

May 8, 2007

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

**File No: SP 06-09/VAR 07-01**

**(Edy Road Townhouses)**

**Summary of Proposal:**

The applicant has requested site plan approval for a 14 unit multi-family housing complex, which will be sold as townhouse units in condominium ownership. The proposal is to construct the units, parking, attached garages, and a private street and driveways to serve the site. The applicant is also requesting a variance to reduce the 30-foot required corner side yard setback to 18-feet, a 40% variance. The applicant's submittal packet is Exhibit A.

The applicant originally submitted this proposal on September 8, 2006. In the original staff report dated March 12, 2007, staff recommended denial of this project because staff could not verify that the applicant could meet the street and storm water requirements of Chapter 6- Public Improvements. At the April 9, 2007, public hearing, the applicant submitted a revised site plan and revised street and storm water information (Exhibit K) that Engineering Staff has reviewed. Staff now recommends approval with conditions of this project (Exhibit M).

**PART I. BACKGROUND INFORMATION**

**I. General Information**

- A. Applicant/Owner:  
Roshun Village, LLC  
Attn: Habib Shekarriz  
23026 Bland Circle  
West Linn, OR 97068

- B. Location: This site is identified as tax lots 3200 and 3300 on Washington County Tax Assessor's Map 2S1 30DB. This site does not have an assigned address. The site is generally located on the southern side of SW Edy Road, west of SW Houston Drive and east of SW Terrapin Drive.
- C. Parcel Size: Tax lot 3200 is 0.56 acres and tax lot 3300 is 0.45 acres for a total of 1.01 acres. The proposed site plan would be located on both tax lots.
- D. Existing Development and Site Characteristics: There are no buildings or structures located on this 1.01 acre site. There are two gravel driveways that access SW Edy Road. The low point of the site (175 feet above sea level) is in the western portion of the property. The site slopes upward to the south, east and north, with a maximum change in elevation from lowest point to highest point of 15 feet. The slope of the property ranges from approximately 3% to 20%, with much of the site between 8% and 14%. There are several evergreen and deciduous trees on the site. The Building Department issued a grading permit in 2005 to allow the property owner to construct a retaining wall on the southwestern portion of the site. According to the Building Department, the grading is completed and inspected.

A partition was approved on this site in 1996 by the City (MLP 96-4). One of the conditions of the approval of this partition was compliance with a letter from Washington County requiring, among other things, frontage improvements along Edy Road and closure of all driveway accesses along Edy Road. Although the partition was recorded, these conditions, included as Exhibit B to this report, were never met. The City has since assumed jurisdiction of this section of SW Edy Road. The findings and conditions below in Chapter 6- Public Improvements address these issues.

- E. Zoning Classification and Comprehensive Plan Designation: The existing zone is High Density Residential (HDR), which permits multi-family residential uses with a density between 16.8 and 24 units per acre.
- F. Adjacent Zoning and Land Use: The properties to the south, east and west of this site are all zoned High Density Residential (HDR). There is one single-family detached home to the northeast of this site and several to the west. There are single-family attached row houses (Madera Townhomes PUD 02-03) to the southeast of this site. The properties to the north of this site (and across SW Edy Road) are zoned Medium Density Residential Low (MDRL) and are developed with single-family detached homes.
- G. Review Type: Because the total floor area and parking area is between 15,000 and 40,000 square feet, the site plan requires a Type III review with a public hearing and decision made by the Hearings Officer. In the event that the Hearings Officer's decision is appealed, the appeal would be heard by the Planning Commission.
- H. Public Notice and Hearing: Notice of the March 19, 2007, Hearings Officer public hearing was published in the *Tigard/Tualatin Times*, posted, and mailed to property owners within 100 feet of the site on March 1, 2007, in accordance with Section 3.202 and 3.203 of the Sherwood Zoning & Community Development Code (SZCDC). The hearing was postponed to April 19, 2007, and conducted at that time. The record was kept open for additional comments and response from the applicant. The record was closed with the applicant's response of April 30, 2007.

## II. REVIEW CRITERIA

The required findings for the site plan review are found in Section 5.102.04 of the SZCDC. The following SZCDC sections are also applicable: 2.105, 2.301, 2.302, 2.303, 4.400, 5.100, 5.200, 5.300, 5.400, 5.500, 6.100, 6.302, 8.304 and 8.305.

## III. EXHIBITS and PUBLIC COMMENTS

### Exhibits:

- A. licant's submittal package dated August 2006 and updated February 20, 2007
- B. Comments from Washington County on MLP 96-4 stamped "Received September 23, 1996"
- C. Public Comments from E. Steele stamped "Received November 27, 2006"
- D. Public Comments from Randal B. Acker stamped "Received November 30, 2006"
- E. Public Comments from John Berry stamped "Received March 5, 2007"
- F. Public Comments from Nick Newman dated March 7, 2007 (via e-mail)
- G. Tualatin Valley Fire & Rescue Comments dated December 1, 2006
- H. Sherwood Engineering Department Comments dated March 9, 2007
- I. Maintenance guidelines from Resolution 2004-041
- J. Bebb letter of March 9, 2007
- K. Applicant's additional materials modified April 6, 2007
- L. Nancy Turek letter of March 1, 2007
- M. Staff E-mail of April 19 with Revised Staff Report dated April 19, 2007
- N. Staff E-mail of April 20, 2007
- O. Staff E-mail of April 23, 2007, with Acker & Associates letter of April 20, 2007
- P. Staff E-mail of April 30, 2007, with Planning Resources Inc.'s letter of April 30, 2007

### Public Comments

Heather Austin and Lee Harrington represented the City Staff at the April 19, 2007, hearing. The applicant was represented by Pat Sisul of Sisul Engineering. Others participating at the hearing were Nancy Turek and Thomas Wilbur. Exhibit C, D, E, and F were received prior to the hearing.

E. Steele requested that a retaining wall and fence be constructed by the builders of the condominiums. In addition, E. Steele stated that traffic on SW Edy Road approaching Highway 99W is already backing up and that the road is not wide enough for safety. Finding: Fencing and/or an evergreen hedge at least six (6) feet in height should be required to be installed by the developer along this property line (see discussion below in Section 5.203). The developer will also be required to construct frontage improvements along SW Edy Road, including a small amount of right-of-way dedication (see discussion below in Chapter 6- Public Improvements).

Randal Acker, Acker & Associates PC, wrote on behalf of Renee Wilbur, a property owner adjacent to the proposed development. Mr. Acker stated that he encourages denial of this proposal because the conditions of approval of the original partition (MLP 96-4) have not been met and affect Ms. Wilbur's property, including concerns about access during and after construction. Mr. Acker also stated that there has been undocumented fill placed on the site in the past and this practice may be continuing. Finding: The access issues are addressed below in Chapter 6- Public Improvements. The Building Department issued a grading permit on this site in 2005. As a condition of approval of the site plan, a geotechnical report should be required prior to construction on site. If properly conditioned, the applicant's proposal assures temporary and permanent access to the Wilbur property.

John Berry expressed concern that the development of townhomes at this location would increase traffic on Edy Road, and about the visual appearance of the townhomes, privacy for the neighbors and the price that the homes will sell for. Findings: Edy Road is a collector and, as such, access is limited. For this reason, staff has indicated that a public road is necessary to provide access to this site and to continue to the east and west to provide access in the future to ensure the safe ingress and egress to Edy Road. As discussed further in this report, the proposed townhomes meet the Code's multi-family design criteria. In addition, the townhomes are set back from the eastern property line by both required setbacks and additional open space adjacent to the subdivision to the east. Home value and/or sales price is not an approval criteria that can be addressed in this type of land use decision.

Nick Newman expressed the need for an adequate hedge, perhaps arborvitae, between the new development and the single-family home to the east. Findings: The developer is proposing, and should be required to install, a six-foot sight-obscuring wooden fence, decorative masonry wall or evergreen screen, per Section 5.203.01 of the Code.

Nancy Turek raised issues regarding drainage, screening and building heights. These items are addressed below.

Thomas Wilbur stated his support for the proposed development, but raised questions about access to his property. If properly conditioned, the applicant's proposal assures temporary and permanent access to the Wilbur property.

The applicant with Exhibit P agrees with all aspects of the Staff Report as revised on April 19, 2007, except for proposed Condition D.1. as it relates to the sidewalk requirement, For the reasons set out below, the side walk should be required.

#### **IV. AGENCY COMMENTS**

Staff sent notice to affected agencies on November 6, 2006. The applicant requested several continuances to the 120-day deadline and changed the plans slightly to include a public road. Copies of full comments are included in the record unless otherwise noted.

