.

**Response: The parking stalls at the interior of the proposed parking area use the exception noted above.**

**Off Street Parking Standards 16.94.020.B.4**

4. Service Drives

Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers, and shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points fifteen (15) feet from their intersection.

**Response: The Service drive is located on the west side of the site and is to be clearly marked and provide the required visual clearance. See the attached traffic study.**

**Off Street Parking Standards 16.94.020.C. 1 – 6**

C. Bike Parking 1 - 6

Multi Family requires 2 or 1 per 10 auto spaces.

**Response: The project will have 96 parking spaces = 10 required bike parking spaces. (4) are to be located at the entry of the existing building, (4) are to be located at the main entry of the independent living facility and (2) are to be located at the entry off the Public Plaza. The rack at the existing facility is a serpentine shape and the proposed racks will be the standard “U” shape. Bike parking is visible from building entrances and Oregon St. Long term employee parking will be provided inside the building. Lighting will be provided by building mounted lights and site bollard lighting. The bike parking areas are to be clearly marked and reserved for bike parking only, and shall not impede or create hazards to pedestrians because the racks are off circulation paths (see site development plans, A101)**

**Off Street Loading Standards 16.94.030**

A. Minimum Standards

1. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, or other public meeting place, which is designed to accommodate more than twenty five (25) persons at one time.
4. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:
  - b. Fifty (50,000) sq. ft. or more - seven hundred fifty (750) sq. ft.

B. Separation of Areas

Any area to be used for the maneuvering of delivery vehicles and the unloading or loading of materials shall be separated from designated off-street parking areas and designed to prevent the encroachment of delivery vehicles onto off-street parking areas or public streets. Off-street parking areas used to fulfill the requirements of this Chapter shall not be used for loading and unloading operations.

**Response: The site development plan indicates a covered 10’ wide 750 SF loading/unloading area off at the entry circle with continuous forward travel flow. The project also provides a delivery area at the west side of the building off the fire access road adjacent the trash area outside the required fire access lane. The hammerhead at the end of the fire access drive will be used for maneuvering and turn around for delivery trucks so that the truck can reenter Oregon St in a forward direction.**

## **Chapter 16.96 On-Site Circulation**

### **Minimum – Residential Standards 16.96.020.A 3**

16.96.020.A. 3 Minimum – Residential standards – Multi family:

Improved hard surface driveways are required as follows:

50 or more units require (2) driveways, 15 feet wide one way drive widths and 24 feet wide two way drive widths. Ingress and egress are to be 24 feet wide

**Response: Driveways and drive widths comply with the above standards – see site development drawing, A101.**

### **Minimum – Residential Standards 16.96.020.B**

B. Sidewalks, pathways and Curbs

2. Multi-family:

- a. A system of private pedestrian sidewalks/pathways extending throughout the development site shall connect each dwelling unit to vehicular parking areas, common open space, storage areas, recreation facilities, adjacent developments, transit facilities within five hundred (500) feet of the site, and future phases of development. Main building entrances shall also be connected to one another.

**Response: A system of pedestrian walks connects all units to the common open spaces, parking, the public way and transit facilities (see site development plans. The design proposes a “soft” or “rolled concrete curb at the east side of the fire access road adjacent the garage doors to the enclosed parking area. The concrete path will provide a visible and raised separation between the asphalt drive and the walking path.**

- b. Required private pathways/sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators, on one (1) side of approved driveways connecting to the public sidewalk or curb of the public street that provides required ingress and egress. Curbs shall also be required at a standard approved by the Review Authority.

**Response: All on site pedestrian walks extend to the public way. See Site Development Plans**

- c. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick/masonry pavers, or other durable surface, at least five (5) feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump).