**Pride Disposal** requested contact information for the applicant because no solid waste storage facility is shown on the plans. This is discussed and conditioned later in this report.

**Tualatin Valley Water District (TVWD)** reviewed the proposal and provided comments on November 6, 2006 stating that the water meter size is not called out but appears to be followed by a double check valve assembly (back flow prevention device). The individual townhomes appear to have submeters to track the water use in each unit. This is acceptable to TVWD but they need to have the meter size and DCVA size on the plans that will be reviewed for construction. Public water meters need to be located in public right-of-way.

**Tualatin Valley Fire & Rescue (TVF&R)** provided comments which have been incorporated into this decision and are also attached as Exhibit G. These comments include the general TVF&R requirements but specifically identify concerns with the width of the access road (No Parking signs are required), the length of the access road (a turnaround or fire sprinklers will be required), turning radii from Edy Road, and available fire flow from the closest hydrant. These issues will be discussed and conditioned if necessary below in Chapter 6- Public Improvements.

**The Sherwood Engineering Department** provided comments which have been incorporated into this decision and are also attached as Exhibit H. The Engineering Department also provided some general comments, which are provided below:

Grading and Erosion Control:

Retaining walls within public easements or the public right-of-way shall require engineering approval. Retaining walls with a height of 4 feet or higher located on private property will require a permit from the Building Department.

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

The Engineering Department requires a grading permit for all areas graded as part of the public improvements. The engineering permit for grading of the public improvements is reviewed, approved and released as part of the public improvement plans.

Other Engineering Issues:

Public easements are required over all public utilities outside the public right-of-way. Easements dedicated to the City of Sherwood are exclusive easements unless otherwise authorized by the City Engineer.

An eight-foot wide public utility easement is required adjacent to the right-of-way on SW Edy Road and parallel to and abutting the portion of Highway 99W that fronts this project.

All existing and proposed utilities shall be placed underground.

**Raindrops2Refuge** and **Washington County** stated that they did not have comments on this proposal.

**Oregon Department of Transportation, Northwest Natural Gas, Tualatin Valley Fire and Rescue (TVF&R), Clean Water Services, Division of State Lands, Portland and General Electric** were also given the opportunity to comment on the proposal, but provided no written comments.

## Part II. Review of Applicable Criteria

### I. SITE PLAN REVIEW – REQUIRED FINDINGS (SECTION 5.102.04)

#### A. The proposed development meets applicable zoning district standards and all provisions of Chapters 5, 6, 8 and 9.

The relevant criteria are found in Chapters 2, 5, 6 and 8. Compliance with these criteria is discussed in Section II – Applicable Code Provisions, below. Chapter 9 is not applicable to this site plan application as there are no Historic Resources on the site and it is not located in the Old Town Overlay.

**FINDING:** Compliance with the relevant criteria in Chapters 2, 5, 6 and 8 are discussed and conditioned as necessary in Section II below and, therefore, this standard is satisfied.

#### B. 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.

Water, sanitary sewer, electricity, public safety and natural gas are available to serve this site. Pride Disposal has requested contact information for the applicant as no solid waste and recycling collection facility is shown on the submitted plans (this will be discussed and conditioned further in this report). The submitted plans show a water quality facility in the southern portion of the site to treat stormwater but, as discussed further in Chapter 6- Public Improvements, staff cannot verify that the storm design is adequate. Open space is discussed below under the Townhomes section in Chapter 2 and the “Parks and Open Space” section in Chapter 8.

**FINDING:** The proposal does not fully comply with this standard because the proposal does not include solid waste storage facilities and staff cannot verify that stormwater detention and treatment is adequate. However, the evidence supports the finding that these facilities can most likely be provided, and conditions of approval can adequately insure that they will be provided.

#### C. 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.

The applicant has indicated that the development will be platted as condominiums. As there are common areas including landscaping, visual corridor and open space, details of the proposed maintenance responsibility are necessary. In addition, as discussed below in Chapter 6, a water quality facility may be necessary and, if required, must be maintained. The Public Works Department has stated that, at a minimum, the CC&Rs regarding maintenance should include the maintenance guidelines from Resolution 2004-041 (attached as Exhibit I). A recorded copy of the maintenance agreement and CC&Rs will be necessary prior to occupancy of any structure.

**FINDING:** This standard can be met by submitting a copy of the CC&Rs for review and approval prior to recording for staff to verify all conditions are addressed.

**STAFF RECOMMENDED CONDITIONS:**

1. Submit a copy of the proposed CC&Rs and Home Owners Association (HOA) agreement for staff review and approval. At a minimum, the CC&Rs and HOA agreement must include the landscape maintenance standards required by the Public Works Department for all common open space and water quality facilities, a provision for how the common open space facilities will be maintained with ultimate responsibility assigned, and a provision for the HOA to maintain the water quality facility per the City standards.
2. Prior to final occupancy of the first building, a copy of the recorded CC&Rs and HOA formation must be submitted to the Planning Department.

- D. The proposed development preserves significant natural features to the maximum feasible extent, including but not limited to natural drainageways, wetlands, trees, vegetation, scenic views and topographical features, and conforms to the applicable provisions of Chapters 5 and 8 of this Code.**

There are no drainageways, wetlands, significant vegetation (besides trees), scenic views or significant topographical features on this site. There are trees on the site, but the arborist's report demonstrates that the development of the property makes preservation of most of the trees impossible.

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

- E. For a proposed site plan 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 6.307 Highway 99W Capacity Allocation Program, unless excluded herein.**

The proposed use is located in the HDR zone, which is excluded from the requirements of the CAP.

**FINDING:** The CAP does not apply.

- F. 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.**

This proposal includes fourteen (14) townhomes, a development not likely to generate more than 400 ADTs. In addition, the City Engineer has determined that a traffic study for this development is not necessary. However, staff acknowledges that Edy Road is a collector and access must be limited. Staff supports the applicant's proposal to construct an extension of SW Terrapin Drive south of Edy Road to address ingress and egress from the collector.

**FINDING:** Based on the information above, a traffic study is not necessary.

- G. The proposed commercial, multi-family development, and mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:**
- 1. 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.**
  - 2. Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.**
  - 3. 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, metal roofs, and artificial stucco 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.**
  - 4. As an alternative to the above standards G.1-3, the Old Town Design Standards (Section 9.202) may be applied to achieve this performance measure.**

Because this is a townhouse-style multi-family development, each unit has a separate entrance and there is no primary, front entrance to the development. There is one building along SW Edy Road with one unit oriented toward the street. This unit has a front porch identifying it as a pedestrian entrance. The building is located flush to the twenty (20) foot front yard setback separating it from SW Edy Road. The units in buildings A and B have front doors articulated by porches oriented toward the public alley. The architecture of the building has been discussed and conditioned below in the Townhomes section.

**FINDING:** Numbers 1 and 2 of this section have been met, number 3 is discussed and conditioned further in this report and number 4 is not applicable because numbers 1-3 are met.

## **II. APPLICABLE CODE PROVISIONS**

The applicable zoning district standards are identified in Chapter 2. The relevant criteria in Chapters 2, 4, 5, 6 and 8 are discussed below. Chapter 9 is not applicable to this site plan application, as there are no Historic Resources on the site and this site is not located in the Old Town Overlay.

### **A. Chapter 2 - Land Use and Development**

The applicable zoning district standard for the proposed zoning is identified in Chapter 2.105 (High Density Residential). In addition, the following sections in Chapter 2 are also applicable: 2.204 (Townhomes), 2.301 (Clear Vision Areas), 2.302 (Additional Setbacks) and 2.303 (fences).

**2.105 – High Density Residential (HDR) Zoning District:**

The applicable standards in Section 2.105 include: 2.105.02, 2.105.03, 2.105.04 and 2.105.05. Compliance with these standards is discussed below:

**Permitted Uses (2.105.02, 2.105.03 and 2.105.04)**

The HDR zoning district provides for higher density multi-family housing and other related uses, with a density not to exceed twenty-four (24) dwelling units per acre and a Zoning & Development Code density not less than 16.8 dwellings per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirement. Sections 2.105.02, .03 and .04 list the permitted, conditional and prohibited uses in the HDR zone.

The proposal is to develop a multi-family, townhouse style development, which is a permitted use in the HDR zone. The density permitted in the HDR zone is a minimum of 16.8 and a maximum of 24 units per acre. The subject site is 1.01 acres before right-of-way dedication and exclusion of the water quality facility, which represent approximately 10,739 square feet, reducing the lot size for density calculation to 33,430 square feet, or 0.77 acres. Therefore, the permitted density is no less than thirteen (13) units and no more than eighteen (18) units. The proposal is to construct 14 units.

**FINDING:** Based on the analysis above, the proposal is a permitted use in the zone and meets the density requirements of the underlying zone.