**Response: All pedestrian walks are to be concrete and a minimum 5’ wide and will conform to ADA standards for slope and curb ramps.**

### **On-Site Vehicle Circulation 16.96.040**

B. Joint Access [See also [Chapter 16.108](#)]

Two (2) or more uses, structures, or parcels of land are strongly encouraged to utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfy the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use. In some cases, the City may require a joint access to improve safety, vision clearance, site distance, and comply with access spacing standards for the applicable street classification.

**Response: All uses on the site will be using joint ingress and egress paths (see Site Development plans, A101).**

- C. Connection to Streets
  - 1. Except for joint access per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.
  - 2. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.
- D. Maintenance of Required Improvements - Required ingress, egress and circulation improvements shall be kept clean and in good repair.
- E. Service Drives - Service drives shall be provided pursuant to [Section 16.94.030](#).

**Response: Ingress and egress comply with the above requirements. (see Site Development Plans, A101)**

### **Chapter 16.98 On-Site Storage**

#### **Solid Waste and Recycling 16.98.020.**

##### 16.98.020 Solid Waste and Recycling Storage

All uses shall provide solid waste and recycling storage receptacles which are adequately sized to accommodate all solid waste generated on site. All solid waste and recycling storage areas and receptacles shall be located out of public view. Solid waste and recycling receptacles for multi-family, commercial, industrial and institutional uses shall be screened by six (6) foot high sight-obscuring fence or masonry wall and shall be easily accessible to collection vehicles.

**Response: Solid Waste and Recycling are to be stored in an outdoor enclosed area off the fire access drive. The applicant has been in contact with Pride Disposal for their requirements for picking up the 4 cubic yard compactor container and other recycled materials. The area will be screened by a 6'-0" fence and gate.**

### **Chapter 16.100 Permanent Signs**

#### **Common Regulations 16.100.030**

##### 16.100.030 Sign Regulation by Zone –

###### A. Residential Zones

No permanent sign requiring a permit shall be allowed in residential zones except for the following:

###### 2. Multi-Family Development Signs

- a. One (1) non-illuminated free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted, the maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base.

**Response: The Springs facility has an existing sign that complies with the above at the junction of Oregon St. and the Private Drive.**

### **Chapter 16.106 Transportation Facilities**

#### A. Creation Public streets shall be created in accordance with provisions of this Chapter.

**Response: No public streets are proposed for the project. There are two private accesses onto the site.**

- 1.) The private drive on the east side will remain as is and 2.) An existing private drive on the west side of the site will be widened to conform to fire access standards. Please see the attached Traffic Study provided by Lancaster Engineering.

##### 16.106.070 Hwy. 99W Capacity Allocation Program (CAP)

**Response: Per conversations with City of Sherwood Planning Staff the Capacity Allocation Program does not apply to this development.**

### **Chapter 16.110 Sanitary Sewers**

#### 16.110.010 Sanitary Sewers –

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.

**Response: Gravity sewer will be installed and connected to the existing sanitary sewer mains per the attached Civil Drawing, C103.**

### **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.

**Response: Water lines are shown on the Civil Drawing, C103 and see the proposed Site Development Plan A101– Two new Fire Hydrants are proposed at the north and south end of the proposed fire lane – Those hydrants and their location are a result of conversations with John Wolffe (Tualatin Valley Fire and Rescue Fire Marshal). See fire flow test, attachment 5.**

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.

**Response: The project proposes to provide NFPA 13R sprinkler system throughout the two additions.**

### **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.

**Response: See Civil drawing, C103 for storm water system and attached storm water calculations.**

### **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.

**Response: The building is not further than five hundred feet from a water supply, but two fire hydrants are to be provided per the TVFR Fire Marshal's direction. NFPA 13R Fire Sprinklers are to be provided throughout the two additions.**

### **Chapter 16.118 Public and Private Utilities**

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.

**Response:** See proposed Site Electrical Utility Plan, E002.

### **Chapter 16.132 Environmental Resources**

**Response:** There are no sensitive areas onsite or within 250 feet on properties adjoining the development site. See attached Site assessment and service provider letter, attachments 1 and 2.