**Dimensional Standards (2.105.05)**

Section 2.105.05 has the following dimensional standards in HDR zones:

	Single-Family Detached	Single-Family Attached	Two-Family	Multi-Family
Lot area	5,000	4,000	8000	8,000 (for 1 <sup>st</sup> 2, then 1,500 for each add'l)
Lot width at front property line	25 feet	25 feet	25 feet	25 feet
Lot width at building line	50 feet	50 feet	60 feet	60 feet
Front yard setback	20 feet	20 feet	20 feet	20 feet
Side yard setback	5 feet corner side street = 15 ft).	5 feet	5 feet (corner street side= 15 ft)	1 story – 5 ft 2 story – 7 ft 2 ½ story – 8 ft Corner – 30 ft
Rear yard setback	20 feet	20 feet	20 feet	20 feet
Height	Except as otherwise provided, the maximum height shall be three (3) stories or forty (40) feet, whichever is less			

If 14 units are proposed, the required minimum lot area is 26,000 square feet or 0.60 acres (12 x 1,500 +8,000). The property exceeds this minimum lot area with a net acreage of 0.77 acres. While discrete lots will not be created because the applicant proposes to develop the units as condominiums, staff interprets the lot dimension standards to be equally applicable

to the site plan approval. Should the applicant not proceed through the condominium process but instead wishes to subdivide the property, a subdivision plat and any related permits would have to be applied for by the applicant.

The property also more than exceeds the lot width at the front property line and building line. The plans show unit 4, the closest unit to SW Edy Road, to be set back exactly twenty (20) feet from the property line. Building C, the only building near the rear property line, is at least one hundred (100) feet from that property line. The buildings are three (3) stories, therefore the required side-yard setbacks are eight (8) feet. All three of the building blocks show at least an eight (8) foot setback from the side property line. All other side and rear yard setbacks are met as shown on the plans. Building A is on the corner of SW Edy Road and the extension of SW Terrapin Drive on this site. Because this is a multi-family development, the corner side yard setback is 30 feet. Building A does not meet this setback and the applicant has requested a variance to reduce the setback to 18 feet (VAR 07-01), which will be discussed further in this report. The buildings will be three (3) stories and less than 40 feet in height as measured from the base of the building to the top of the roof. All setbacks and building height will be verified again with the building permit submittal.

This section also requires that buildings grouped together in one project on one tract of land be separated by a distance equal to the sum of the required yard for each building. In this case, since there are no side-yard setback standards for 3-story buildings, the 2 ½ story setback of eight (8) feet will be used. This results in a minimum 16 foot separation between all of the buildings. Staff verified on the scaled plans that all buildings will be separated a distance between 25 and 63 feet.

**FINDING:** Based on the discussion above, all of the dimensional standards for this property have been met with the exception of the corner street side yard setback of 30 feet, for which a variance has been requested. The variance is discussed further in this report.

## **2.204 - Townhomes**

### **Townhome Standards (2.204.01.B)**

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

**FINDING:** The smallest townhome proposed is 1,008 square feet, which does not include a garage and, therefore, this standard has been met.

- 2. Lot sizes shall average a minimum of two-thousand five-hundred (2,500) square feet in the MDRH zone, and one-thousand eight-hundred (1,800) square feet in the HDR zone, unless the property qualifies as “infill”, and meets the criteria of 2.204.01D below. Lots shall be platted with a width of no less than twenty (20) feet, and depth no less than seventy (70) feet.**

**FINDING:** This development will not have individual lots and therefore the minimum lot standard does not apply.

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

**FINDING:** The architectural elevations show the townhomes on a perimeter foundation. The setbacks are discussed above in Section 2.105.05.

4. **All townhomes shall include at least two (2) off-street parking spaces in the HDR zone, and two and one-half (2-1/2) spaces in the MDRH zone; garages and/or designated parking spaces may be included in this calculation. The City Engineer may permit diagonal or angle-in parking on public streets within a townhome development, provided that adequate lane width is maintained. All townhome developments shall include a parking plan, to be reviewed and approved with the Site Plan application.**

**FINDING:** There are fourteen (14) units and twenty-nine (29) parking spaces proposed. Eleven (11) are located in the garage with the remainder located in "off-street" areas. Therefore, this standard is met.

5. **All townhomes shall have exterior siding and roofing which is similar in color, material and appearance to siding and roofing commonly used on residential dwellings within the City, or otherwise consistent with the design criteria of Chapter 2.204.01E, Design Standards.**

**FINDING:** Based on the materials submitted by the applicant, staff cannot determine if the exterior siding and roofing is similar in color, material and appearance to that commonly used on residential dwellings in the City. This standard is not met but could be met if the applicant complies with the following condition.

**CONDITION:** Submit revised architectural elevations to the Planning Department for review and approval indicating the exact siding and roofing materials to be used.

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

**FINDING:** This standard is not applicable as this site is not in the MDRH zone.

7. **All other community design standards contained in Chapters 5, 8 and 9 relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design that are not specifically varied by Section 2, shall apply to townhome blocks.**



**The minimum lot size required for single-family, attached dwellings (townhomes) may be reduced by a maximum of 15% if the subject property is one (1) acre (43,560 sq ft) or less, and the subject property is surrounded by properties developed at or in excess of minimum density for the underlying zone.**

**FINDING:** This proposal is for condominium-type townhomes and individual lots are not proposed. This standard is not applicable.

**Townhome Design Standards (2.204.01.E)**

**Each townhome block development shall require the approval of a site plan, under the provisions of Chapter 5.102, and in compliance with the standards listed below. The site plan shall indicate all areas of townhome units, landscaping, off-street parking, street and driveway or alley locations, and utility access easements. The site plan shall also include a building elevation plan, which show building design, materials, and architectural profiles of all structures proposed for the site.**

- 1. Building Mass: The maximum number and width of consecutively attached townhomes shall not exceed eight (8) units or one-hundred eighty (180) feet from end-wall to end-wall.**

**FINDING:** The largest number of units proposed for any one building is five (5) and the greatest length is seventy-five (75) feet. This standard has been met.

- 2. Designation of Access/Alleys: Townhomes shall receive vehicle access only from the front or rear lot line exclusively, not both. If alleys are used for access they shall be created at the time of subdivision approval.**

**FINDING:** The proposed townhomes will receive access from one side of the building. A public alley is proposed to provide access to units A1, A2, A3, B5, B6, B7 and B8. This alley will be dedicated with the site plan approval. This standard has been met.

- 3. Street Access: Townhomes receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management.**

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

**FINDING:** With the right-of-way dedication proposed and required (as discussed below in Chapter 6 - Public Improvements), units A1-A3 and B5-B8 would receive access directly from a public street. All of these units have garages that are recessed at least five (5) feet behind a front porch. This standard has been met.

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

**FINDING:** The garage doors of units A1-A3 and B5-B8 are eight (8) feet wide and the driveways are ten (10) feet wide, two (2) feet greater than the width of the garage door. The garage door width of eight (8) feet is fifty percent (50%) of the total building width of sixteen (16) feet. This condition has been met.

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

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

**FINDING:** No garage doors exceed forty percent (40%) of the total square footage of the front of the unit. The majority of the units have fifty-six (56) square foot garage doors and 440 square foot building faces, with the garage door being thirteen percent (13%) of the building elevation.

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

**FINDING:** The roofs are gabled and each unit's roof is distinct from the next with pitch (10/12) separation. This standard has been met.

- c. A minimum of fifty percent (50%) of the residential units within a block's frontage shall have a front porch in the MDRH zone. Front porches may encroach six (6) feet beyond the perimeter foundation into front yard and street-side yard setbacks, and are not subject to lot coverage limitations, in both the MDRH and HDR zones. Porches may not encroach into the clear vision area, as defined in Section 2.301.**

**FINDING:** Although this project is in the HDR zone and front porches are not required, front porches are provided for all of the units. The front porches on units A1-A3 and B5-B8 encroach into the 20-foot front yard setback to the alley that is proposed and required (as discussed further in this report in Chapter 6 - Public Improvements). In addition, the front porch for unit A4 encroaches into the 20-foot front yard setback along Edy Road. These encroachments would be approximately five (5) feet, less than the six (6) feet permitted and, therefore, this standard has been met.

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

**FINDING:** The submitted architectural elevations show trim around the windows facing SW Edy Road but do not show sufficient detail for staff to determine that such trim will not be flush with the exterior wall. While staff cannot determine that this standard has been met, the applicant could demonstrate compliance with this standard by complying with the condition below.

**CONDITION:** Submit revised architectural elevations that are sufficiently detailed for staff to determine that the window trim facing public rights-of-way are not flush with the exterior wall treatment.