### **Chapter 16.142 Parks, Trees and Open Spaces**

#### 16.142.020 Multi-Family Developments

- A. Standards - Except as otherwise provided, recreation and open space areas shall be provided in new multi-family residential developments to the following standards (townhome development requirements for open space dedication can be found in Chapter 16.44.B.8- Townhome Standards):
1. Open Space - A minimum of twenty percent (20%) of the site area shall be retained in common open space. Required yard parking or maneuvering areas may not be substituted for open space.
  2. Recreation Facilities - A minimum of fifty percent (50%) of the required common open space shall be suitable for active recreational use. Recreational spaces shall be planted in grass or otherwise suitably improved. A minimum area of eight-hundred (800) square feet and a minimum width of fifteen (15) feet shall be provided.
  3. Minimum Standards - Common open space and recreation areas and facilities shall be clearly shown on site development plans and shall be physically situated so as to be readily accessible to and usable by all residents of the development.

**Response:** 20% of the Site = 222,592 SF x .2 = 44,518 sf required open space. 45,727 SF of Open spaces are identified on the Site Development plan and are located at the plazas at the existing Memory Care/Assisted Living Facility, at the proposed Public Plaza and at the end of the Fire Access Rd . The end of the fire access road is to be used as a barbecue area as well as garden seating around the existing large Coast Redwood. The required delivery/Fire Truck turn around area was taken out of the calculation. See attached Site assessment and service provider letter, attachments 1 and 2.

#### **Visual Corridors 16.142.040**

- A. Corridors Required - New developments located outside of the Old Town Overlay.

**Response:** Development ingress and egress are located within the Old Town Overlay zone.

#### **Street Trees 16.142.060**

- 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

**Response:** Street Trees are being proposed per City requirements. See Landscape plan, L1.0 for size, type and location.

#### **Trees on Properties 16.142.070**

##### 16.142.070 Trees on Properties Subject to Certain Land Use Applications

- C. Inventory

1. To assist the City in making its determinations on the retention of trees and woodlands, land use applications including Type II - IV development shall include a tree and woodland inventory and report. The report shall be prepared by a qualified professional and must contain the following information:
  - a. Tree size (in DBH and canopy area)

- b. Tree species
- c. The condition of the tree with notes as applicable explaining the assessment
- d. The location of the tree on the site
- e. The location of the tree relative to the planned improvements
- f. Assessment of whether the tree must be removed to accommodate the development

**Response: Existing Trees on site are documented on the Existing Conditions Plan and attached AKS Detailed Tree Inventory. Also see Landscape plan L1.0 for existing/proposed tree size, type and location**

### **Trees on Properties 16.142.070.D.3**

#### 16.142.070.D.3. Required Tree Canopy - Non-Residential and Multi-family Developments

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation  $\pi r^2$  to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies. The canopy requirement can be achieved by retaining existing trees or planting new trees. Required landscaping trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the required canopy cover. A certified arborist or other qualified professional shall provide an estimated tree canopy for all proposed trees to the planning department for review as a part of the land use review process.

**Response: Proposed project complies with the above requirements. See Landscape plan, L1.0 for existing/proposed tree size, type and location and Canopy Requirements.**

### **Chapter 16.146 Noise**

#### **Noise 16.146.010**

16.146.010 Generally All otherwise permitted commercial, industrial, and institutional uses shall not cause discernible vibrations that exceed a peak of 0.002 gravity at the property line of the originating use, except for vibrations that last five (5) minutes or less per day, based on a certification by a professional engineer.

**Response: The proposed project will comply with the standard.**

### **Chapter 16.148 Vibrations**

#### **Vibrations 16.148.010**

16.148.010 Generally All otherwise permitted commercial, industrial, and institutional uses in the City shall comply with the noise standards contained in OAR 340-35-035. The City may require proof of compliance with OAR 340-35-035 in the form of copies of all applicable State permits or certification by a professional acoustical engineer that the proposed uses will not cause noise in excess of State standards.