- e. **All building elevations visible from the street shall provide doors, porches, balconies, windows, or architectural features to provide variety in façade. A minimum of fifty percent (50%) of front street-facing elevations, and a minimum of twenty percent (20%) of side and rear street-facing building elevations, as applicable, shall meet this standard. The standard applies to each full and partial building story.**

The building elevation directly facing SW Edy Road provides for at least fifty percent (50%) of the elevation in doors, porches, balconies, windows and architectural features to provide variety in the façade. The side elevations visible from both Edy and Terrapin provide windows and variation in siding materials. The windows account for approximately twelve percent (12%) of these elevations and the siding variation covers the other required eight percent (8%).

**FINDING:** Based on the discussion below, the submitted plans show that this standard has been met.

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

**FINDING:** The proposed townhomes comply with the height limitations of the HDR zone, as discussed above under Section 2.105.05. This standard has been met.

- g. **Townhome developments which propose alley-loaded garages shall provide a mix of street-access garages, unless impractical due to lot depth, the proximity or function of local streets, or other factors identified in the parking plan.**

**FINDING:** Because SW Edy Road is a collector, access should be limited. Therefore, the applicant's proposal of alley-loaded garages and driveway-loaded garages is acceptable.

5. **Vehicular Circulation: All streets shall be constructed in accordance with applicable City standards and shall be curbed. The minimum paved street improvement width shall be:**
  - a. **Thirty-six (36) feet, with parking allowed on two (2) sides.**
  - b. **Any street within the townhome block that, due to volumes of traffic or street location, as determined by the City, functions as a minor collector or higher functional classification roadway, shall be constructed to full City public improvement standards.**

**FINDING:** This section has been superseded by the 2005 adoption of the Transportation System Plan (TSP). Street requirements are discussed and conditioned below in Chapter 6 - Public Improvements. This standard is no longer applicable as the TSP provides revised street standards. The applicant is proposing one local street, SW Terrapin, one public alley and one driveway, so the 36-foot wide street with parking on two sides would not apply. Additionally, the streets in this 14-unit development are not expected to function as a minor collector or higher functional classification, even when the public street and alley are extended to serve properties to the east and west.

#### **2.301 - Clear Vision Areas**

**Section 2.301 provides requirements for maintaining clear vision areas at intersections of 2 streets, a street and a railroad or a street and an alley or private driveway. In residential zones, the minimum clear vision distance is 30 feet for streets and 10 feet at the intersection of a street and an alley. In locations/zones with no minimum yard requirements, the clear vision standards do not apply.**

The proposal includes the intersection of SW Edy Road with SW Terrapin Drive. The site plan shows the 30 foot vision clearance triangle for this intersection will be met.

**FINDING:** Based on the discussion above, the clear vision standards have been met.

#### **2.303 - Fences, walls and hedges**

**Fences up to forty-two inches (42") high are allowed in required front building setbacks. Fences up to six feet (6') high are allowed in required side or rear building setbacks. Additionally, all fences shall be subject to the clear vision provisions of Section 2.301. Chain link fencing is not allowed along any residential street frontage.**

There is a 6-foot sight-obscuring wooden fence, decorative masonry wall or evergreen hedge to be installed on all but the northern property line. Staff supports this proposal as long as the 6-foot fence does not come within 20' of the right-of-way on Edy Road or Terrapin Drive. The fences in these areas can be a maximum of 42 inches.

**FINDING:** Staff cannot verify that the fences proposed meet the standards of the fence section but could verify this if a revised site plan were submitted showing that the 6-foot fence will not be located within 20-feet of the right-of-way.

**CONDITION:** Submit a revised site plan showing fencing on the site meeting Section 2.303.

**B. Variances (4.400)**

The applicant is requesting a variance to reduce the corner street side yard setback from 30 to 18 feet to provide for a public street into the property and extended to the west for future development.

**No variance request shall be granted unless each of the following is found:**

**A. Exceptional and extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the effective date of this Code, topography, or other circumstances over which the applicant has no control.**

**FINDING:** This lot is oddly shaped in that it is very narrow and deep. The applicant did not have a choice in the location of SW Terrapin Drive on the site because it had to line up with the existing street on the north side of Edy. Because of this, the entire right-of-way width must be on this property, constraining the buildable width of the property. The thirty-foot setback further reduces the developable width of the property, making any proposal difficult. Staff finds that exceptional and extraordinary circumstances do apply to this property.

**B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity.**

**FINDING:** This property is located within the HDR zone, where other property owners have the right to develop with condominiums or townhomes. The applicant could still develop townhomes or condominiums without the variance but the full street improvement and connection to the south requested by City Staff could force a decrease below the minimum density for the same quality development. A full street improvement is unusual for this type of development.

**C. The authorization of the variance will not be materially detrimental to the purposes of this Code, or to other property in the zone or vicinity in which the property is located, or otherwise conflict with the goals, objectives and policies of the Comprehensive Plan.**

**FINDING:** The variance requested is to the street side yard. A 30-foot setback is required for multi-family, regardless of the height. If the building were not multi-family, the setback would be 15 feet. These buildings have the appearance of townhomes, or single-family attached dwellings, which require the 15-foot setback for the street side yard. However, single-family attached dwellings would not be possible on this site as each unit requires

4,000 square feet and minimum densities could not be met. Allowing this variance will not be materially detrimental to this code or other property in the zone or vicinity.

**D. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.**

**FINDING:** The location of SW Terrapin to the north of Edy Road and the configuration of this lot were pre-existing conditions over which the applicant has had no control. The requirement to extend a public street/alley east/west across this property to serve the adjacent property limits the possible building locations on this site. Because the applicant has no control over the location of Terrapin or the configuration of the lot and little control over the east/west public road connection (to make a viable connection adequate to serve neighboring properties), staff finds that the hardship is not self-imposed. Because the resulting setback would be 18-feet, still exceeding the 15-foot that would be required for single-family attached dwellings, and because the development is as close to the eastern property line as possible, staff finds that this is the minimum variance which would alleviate the hardship.

**E. The hardship does not arise from a violation of this Code.**

**FINDING:** This property is vacant. No violations of the Code have occurred which would cause the hardship of the shape of the property and location of the existing road. This hardship does not arise from a violation of this Code.

**C. Chapter 5 - Community Design**

The applicable provisions of Chapter 5 include: 5.100 (Site Planning), 5.200 (Landscaping), 5.300 (Off-street parking and Loading), and 5.400 (On-site Circulation). Compliance with the standards in these sections is discussed below:

**5.201 Landscape Plan**

**All proposed developments for which a site plan is required pursuant to Section 5.102 shall submit a landscaping plan which meets the standards of Section 5.200. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan.**

The landscape plan, sheet LS1, shows that all areas not covered with structures, walkways, paved roadways and parking on the site will be landscaped.

**FINDING:** As discussed above, the submitted landscape plans comply with this standard.

**5.202 Landscaping Materials**

**5.202.01 Varieties - Required landscaped areas shall include an appropriate combination of evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of Section 5.200.**

**FINDING:** The landscape plan provides a combination of trees, large and small shrubs, ground cover and lawn; therefore, this standard is satisfied.

**5.202.02 Establishment of Healthy Growth and Size - Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.**

The landscape plans do not provide information demonstrating how the landscape areas will be maintained and the preliminary utility plans do not show a proposed irrigation system. It is possible for the applicant to meet this standard if they provide staff with sufficient information documenting how they intend to maintain the required landscaping.

**FINDING:** As discussed above, staff can not confirm that this standard will be met. If the applicant provides more information on the proposed planting and maintenance plan to ensure that the landscaping will be appropriately maintained, this standard will be met.

**CONDITION:** Prior to final site plan approval, provide information on maintenance and irrigation of the landscaping for the site.

**5.202.04 Existing Vegetation - All developments subject to site plan review as per Section 5.102.01 and required to submit landscaping plans as per Section 5.202 shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Commission, in addition to complying with the provisions of Section 8.304.07.**

**FINDING:** All of the existing trees on the site are proposed for removal. As discussed below in Section 8.304.07, staff will recommend retention of several of these trees and, at worst case scenario, mitigation. This is further discussed and conditioned below.

## **5.203 Landscaping Standards**

**5.203.01 Perimeter Screening and Buffering - A minimum six (6) 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 or industrial uses. In addition, plants and other landscaping features may be required by the Commission in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses.**

All of the property lines, with the exception of the northern property line abutting Edy Road, are adjacent to single-family attached or single-family detached uses. Six foot fencing or evergreen screening is proposed along all of these property lines and must be installed prior to final occupancy of the first building.