**Response: The proposed project is a residential use and will comply with the criteria.**

### **Chapter 16.150 Air Quality**

#### **Air Quality 16.150.010**

16.150.010 Generally All otherwise permitted commercial, industrial, and institutional uses shall comply with applicable State air quality rules and statutes:

- A. All such uses shall comply with standards for dust emissions as per OAR 340-21-060.
- B. Incinerators, if otherwise permitted by [Section 16.140.020](#), shall comply with the standards set forth in OAR 340-25-850 through 340-25-905.
- C. Uses for which a State Air Contaminant Discharge Permit is required as per OAR 340-20-140 through 340-20-160 shall comply with the standards of OAR 340-220 through 340-20-276.

**Response: The proposed project is a residential use and will comply with the criteria above.**

### **Chapter 16.152 Odors**

#### **Odors 16.152.010**

16.152.010 Generally All otherwise permitted commercial, industrial, and institutional uses shall incorporate the best practicable design and operating measures so that odors produced by the use are not discernible at any point beyond the boundaries of the development site.

**Response: The proposed project will comply with the criteria above.**

### **Chapter 16.154 Heat and Glare**

#### **Heat and Glare 16.154.010**

16.154.010 Generally Except for exterior lighting, all otherwise permitted commercial, industrial, and institutional uses shall conduct any operations producing excessive heat or glare entirely within enclosed buildings. Exterior lighting shall be directed away from adjoining properties, and the use shall not cause such glare or lights to shine off site in excess of one-half (0.5) foot candle when adjoining properties are zoned for residential uses.

**Response: The proposed project is a residential use and will comply with the criteria above. See the Site Lighting Plan, E001 which serves as a Photometric Lighting Plan indicating foot candle power on and along the perimeter of the site, along with proposed locations, height and size of lights.**

### **Chapter 16.156 Energy Conservation**

#### **Energy Conservation 16.156.010**

16.156.010 Generally

- A. Building Orientation - The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.
- B. Wind - The cooling effects of prevailing summer breezes and shading vegetation shall be accounted for in site design. The extent solar access to adjacent sites is not impaired vegetation shall be used to moderate prevailing winter wind on the site.

**Response: The proposed project is oriented to maximize the use of the site and in so doing the three story Independent Living addition is oriented in the north south direction. Living units on both sides of the additions will receive direct sunlight either in the morning or afternoon. Each living unit also has decks and operable windows to take advantage of cooling breezes.**

### **Chapter 16.162 Old Town Overlay District**

#### **Old Town Overlay District 16.162.010**

16.162.010 Purpose - The Old Town (OT) Overlay District is intended to establish objectives and define a set of development standards to guide physical development in the historic downtown of the City consistent with the Community Development Plan and this Code.

The OT zoning district is an overlay district generally applied to property identified on the Old Town Overlay District Map, and applied to the Sherwood Plan and Zone Map in the Smockville Subdivision and surrounding residential and commercial properties, generally known as Old Town. The OT overlay zone recognizes the unique and significant characteristics of Old Town, and is intended to provide development flexibility with respect to uses, site size, setbacks, heights, and site design elements, in order to preserve and enhance the area's commercial viability and historic character. The OT overlay zone is designated a historic district as per Chapters [16.166](#) and [16.168](#). Furthermore, the OT District is divided into two distinct areas, the "Smockville" and the "Old

Cannery Area," which have specific criteria or standards related to architectural design, height, and off-street parking.

**Response: The proposed project is located in Smockville.**

**Old Town Overlay District Objectives 16.162.020**

16.162.020 Objectives - Land use applications within the Old Town Overlay District must demonstrate substantial conformance with the standards and criteria below:

- A. Encourage development that is compatible with the existing natural and man-made environment, existing community activity patterns, and community identity.
- B. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:
  - 1. The scale, mass, height, areas, appearances and architectural design of buildings and other development structures and features.
  - 2. Vehicular and pedestrian ways and parking areas.
  - 3. Existing or proposed alteration of natural topographic features, vegetation and waterways.

**Response: The project site design is oriented toward the proposed Public Plaza which acts as a gateway and terminal for the rest of Old Town, the pedestrian walk from the site to City Hall and the Library. Oregon St. is a main entry point into the downtown area and the design takes advantage of the location by placing the building close to the required set back, but the living units at the corners “saw tooth” back softening the visual impact of the three story building. Also the south end of the site is shaped like an arrowhead which creates more space between the south building facade and Oregon St than the required 20’-0”. The building is nearly centered between east and west so the side yard setbacks are much larger than required, again reducing the visual impact. The building portion off the public plaza screens the off street parking from view from Oregon St. The living units all have decks which will look out over the Public Plaza, the playfields of Sherwood Middle School and the vacant residential property to the east.**

**Old Town Overlay District Permitted Uses 16.162.030**

16.162.030 Permitted Uses The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Division VIII:

- A. Uses permitted outright in the RC zone, Section 16.28.020; the HDR zone, Section 16.20.020; and the MDRL zone, Section 16.16.020; provided that uses permitted outright on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by this Section and [Section 16.162.040](#)

**Response: Multi-family residential is permitted outright in the HDR zone.**

**Old Town Overlay District Conditional Uses 16.162.040**

16.162.040 Conditional Uses

**Response: The proposed conditional use is not in the Old Town Overlay zone.**

**Old Town Overlay District Dimensional Standards 16.162.060**

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:

**Response: The proposed development conforms to the dimensional standards of the HDR zone – no exceptions are taken for lot size, setbacks or height.**

**Old Town Overlay District Community Design 16.162.070**

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:

- A. Generally - In reviewing site plans, as required by [Chapter 16.90](#), the City shall utilize the design standards of [Section 16.162.080](#) for the "Old Cannery Area" and the "Smockville Design Standards" for all proposals in that portion of the Old Town District.
- B. Landscaping for Residential Structures
  - 1. Perimeter screening and buffering, as per [Section 16.92.030](#), is not required for approved home occupations.
  - 2. Minimum landscaped areas are not required for off-street parking for approved home occupations.
  - 3. Landscaped strips, as per Sections [16.92.030](#) and 16.142.030A, may be a minimum of five (5) feet in width, except when adjoining alleys, where landscaped strips are not required.
  - 4. Fencing and interior landscaping, as per [Section 16.92.030](#), are not required.

**Response: Much of the site is outside the Old Town Overlay zone. The design conforms to the underlying zone (HDR).**

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](#).

D. Off-Street Loading

- 1. Off-street loading spaces for commercial uses in the "Old Cannery Area" may be shared and aggregated in one or several locations in a single block, provided that the minimum area of all loading spaces in a block, when taken together, shall not be less than sixty-five percent (65%) of the minimum standard that is otherwise required by Section 16.94.030B.
- 2. For all property and uses within the "Smockville Area" of the Old Town Overlay District, off-street loading is not required.

**Response: Off-street parking is not required in the "Smockville Area". All independent residential Living units within the Smockville portion of the site have been removed from the required parking calculation. Although off-street loading is not required in the Old Town Overlay zone, much of the site is outside the zone and complies with the underlying zone (HDR) per 16.94.030 Off-Street Loading Standards.**

- E. Signs - In addition to signs otherwise permitted for home occupations, as per [Section 16.42.010](#), one (1) non-illuminated, attached, exterior sign, up to a maximum of nine (9) square feet in surface area, may be permitted for each approved home occupation.

**Response: The Springs Living has an existing non-illuminated sign at Oregon St. and the private drive on the east side of the site. No additional signage is planned at this point.**

- 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.