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

**5.203.02 – Parking and Loading Areas:**

**Total Landscaped Area (5.203.02.A) - All areas not covered by buildings, required parking, and/or circulation drives shall be landscaped with plants native to the Pacific Northwest in accordance with Section 5.200.**

The plans show landscaping will be provided in all areas not covered by buildings, parking or circulation areas. However, it is not clear that the proposed plants are “native to the Pacific Northwest”. This standard could easily be met if the landscape architect submits a letter certifying that the plants are native or are the most appropriate plants given the location and soils or if they modify the plant list to provide the required native plants.

**FINDING:** As discussed above, staff can not confirm that the plants proposed are native. However, staff is confident that this standard can be met if the applicant submits a letter certifying that the plants are native or if they modify the plant list to provide the required native plants.

**CONDITION:** Submit a letter from the landscape architect certifying that the plants are native and/or are the most appropriate plants given the location and soils or modify the plant list to provide the required native plants.

**Adjacent to Public Rights-of-Way (5.203.02.B) - A landscaped strip at least ten (10) feet in width shall be provided between rights-of-way and any abutting off street parking, loading, or vehicle use areas. Landscaping shall include any combination of evergreen hedges, dense vegetation, earth berm, grade, change in grade, wall or fence, forming a permanent year-round screen, excepting clear vision areas as per Section 2.303.**

There are no areas of off-street parking, loading or vehicular use that are abutting right-of-way and are not direct connections to the right-of-way. Even after the dedication of a north-south extension of SW Terrapin, as discussed in Chapter 6- Public Improvements, there are no areas of vehicular use or parking adjacent to right-of-way.

**FINDING:** Because there are no areas of off-street parking, loading or vehicular use that abut right-of-way, this standard is not applicable.

**Perimeter Landscaping (5.203.02.C) - A ten (10) foot wide landscaped strip shall be provided between off-street parking, loading, or vehicular use areas on separate abutting properties or developments. A minimum six (6) foot high sight-obscuring fence or plantings shall also be provided, except where equivalent screening is provided by intervening buildings or structures.**

The private drive that runs north-south through this site is separated from the residential property to the west by a ten (10) foot landscaped strip. As discussed above, a 6-foot sight-obscuring fence is also proposed for this area.

**FINDING:** Based on the analysis above, this standard has been met.

**Interior Landscaping (5.203.02.D) - A minimum of fifty percent (50%) of required parking area landscaping shall be placed in the interior of the parking area. Landscaped areas shall be distributed so as to divide large expanses of pavement, improve site appearance, improve safety, and delineate pedestrian walkways and traffic lanes. Individual landscaped areas shall be no less than sixty-four (64) square feet in area and shall be provided after every fifteen (15) parking stalls in a row.**

Generally, 10% of a parking area must be landscaping. In this proposal, there is approximately 5,190 square feet of required parking area and, therefore, ten percent (10%) of this would be 519 square feet. Of this, fifty percent (50%), or 260 square feet, must be interior. The off-street parking areas are predominantly in front of each unit and are surrounded by landscaped areas that are each approximately 70 square feet in size. There are eleven (11) of these interior landscaped areas for a total of 770 square feet of interior landscaping in the parking areas. There are no areas on this site where there are fifteen (15) consecutive parking spaces.

**FINDING:** As discussed above, the proposed plans meet this standard.

**Landscaping at Points of Access (5.203.02.E) - 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 2.301.**

This standard was addressed previously in this report under the clear vision area section.

**FINDING:** Based on the discussion above, this standard has been previously addressed.

**5.203.03 - Visual Corridors**

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

The TSP identifies SW Edy Road as a collector street; therefore, a ten (10) foot wide visual corridor is required. The submitted landscaping plan shows two (2) feet of shrubs and trees planted along SW Edy Road with at least eight (8) feet of sod behind. Section 8.304.04.B requires uniformly planted, drought resistant street trees and ground cover in the visual corridor. Staff does not find that sod is drought resistant ground cover. A revision of the types of ground cover planted or an irrigation system and plan should be included to meet this criterion.

**FINDING:** As discussed above, this standard has not been fully met. It is possible for the applicant to meet this standard through compliance with the conditions specified below.

**CONDITION:** Submit a revised plan that shows a ten (10) foot visual corridor along SW Edy Road that includes a mixture of uniformly planted, drought resistant street trees and ground cover and/or provide an irrigation plan and details of the irrigation system.

**5.301 – General Off-street parking and loading**

**5.301.05 Prohibited Uses - Required parking, loading and maneuvering areas shall not be used for long-term storage or sale of vehicles or other materials, and shall not be rented, leased or assigned to any person or organization not using or occupying the building or use served.**

The plans are silent in regard to the restrictions on long term storage of vehicles, boats, trailers, etc. In order to ensure that this standard is complied with, the applicant should be required to submit a copy of the recorded CC&Rs that verifies surface parking spaces shall be limited to parking motor vehicles only and may not be used for the long term storage of equipment, materials or vehicles.

**FINDING:** As discussed above, staff can not confirm that this standard will be met. However, the standard could be met through compliance with the following condition.

**CONDITION:** Submit a copy of the proposed CC&Rs, which verify long term storage or temporary sale of vehicles, equipment or materials shall be prohibited. Prior to final occupancy, submit a copy of the recorded CC&Rs.

**5.301.06 Location - Residential off-street parking spaces shall be located on the same lot as the residential use. For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within 500 feet of the use.**

**FINDING:** The proposed parking is located on the same property as the residential uses and, therefore, this standard has been addressed.

**5.301.07 Marking - All parking, loading or maneuvering areas shall be clearly marked and painted. All interior drives and access aisles shall be clearly marked and signed to show the direction of flow and maintain vehicular and pedestrian safety.**

The plans show parking spaces will be striped but do not show that compact spaces will be clearly marked. There are no loading spaces proposed or anticipated.

**FINDING:** The plans show the parking spaces are clearly marked but the compact parking spaces are not shown as marked.

**CONDITION:** Submit revised plans that show clear markings for the compact parking spaces.

**5.301.08 - Drainage  
Parking and loading areas shall include storm water drainage facilities approved by the City Engineer.**

As discussed further in this report in Chapter 6 - Public Improvements, staff cannot verify that this standard has been met.

**FINDING:** Based on the analysis above, staff can not confirm that this standard has been fully met. This will be discussed and conditioned below under Chapter 6- Public Improvements.

### **5.302 Off-street parking standards**

#### **5.302.02 – Minimum parking spaces**

**5.302.02 provides the required minimum and maximum parking spaces for uses permitted by the SZCDC. The required parking for multi-family developments is 1 space for units under 500 square feet, 1.25 spaces per 1 bedroom, 1.5 spaces per 2 bedroom and 1.75 spaces per 3 bedroom. There is no maximum number of parking spaces.**

This proposal is for one (1) three-bedroom unit, twelve (12) two-bedroom units and one (1) one-bedroom unit. Based on the requirements above, twenty-one (21) parking spaces would be required. However, as discussed previously in the townhomes section, two (2) off-street parking spaces are required per unit and garages may be included in the calculation. This fourteen (14) unit development would require twenty-eight (28) parking spaces. Twenty-nine (29) parking spaces are shown on the submitted plans with eleven (11) being located in garages, 11 being located in driveway and six (6) located in a surface lot..

**FINDING:** As analyzed and discussed above, the proposed development meets the minimum required number of required parking spaces.

#### **5.302.03.A – Dimensional Standards**

**For the purpose of Section 5.300, a "parking space" generally means a minimum stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five percent (25%) of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.**

Of the 29 parking spaces provided, the site plan shows 6 compact parking spaces, which represents 20% of the total parking provided. All standard parking spaces are at least nine (9) feet wide and twenty (20) feet in length and the compact parking spaces are all at least 8 feet wide and 18 feet in length.

**FINDING:** This standard is satisfied; however, compliance will be verified during site inspections prior to occupancy.

#### **5.302.03.B – Parking layout**

**Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicle turning and maneuvering. Groups of more than four (4) parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required. All parking areas shall meet the minimum standards shown in Appendix G.**

All parking spaces are served by the private driveway and do not back out directly onto a public street. As discussed below under Chapter 6 - Public Improvements, right-of-way

dedication will be required. The homes with direct access to the alley will back out into the alley, which is permitted by this standard.

**FINDING:** As discussed above, even after right-of-way dedication, this standard is met.

**5.302.03.C. – Wheel stops**

**Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high, located three (3) feet back from the front of the parking stall as shown in Appendix G.**

Every parking space that is not abutting or within a garage abuts landscaping and must have a wheel stop. The plans do show wheel stops at these locations.