**Response: The proposed exterior color is earth toned and is designed to use similar colors to the existing building. A Color palette has been provided – see the exterior elevation drawings and the architectural pattern book that is part of the PUD submittal.**

**Old Town Smockville Design Standards 16.162.090**

16.162.090 Old Town Smockville Design Standards

- A. Purpose - The purpose of the Old Town Smockville Design Standards is to respect and enhance the character of Sherwood's original business district and core area while maintaining the city's traditional, small town,

vernacular architectural heritage. The Old Town area has been the commercial and residential heart of the community since Sherwood's settlement in the late 1800s and it is the intent of the City to retain a strong connection with that history as new construction, alteration, or additions to existing structures occurs. Building upon previous studies in the City, the Cultural Resources Inventory (1989), and the adopted Natural Resources Element of the Comprehensive Plan (1991), the Old Town Smockville Design Standards are based upon common architectural designs, materials, and other built characteristics typical of Sherwood's original building forms. Using these historic models as a template for new construction allows growth and development that respects Sherwood's history and builds upon our vaunted quality of life. It is not the intent of the design standards to freeze time and halt progress or restrict an individual property owner's creativity, but rather to guide proposals and provide a set of parameters for new construction and remodeling within the Old Town area to assure compatibility with and respect for their historic surroundings. The Old Town Smockville Design Standards do direct new design toward the modest architectural character that is traditional in the Old Town area, specifically prohibiting certain materials and design elements to avoid the introduction of overly grandiose designs at variance with our history. However, within those limitations, personal choice can and should be expressed within the basic framework of the standards.

Under the procedures of the City's Design Review Process established by this Division of this Code an applicant must demonstrate the proposal meets all of the following design standards in order for the decision making body to approve the proposal. As such, the standards should help increase objectivity and reduce subjectivity. As per Chapter 16.160, the Landmarks Advisory Board, which includes the Planning Commission, is the decision-making authority for applications under the following Standards. The Landmarks Advisory Board reviews and values all comments, suggestions, and recommendations prior to approval or denial of any application.

- B. Applicability - The following standards are intended as an "overlay" to the underlying Old Town Overlay zoning district and shall be used as part of the land use approval process when exterior remodeling and new development is proposed in the "Smockville" portion of the Old Town Overlay District. Except in specific situations described herein, these Standards shall apply equally to all projects within the Smockville portion of the Old Town District. Applicants seeking variance from these Standards must demonstrate to the review body that compliance would result in an unnecessary and unavoidable hardship. Variances from the Standards will not be allowed unless such hardship is adequately demonstrated and proven by the applicant. The variance process is provided in Chapter 16.84 of the SZCDC. These standards are not required for the "Old Cannery Area" portion of the Old Town District, but may be used in lieu of Section 16.162.080. The Old Cannery Area portion is still subject to the design standards in Section 16.162.080.

**Response: Noted by the applicant.**

**Old Town Smockville Design Standards 16.162.090. F.**

16.162.090.F. Old Town Smockville Design Standards – Residential Structure

See Architectural Pattern Book for all design elements addressed in this section

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.
- 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.
- 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]

**Response: The exterior of the building is broken visually into many plans. The building footprint steps back to take best advantage of the long narrow site. The façade is also divided vertically because each living unit has an 8'-0" deep deck which will break up the volumes and create areas of shadow and light. See the attached elevation A401 and architectural pattern book. The building complies with the 40'-0" height limit.**

**Old Town Smockville Design Standards 16.162.090**

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.

**Response: The vast majority of the roof slopes is pitched at a 6:12. There are 4:12 pitched roofs covering the deck areas. Per (a.) above porch roofs may be flat. The design team feels that the change in slope enhances the overall design by adding complexity to the building – see the exterior elevation A401 and architectural pattern book. (b.) The roof form follows the complex footprint of the building which creates a variety of forms and breaks in the overall volume. (c.) The proposed roofing material is asphalt shingling.**

**Old Town Smockville Design Standards 16.162.090**

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)

Use of the following non-historic exterior materials are specifically prohibited within the zone:

Stucco (other than as foundation cladding or a secondary detail material, as in a gable end or enframed panel.).

- Stucco-clad foam (EIFS, DryVit, and similar)
- T-111 or similar 4x8 sheet materials or plywood
- Horizontal metal or vinyl siding
- Plastic or fiberglass
- Faux stone (slumpstone, fake marble, cultured stone, and similar)
- Brick veneer or any other masonry-type material, when applied over wood-frame construction, of less than twelve (12) inches width in any visible dimension. This Standard specifically excludes the use of brick or similar veneered "columns" on one face of an outside corner, as typically used to frame garage openings.

**Response: The majority of the building is designed to be clad with fiber cement lap siding and wood or fiber cement shingling. The design team would like to propose using cultured stone cladding at the base of the building in some locations which will match the use of the same material on the existing building on site. The majority of the proposed structures are located outside the Old Town overlay zone and to provide continuity in appearance and design the same material should be used throughout. The design would be lessened to provide the cultured veneer stone only outside the Old Town Overlay zone. The design team feels that great improvements in the quality of materials have occurred in the past few years and proper detailing can create the same visual appearance as real dimensional veneer stone. See the attached exterior elevations, A401 and architectural pattern book.**

#### **Old Town Smockville Design Standards 16.162.090**

##### **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:

- Watertable 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.

**Response: The design incorporates the following elements:**

**Corner boards – The project uses Fiber Cement Trim Board (smooth) throughout the façade, including outside and inside corners of the Fiber Cement Lap Siding.**

**Stringcourse or other horizontal trim at plate or floor levels – The project uses Fiber Cement Trim Board (smooth) throughout the façade, including horizontal band board between changes in Siding/Exterior Cladding .**

**Eave brackets or support elements - The project uses eave brackets at the gable ends throughout the façade and support elements including a trellis.**

**Wide cornice-level frieze and wall treatments - The project uses Fiber Cement Trim Board (smooth) throughout the façade, including a frieze board at the top of the exterior wall and roof.**

**Decorative gable end wall details – Optional: The project uses decorative venting at the gable end walls.**

**Old Town Smockville Design Standards 16.162.090**

Residential Standard 5: Openings: (Windows and 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 following window types are specifically prohibited within the area:

1. Fixed pane windows (when not within a grouping, as in #4, above).
2. Horizontal slider windows (when visible from the public right-of-way).
3. Arched windows and fanlights, including "Palladian" window groupings, are inconsistent with the vernacular character of the area and are prohibited when visible from the public-right-of-way.
- 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.
- d. Sash Materials: Wood windows or enameled metal clad windows are most consistent with the vernacular tradition and are preferred. Vinyl windows or paintable fiberglass windows are allowed. Anodized or mill-finish aluminum windows or storm windows are prohibited.
- e. Mirror Glazing: The use of "mirror" or reflective glass visible from the public right-of-way is prohibited.

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.

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

**Response:**

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

**Windows**

- a. **Verticality** – The project typically uses windows with a width-to-height ratio of 1.5 to 2, or greater and groups them to form larger openings.
- b. **Types permitted** – The project typically uses single hung windows, including groupings containing a central single pane fixed window flanked by two or more operable windows.
- c. **Lights** - The project typically uses True-divided lights.
- d. **Sash Materials** - The project typically uses Vinyl Windows.

**Doors**

- a. **Transparency** - Primary entry doors are typically full light, with no less than 25% of the surface being glazed in clear glazing.
- b. **Materials** - Doors are typically metal (Aluminum-Framed Entrances and Storefront) at the primary entry doors to the public and typically fiberglass doors for patios and decks at the units.

**Trim**

- a. **Sills** - All windows will have a projecting sill and apron.
- b. **Side and Head Casing**: Door and window trim will be a minimum 1/2 inch proud of the surrounding wall surface.