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

**5.302.03.E. - Bicycle Parking Facilities**

**This section provides standards for bicycle parking facilities. The following standards must be addressed/met:**

- 1. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). Bike parking may be located inside the main building or protected or otherwise covered near the main entrance. If the first two options are unavailable, a separate shelter provided on-site is appropriate as long as it is coordinated with other street furniture.**
- 2. Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage; Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;**
- 3. Bicycle parking shall be least as well lit as vehicle parking for security.**
- 4. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.**
- 5. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.**

The applicant's plans show bicycle racks. However, the plans do not specify how many parking spaces are included or if the bicycle parking will be covered.

**FINDING:** Because the submitted plans do not show how many bicycle parking spaces and if they will be covered, this standard has not been met.

**CONDITION:** Submit a revised site plan that includes required bicycle parking consistent with Section 5.302.03.E.

**5.400 On-Site Circulation**

**5.401 – On-site pedestrian and bicycle circulation**

**On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family developments, planned unit developments, shopping centers and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single family detached housing), shall provide a continuous system of private pathways/sidewalks at least 6 feet wide.**

There are internal sidewalks connecting units A1-A4 of the development to the public sidewalk. However, units B5-B9 and C10-C14 are not provided safe, convenient pedestrian access. Units B5-B9 have access to the sidewalk along units A1-A4 by crossing the 17.5-foot wide alley. However, units C10-C14 have no pedestrian access and have to walk within the 24-foot wide driveway. Per Appendix G of Chapter 5 of the Zoning Code, the minimum driveway width for 90-degree parking is 22-feet wide. Staff finds that the applicant could reduce the width of the driveway by two feet and move the building to the east to accommodate a sidewalk for these units. This would represent a slight reduction in open space. However, as discussed below, under 8.304.03 Open Space, the applicant has provided 0.02 acres (approximately 900 square feet) of open space more than is required. The sidewalks must be 6-feet wide.

**FINDING:** As discussed above, staff can not find that this standard has been fully met. If the applicant complies with the conditions below, this standard will be addressed.

**CONDITION:** Submit a revised plan that shows 6-foot sidewalk connections from Building C to the public sidewalk on Terrapin.

#### **5.401.02 – Joint Access**

**Two (2) or more uses, structures, or parcels of land may utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfied 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.**

**FINDING:** Per the submitted plans, two (2) buildings will be served via the proposed public alley and one building via a driveway connecting to SW Terrapin, a local street. This standard has been met.

#### **5.401.03 Connection to Streets**

**A. Except for joint access as per Section 5.401.02, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.**

**B. 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.**

The plans indicate all ingress and egress will connect directly to a public street. Pedestrian connections from the entrance of each building to the public street were discussed previously in this report.

**FINDING:** Based on the analysis above, this standard has been met or conditioned previously.

#### **5.401.05 Access to Major Roadways**

**Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Appendix C of the Community Development Plan, Part II, shall be limited as follows:**

**A. Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W and arterial roadways. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.**

**B. Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress.**

**C. All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.**

The proposal includes ingress and egress for the three new buildings from SW Terrapin Drive, a local street. There are no other access points available to this site. The applicant is showing relocating the existing access to the property to the east (currently located on the subject site) so that it continues to have direct access to Edy Road, a collector. This is not acceptable as this property could take access from the public alley proposed on this site. This will be discussed further in this report in Chapter 6- Public Improvements.

**FINDING:** Based on the analysis above, this standard is not satisfied but will be discussed and conditioned further in this report.

#### **5.402 Minimum Residential Standards**

**5.402.01.C Driveways states that Multi-Family developments shall have one 24-foot wide two-way driveways when 3-49 units are proposed.**

The proposal includes one 24-foot wide access driveway which satisfies this standard.

**FINDING:** This standard is satisfied.

**5.402.02.B Sidewalks and Curbs (Multi-family)**

1. **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, to adjacent developments, to transit facilities within 500 feet of the site, and future phases of development. Main building entrances shall also be connected to one another.**
2. **Required private pathways/sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators, on one side of approved driveways connecting to the public sidewalk or curb of the public street which provides required ingress and egress. Curbs shall also be required at a standard approved by the Commission.**
3. **Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick/masonry pavers, or other durable surface, at least 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).**
4. **Exceptions. Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.**

**FINDING:** This standard was discussed and conditioned previously in this report under Section II.B.5.401.

**5.502 - Solid Waste Storage**

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

The plans do not show solid waste and recycling storage. There are areas on the site staff could see as providing solid waste disposal without a substantial reduction of open space or landscaping or the units could be served individually. Pride Disposal has requested contact information for the applicant to discuss the lack of solid waste storage.

**FINDING:** Based on the analysis above, this standard has not been met but could be met as conditioned below.

**CONDITION:** Submit verification from Pride Disposal that the solid waste storage is acceptable.

**D. Chapter 6 - Public Improvements**

**6.300– Streets**

**6.301.01 – Required Improvements**

**Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits.**

This property abuts SW Edy Road, designated a three-lane collector on the Sherwood Transportation System Plan. Figure 8-4 of the Sherwood Transportation System Plan (TSP) shows the minimum right-of-way for a three-lane collector as seventy-six (76) feet. Because there is currently thirty-five (35) feet of right-of-way between the centerline of SW Edy Road and this property, three (3) feet of dedication will be required to provide for thirty-six (36) feet from centerline. The applicant's submittal shows a 3-foot right-of-way dedication. In addition, the applicant's plans show an extension of SW Terrapin for which 46 feet of right-of-way dedication is shown in addition to an 8-foot pedestrian access/sidewalk easement.

**FINDING:** The applicant is proposing right-of-way dedication and therefore this standard has been met.

**6.301.02 – Existing Streets**

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

The improvements required to Edy are from the centerline to the property. All of Terrapin and the alley proposed are on this site and full-street improvements are proposed and will be required.

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

**6.303.04 Extent of Improvements**

**Streets required pursuant to Section 6.300 shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the Transportation System Plan and applicable City standards and specifications included in the Standard Transportation Drawings, and shall include curbs, sidewalks, catch basins, street lights,**

**and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map.**

**Catch basins shall be installed and connected to storm sewers and drainage ways. Upon completion of the improvements, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines. Street signs shall be installed at all street intersections and street lights shall be installed and served from an underground source of supply unless other electrical lines in the development are not underground.**

*Edy Road:* Edy Road is designated as a Collector Street in Figure 8-1 of the City's Transportation System Plan, (TSP). Figure 8-7 of the TSP shows Edy Road will be 3 lanes in the future. Diagram 3 of Figure 8-4 of the TSP shows a three lane Collector Street section without on street parking, and seems fitting as the applicant's design does not propose on street parking.

Diagram 3 of Figure 8-4 also notes that the required minimum right-of-way width for this street is between seventy-two (72) and seventy-six (76) feet, depending upon the sidewalk width. The detail notes show the minimum width for a residential sidewalk is eight (8) feet, thus the minimum right-of-way width required for Edy road is seventy-six (76) feet. Because there is currently thirty-five (35) feet of right-of-way between the centerline of SW Edy Road and the subject site, three (3) feet of additional right-of-way dedication will be required to provide for a thirty-eight foot half street right-of-way. 3 feet of right-of-way dedication is proposed by the applicant.

Required street improvements are also shown in diagram 3 of Figure 8-4 of the TSP. These improvements shall include an eleven (11) foot travel lane, six (6) foot bike lane, six (6) inch wide curb, five (5) foot planter strip, eight (8) foot wide sidewalk as well as street trees and street lights.

The applicant's proposal includes the necessary right-of-way dedication as well as many other requirements listed above. One item the applicant's design shows but is not required is an eight (8) foot planter strip. Engineering Staff suggests the required five (5) foot planter strip be utilized along Edy to remain consistent with future improvements. Additionally the applicant's design for Edy Road does not include street lighting.

The Engineering Department recommends the applicant revise the Edy Road improvements to address the above issues while continuing to meet both City and Clean Water Services Standards. It is feasible for the applicant to met these requirements as included in the conditions of approval.

*Terrapin Drive:* Revisions to the applicant's design include the extension of Terrapin Drive on the south side of Edy Road with an immediate turn to the west. The applicant proposed an alternate street design as allowed under 6.303.05 of the code. The applicant submitted additional grading information at the April 9, 2007 public hearing. Based on the original submittal and the additional information submitted, Engineering Staff generally agrees with

the proposed alternate design, and the City Engineer issued a letter of concurrence on April 18, 2007.

*Public Alley:* The applicant proposes a public Alley at the beginning of the project's driveway and continuing to the eastern property line. Staff endorses this concept for the purpose of access and connectivity to the eastern neighbor. Staff notes the applicant's design does not clearly match figure 8-3a of the TSP, but believes the applicant could receive concurrence from the City Engineer as the design improves upon the actual TSP requirements by providing a wider drivable surface and a wider sidewalk. The applicant's revised submittal shows that an actual connection to the eastern property is provided. Staffs notes that access for the property to the east is currently located on the applicant's property and staff supports the extension of the alley to provide access to this property.

**FINDING:** Staff finds that this standard has not been met because street lighting issues have not been addressed for Edy Road. This standard could be met as conditioned below.

**STAFF'S RECOMMENDED CONDITION:** Submit public improvement plans to the Engineering Department that show the Edy Road improvements meeting Sherwood Design and Construction Standards.

**6.304.01 Generally - The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Section 8.311, and topographical considerations.**

The proposed street extensions provide adequate, convenient and safe traffic and pedestrian circulation, intersection angles, grades, tangent and curves.

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

**6.304.02 Street Connectivity and Future Street Systems**

- A. Future Street Systems.** The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 8-8).-
- B. Connectivity Map Required.** New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that responds to and expands on the Local Street Connectivity map contained in the TSP.
- C. Block Length.** For new streets except arterials and principal arterials, block length shall not exceed 530 feet. The length of blocks adjacent to principal arterials shall not exceed 1,800 feet.
- D. Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing**

of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.

- E. Where full street connections over water features identified in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.
- F. **Pedestrian and Bicycle Connectivity.** Paved bike and pedestrian accessways at least 8 feet wide, or consistent with cross section standards in Figure 8-6 of the TSP, shall be provided on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted Transportation System Plan.
- G. **Exceptions.** Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:
  - 1. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided;
  - 2. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
  - 3. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

With the proposed extension of SW Terrapin Drive and the public alley to the east, the proposed plans respond to and illustrate expansion of the Local Connectivity Map. The extension of SW Terrapin will result in a shorter block length along the southern side of SW Edy Road. SW Houston Drive, the next street to the east, is less than 530 feet from SW Terrapin Drive. There are no water features on this site that must be crossed. No bicycle and pedestrian connections are shown on the proposed plans as discussed above. According to the TSP, a multi-use path is planned along Cedar Creek. The applicant has not provided any direct access to this planned facility. As a result of the triangular shape of this property, the best option for bicycle and pedestrian connection would be the public alley and Terrapin.

**FINDING:** As discussed above, the applicant has met the street connectivity standards and this condition has been met.

#### **6.304.03 Underground Utilities**

**All public and private underground utilities, including sanitary sewers and storm water drains, shall be constructed prior to the surfacing of streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.**

The applicant has shown all improvements to serve their development. Overhead utility lines are discussed further in this report under Section 6.803. Installation of utilities will be required prior to the surfacing of streets.

**FINDING:** The Engineering Department oversees construction of public improvements and will ensure that utilities are installed prior to road surfacing. This standard can be met through the construction process.

**6.304.15.B.3 – Vehicular Access Management - Collectors**

**All commercial, industrial and institutional uses with one-hundred-fifty (150) feet or more of frontage will be permitted direct access to a Collector. Uses with less than one-hundred-fifty (150) feet of frontage shall not be permitted direct access to Collectors unless no other alternative exists.**

**FINDING:** The applicant is proposing to construct an extension of SW Terrapin south of Edy Road. This southern extension of an existing road complies with the access spacing standards. No direct access to SW Edy Road is proposed. This standard is met as proposed.

**6.305 – Street design standard**

**6.305.04 Future Extension - Where necessary to access or permit future subdivision of adjoining land, streets shall extend to the boundary of the development. Dead-end streets less than 100' in length shall either comply with City cul-de-sac standards of Section 6.305.06, or shall provide an interim hammerhead turnaround at a location that is aligned with the future street system as shown on the local street connectivity map.**

**A durable sign shall be installed at the applicant's expense. These signs shall notify the public of the intent to construct future streets. The sign shall read as follows: "This road will be extended with future development. For more information contact the City of Sherwood at 503-625-4202.**

**FINDING:** As discussed above, the applicant is proposing an extension of SW Terrapin Drive to the west and a public alley to the east. As proposed on the revised plans, the alley will provide access to the property to the east and SW Terrapin will not preclude access for the property to the west. This standard has been met.

**6.305.13 Traffic Controls - For developments of five (5) acres or more, the City may require a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow. Such analysis will be completed according to specifications established by the City. Review and approval of the analysis by the City, and any improvements indicated, shall be required prior to issuance of a construction permit.**

**FINDING:** This development is not five (5) acres or more and, therefore, this standard does not apply.

#### **6.400 - Sanitary Sewers**

**Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Sanitary Sewers shall be constructed, located, sized and installed at standards consistent 6.402.01**

The applicant proposes to serve this site from existing sanitary systems on both the north and the south ends of the site. The design includes creating new laterals to existing manholes in Edy Road to the north and within a public sanitary easement located near the south west corner of tax lot 3300.

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

**FINDING:** The applicant's plans appear feasible, but will require review and approval of the public improvement plans before this can be confirmed.

**CONDITION:** Obtain approval from the Engineering Department for the required sanitary sewer connection prior to issuance of building permits.

#### **6.500 – Water Supply**

**Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development in compliance with 6.500.**

The City contracts with Tualatin Valley Water District (TVWD) for review and approval of engineering plans related to the water system. The applicant proposes two new laterals from the existing water main located in SW Edy Road. One lateral is designated for domestic water service while the other is to serve a fire hydrant located near the northwest corner of the site. This design is acceptable to the City of Sherwood but ultimately TVWD will have the final say on these and other issues regarding the water design.

**FINDING:** The applicant's water design appears feasible but will require review and approval of the public improvement plans and confirmation from TVF&R that the hydrant location and flow is acceptable before this can be confirmed.

**CONDITION:** Obtain approval from the Tualatin Valley Water District as verified in approved public improvements plans for the water system proposed.

**CONDITION:** Prior to final site plan approval, submit confirmation from TVF&R that the hydrant location and design shown in the public improvement plans is acceptable.

#### **6.600 Storm Water**

**Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage system consistent with the Comprehensive Plan.**

**FINDING:** The applicant's revised proposal shows that it is feasible for the applicant to construct a water quality facility on-site meeting Clean Water Services standards. There are still questions regarding the exact design proposed, but this standard could be met as conditioned below.

**STAFF'S RECOMMENDED CONDITION:** Submit public improvement plans to the Engineering Department that include a water quality facility, including appropriate source control and conveyance facilities, built to Clean Water Services standards.

#### **6.700 Fire Protection**

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

Tualatin Valley Fire and Rescue (TVF&R) provided comments that include the general TVF&R requirements but specifically identify concerns with the width of the access road (No Parking signs are required), the length of the access road (a turnaround or fire sprinklers will be required), turning radii from Edy Road, and available fire flow from the closest hydrant.

**FINDING:** Compliance with the standard TVF&R requirements will be required throughout the development of this project.

**STAFF'S RECOMMENDED CONDITION:** Comply with the standard TVF&R requirements throughout the development of this project.

#### **6.800 Public and Private Utilities**

##### **6.802 Standard**

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

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

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

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

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

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

On-site utilities will be private. The plans show an existing 15-foot wide sanitary easement along the southern portion of the western property line. In addition, Sherwood Broadband conduit will be required along the frontage of this site and to the individual units.

**FINDING:** As discussed above, the public and private utility standards have not been fully addressed because public improvement plans have not been submitted showing all utilities including Sherwood Broadband. If the applicant submits public improvement plans for review and approval which shows all public utilities including Sherwood Broadband and submits a revised site plan that shows Sherwood Broadband will be provided to all of the units, this standard will be addressed.

**STAFF'S RECOMMEND CONDITION:** Submit public improvement plans for review and approval which shows all public utilities including Sherwood Broadband. Submit a revised site plan to the Planning Department that shows Sherwood Broadband will be provided to all of the units.

**6.803 – Underground facilities - Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, and cable television, 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 Commission.**

There are no overhead utility lines shown on the submitted existing conditions sheet. All proposed utilities are proposed to be underground. The submitted plans comply with this standard.