**Old Town Smockville Design Standards 16.162.090**

**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.

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

- a. **Depth** – The project includes a porch or a deck for each unit that is a minimum of five (5) feet deep.
- b. **Width** - The porch or deck for each unit is a minimum of ten (10) feet wide.
- c. **Supports** – The vertical porch supports will have a "base" (column base) of no less than six (6) inches square in finished dimension from floor level to a minimum 32" height. Upper posts (upper column) shall be no less than four (4) inches square.
  1. The column base is typically of boxed wood (Fiber Cement Trim) with trim forming the transition between the base and upper part of the column.
  2. The project includes posts that are a minimum of six (6) inches square where no base feature is required.
  3. Projecting covered stoops (Window and Door Awnings), with no full-height vertical support, utilize members of no less than four (4) inches square (Support Element).

**Old Town Smockville Design Standards 16.162.090**

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.
  5. Woven-metal (arch-top wire), construction cloth (square-patterned) and similar.
    1. Vinyl, when used in simple plain board, picket, or post and board installations. (see #3, below)
    2. Natural metal colored or black-coated chain link fencing is permitted, but discouraged when visible from the public-right-of-way.
    3. The mixed use of materials, as in brick columns with wood or woven wire "fields" is encouraged.
- b. The following fencing materials are prohibited in the Smockville area:
  1. Plywood or other solid wood panel systems.
  2. Open pattern concrete elements except as decorative elements.
  3. Vinyl, that includes the use of arches, latticework, finials, acorn tops, and other elaborate detailing not consistent with Old Town Sherwood's vernacular tradition.
  4. Vinyl or wood slat inserts in chain link fencing when in view from the public right-of-way.
  5. Faux stone, including cultured stone, slumpstone, and similar materials.
  6. Molded or cast aluminum.
- c. **Transparency:** Solid barriers of any material built to the maximum allowable height are prohibited facing the public right of way(s). Pickets or wood slats should provide a minimum ½" spacing between vertical elements with large spacing encouraged. Base elements, as in a concrete "curb" or foundation element are excluded from this standard provided they are no higher than twelve (12) inches above grade.
- d. **Gates/Entry Features:** In order to create a sense of entry, gates, arbors, pergolas, or similar elements integrated into a perimeter fence are strongly encouraged. Such features may exceed the maximum

fence height limit of four (4) feet provided they are less than eight (8) feet in overall height, are located more than ten (10) feet from any public intersection, and do not otherwise reduce pedestrian or vehicular safety.

**Response: Any Perimeter Screening and Buffering required per section 16.92.030 Site Area Landscaping and Perimeter Screening Standards will use an evergreen screen with landscaping and not a fence. There will be guardrails at decks and where required for fall protection. The gate enclosing the trash/recycling area can be seen on the exterior elevation sheet A401.**

**Old Town Smockville Design Standards 16.162.090**

**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.

**Response:**

- a. **Compatibility – The new construction of the addition to existing property will continue the existing character of the resource or return to the documented original character in scale, design, and exterior materials.**
- b. **Attachment - The project uses a lower scale connection element to transition the larger volumes of the new construction to the existing which is not historic.**
- c. **Non-Compatible Materials – N/A**

**Old Town Smockville Design Standards 16.162.090**

**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.

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

- a. **Skylights: Are not visible from the public right of way and are of a low profile design.**
- b. **Roof vents: Are located where they are least visible from the public right of way.**

**c. Plumbing vents: Are located where they are least visible from the public right of way.**

**Conclusion:** The Springs at Sherwood will be a positive addition to the Sherwood community located at the north end of Old Town. The proposed public plaza at the south end of the site along Oregon St will be a significant addition to the City. The Springs Living intends to provide a safe, healthy and active environment for Sherwood's aging population, jobs for the community and an efficient use of the available land and resources.

The Design team respectfully requests approval of the project and looks forward to working with the City during the subsequent stages of the development.

Submitted By

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