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

## **E. Chapter 8 - Environmental Resources**

Section 8.304 (Parks and Open Spaces) is applicable to this proposed development. Compliance with these applicable standards is discussed below:

### **8.304 – Parks and Open Spaces**

**8.304.03 Multi-Family Developments - Except as otherwise provided, recreation and open space areas shall be provided in new multi-family residential developments to the following 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 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.**

**4. Terms of Conveyance - Rights and responsibilities attached to common open space and recreation areas and facilities shall be clearly specified in a legally binding document which leases or conveys title, including beneficial ownership to a home association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions suitable to the City for guaranteeing the continued use of such land and facilities for its intended purpose; continuity of property maintenance; and, when appropriate, the availability of funds required for such maintenance and adequate insurance protection.**

The site area after right-of-way and water quality facility dedication is 0.77 acres; therefore, 0.15 acres are required in common open space. The applicant has provided approximately 7,463 square feet, or 0.17 acres, of open space that are not required yards. This is approximately 22% of the net acreage. There are no active recreation opportunities shown in any of the proposed open space areas, however, several of the areas do exceed 800 square feet and are greater than 15 feet wide and could be used for active recreation with the addition of amenities. Furthermore, the subject site is located more than a ¼ mile from the nearest city park (Pioneer) where residents have access to open space and recreation opportunities. The townhome standards, as discussed above, require 5% of the site to be open space when the site exceeds two (2) acres. However, this assumes that each unit will have "private" open space available to the occupants, which is not the case with this project. This project has been reviewed with both the townhomes standards and the multi-family standards because there are clearly elements of both present. In the case where standards appear to conflict, it is the policy of the Planning Department to defer to the stricter of the standards.

**FINDING:** As discussed above, the submitted plans do show the required twenty percent (20%) of open space but do not show how 50% of the open space will be used for active recreation. This standard could be met as conditioned below.

**STAFF'S RECOMMENDED CONDITION:** Submit a revised site plan that shows how 50% of the required open space will be used as active recreation space.

**8.304.04 Visual Corridors**

This standard was discussed under Section V.B.5.203 and found to be in compliance.

**FINDING:** This standard was discussed and conditioned to comply under Section 5.203.03

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

**Trees are required to be planted by the land use applicant a minimum of one (1) tree for every twenty-five (25) feet of public street frontage within any new development. Planting of such trees shall be a condition of development approval. The trees must be a minimum of two (2) inches DBH and minimum height of six (6) feet.**

This parcel has 128 feet of frontage along SW Edy Road and, therefore, 5 street trees are required. The applicant is showing five (5) street trees along SW Edy Road. The applicant is also showing four (4) street trees along approximately 120 feet of frontage on Terrapin and, therefore, this standard is met.

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

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

**All site developments subject to Section 5.202 shall be required to preserve trees or woodlands to the maximum extent feasible within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, as determined by the City.**

There are six (6) existing trees on this site. The arborist's report, dated February 20, 2007, finds one tree is in poor health and is a hazard that should be removed. The arborist's report further finds that it is necessary to remove four of the other trees in order to develop the property. One of these trees is located within the area that will be right-of-way and a public utility easement along Edy Road. The three trees being removed from private property are all cedars and measure 74 inches DBH, 25 inches DBH and 45 inches DBH, and will require a total of 144 inches of mitigation. A tree mitigation plan must be submitted for staff to verify where and how mitigation will be accomplished.

**FINDING:** As discussed above, staff cannot find that this standard has been met. However, if the applicant complies with the condition below, staff can verify compliance with this standard.

**STAFF RECOMMENDED CONDITION:** Prior to final site plan approval, submit a tree mitigation plan showing where and how mitigation for 144 inches of Cedar trees will be accomplished. This mitigation must be complete or bonded for prior to issuance of building permits.

#### **IV. DECISION**

It is therefore the decision of the Hearings Officer, based on a review of the application materials, the Staff Report, the case exhibits, the applicable code provisions, agency comments, and hearing testimony, **APPROVE with conditions** the revised site plan modified April 6, 2007 . The Conditions of Approval are:

- A. General Conditions - The following applies throughout development and occupancy of the site:
1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
  2. This land use approval shall be limited to the preliminary plans submitted by the applicant and identified in Exhibit A and the additional materials submitted on April 9, 2007, except as indicated in the following conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.
  3. The developer is responsible for all costs associated with public facility improvements.
  4. **This approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
  5. Unless specifically exempted in writing by the final decision, the development shall comply with all applicable City of Sherwood and other applicable agency codes and standards except as modified below:
- B. Prior to grading the site:
1. Obtain City of Sherwood Building Department approval of grading plans and erosion control.
  2. Any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, and verification of such shall be provided to the City Engineer.
  3. A demolition permit shall be obtained from the Sherwood Building Department prior to demolishing any structures.
  4. Tree protection fencing must be installed around all trees designated for retention on-site.
  5. A temporary use permit must be obtained from the Planning Department prior to placing a construction trailer on-site.
- C. Public Improvement plans shall be consistent with the Engineering design standards and submittal requirements and shall include:

- a road design for SW Terrapin Drive meeting Engineering Design and Construction standards and not precluding a future connection to the west
- a road design for the public alley, including a temporary access easement and driveway to serve the property to the east until that property develops. Vehicular access must be provided to the property to the east (Wilbur property) at all times.
- Edy Road improvements designed to meet Engineering Design and Construction Standards
- a sanitary sewer design per CWS Design and Construction Standards
- a water design per TVWD standards
- a stormwater design, including appropriate source control and conveyance facilities, per CWS Design and Construction Standards
- all public utilities including Sherwood Broadband
- all existing and new utilities placed underground
- an eight (8) foot public utility easement along all right-of-way
- five (5) street trees along Edy and four (4) street trees along Terrapin

D. Prior to Final Site Plan approval, submit the following to the Planning Department:

1. Submit a final site plan to the Planning Department that shows:
  - a ten (10) foot visual corridor along SW Edy Road that includes a mixture of uniformly planted, drought resistant street trees and ground cover and/or provide an irrigation plan and details of the irrigation system
  - clear markings for the compact parking spaces
  - required bicycle parking consistent with Section 5.302.03.E
  - fencing on the site meeting Section 2.303
  - 50% of the required open space will be used as active recreation space
  - Sherwood Broadband will be provided to all of the units
  - 6-foot sidewalk/pathway connections from Building C to the public sidewalk on Terrapin
2. Submit revised architectural elevations to the Planning Department for review and approval indicating the exact siding and roofing materials to be used.
3. Submit revised architectural elevations that are sufficiently detailed for staff to determine that the window trim facing public rights-of-way are not flush with the exterior wall treatment.
4. Submit a copy of the proposed CC&Rs and Home Owners Association (HOA) agreement for staff review and approval. At a minimum, the CC&Rs and HOA agreement must include the landscape maintenance standards required by the Public Works Department for all common open space and water quality facilities, a provision for how the common open space facilities will be maintained with ultimate responsibility assigned, and a provision for the HOA to maintain the water quality facility per the City standards.
5. Provide information on maintenance and irrigation of the landscaping for the site.
6. Submit verification from Pride Disposal that the solid waste storage is acceptable.

7. Submit a letter from the landscape architect certifying that the plants are native and/or are the most appropriate plants given the location and soils or modify the plant list to provide the required native plants.
8. Submit a copy of the proposed CC&Rs, which verify long term storage or temporary sale of vehicles, equipment or materials shall be prohibited.
9. Submit a tree mitigation plan showing where and how mitigation for 144 inches of Cedar trees will be accomplished.
10. Submit confirmation from TVF&R that the hydrant location and design shown in the public improvement plans is acceptable.

E. Prior to issuance of building permits (other than grading):

1. Obtain approval from the Building Department, Engineering Department and Clean Water Services for the proposed storm drainage system on-site.
2. Obtain final site plan approval from the Planning Department.
3. Public improvement plans must be approved by the Engineering Department and all bonds or other assurances received.

F. Prior to receiving an occupancy permit for any unit:

1. The public improvements must be completed and accepted by the City and ODOT.
2. All public improvement plans must be completed and accepted by the Engineering Department and ODOT.
3. Submit a copy of the recorded CC&R's and HOA formation prior to occupancy of the last building.
4. Complete mitigation of the 144 inches of cedar trees on the site, via planting on-site, planting on another site in the city, or fee-in-lieu.

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G. On-going Conditions

1. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code.
2. The site shall be maintained in accordance with the approved site plan. In the event that landscaping is not maintained, in spite of the assurances provided, this would become a code compliance issue.

DATED: May 10, 2007.



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Paul Norr,  
Hearings Officer

**NOTICE OF APPEAL RIGHTS**

*The decision of the Hearings Officer detailed above will become final unless a petition for review (an appeal) is filed with the City Recorder not more than 14 calendar days after the date on which the Hearing Authority took final action on the land use application, or 14 calendar days after written notice of the action was mailed, whichever date applies, pursuant to the City of Sherwood Zoning & Community Development Code, Chapter 3.4. If the 14th day falls on a Saturday, Sunday or legal holiday, then the appeal period ends on the next business day. To file a petition for review (an appeal) contact the City of Sherwood Planning Department located at 22560 SW Pine Street, Sherwood, OR 97140, or telephone (503) 625-5522.*