



Home of the Tualatin River National Wildlife Refuge

NOTICE OF DECISION

TAX LOT and Map No. 2S132BD Tax lots 8500 and 8600
CASE NO: SP 12-04
DATE OF DECISION: August 28, 2012

Applicant

Capstone Partners, LLC
1015 NW 11th Avenue, Suite 243
Portland, OR 97209

NOTICE: Notice is hereby given that on August 28, 2012 the Sherwood Planning Commission approved SP 12-04, The Residences at Cannery Square. The decision was made based on the staff report dated July 24, 2012, the applicants materials submitted for review, and the applicant and public testimony provided at the August 14th and August 28th, 2012 Planning Commission hearings.

INFORMATION: For information on the decision or to obtain copies of file materials, please contact Brad Kilby, Senior Planner, AICP at 503-625-4206 or kilbyb@sherwoodoregon.gov

APPEAL: Pursuant to SZCDC Section 16.72.010.B.4, any person who appeared before the Planning Commission orally or in writing may file an appeal to the City Council not later than 14 days after the date of mailing of this notice of decision.

AFFIDAVIT OF MAILING

STATE OF OREGON)
)
Washington County)

I, Brad Kilby for the Planning Department, City of Sherwood, State of Oregon, in Washington County, do hereby certify that the Notice of Decision on Case File No. SP 12-04 was placed in a U.S. Postal receptacle on August 31, 2012.

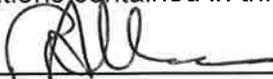


City of Sherwood Planning Department

**CITY OF SHERWOOD
Notice of Decision**

File No: SP 12-04 The Residences at Cannery Square

At the August 14, 2012 Planning Commission meeting the Commission opened the public record and took public testimony on the subject application. After receiving testimony, the Commission closed the record but asked staff to return at the August 28, 2012 meeting with revised conditions based on staff recommendations and public testimony. At the August 28, 2012 Planning Commission Meeting the Commission reviewed the revised conditions recommended by staff and the Planning Commission voted to **approve with conditions** the proposed site plan. The Planning Commission decision is based on the findings of fact and conditions contained in this notice including exhibits.



Patrick Allen, Planning Commission Chair

Proposal: The applicant is requesting a site plan and final development plan approval for the east and west phases of The Cannery PUD 09-01. The proposal is to construct 101 multi-family residential units with associated parking and site improvements. The applicant's submittal materials are attached to this report as Exhibit A.

I. BACKGROUND

A. Applicant:

Capstone Partners LLC
1015 NW 11th Avenue, Suite 243
Portland, OR 97209

Contact:

Jeff Sackett

Applicant's Representative:

Harper Houf Peterson Righellis Inc.
205 SE Spokane Street, Suite 200
Portland, OR 97140

Contact:

Keith Jones, AICP, LEED AP ND

Owner:

City of Sherwood
Attn: Urban Renewal Agency
22560 SW Pine Street
Sherwood OR 97140

Contact:

Joseph Gall, City Manager

- B. Location: SW Highland Drive between SW Columbia and SW Willamette Streets.
Washington County Tax Map 2S132BD tax lots 8500 and 8600.

- C. Parcel Size: Tax lot 8500 is 40,246 square feet in size, and Tax lot 8600 is 38,069 square feet in size.
- D. Existing Development and Site Characteristics: Both parcels are currently vacant, relatively flat, and unmaintained. Slopes on site range from 0-5%, and appear to be sloping from east to west.
- E. Site History: The apartments were considered as part of the Cannery Planned Unit Development (PUD 09-01) which was approved by the City Council on March 2, 2010 through ordinance 2010-004. The Cannery PUD is a seven phased development. The public improvements and plaza phase have been completed. The Community Building was approved in March of this year. The multi-family residential development is the third phase of the PUD to be considered by the Planning Commission.
- F. Zoning Classification and Comprehensive Plan Designation: Both tax lots are zoned (HDR-PUD) High Density Residential with a Planned Unit Development overlay. Per Chapter 16.12, the purpose of the HDR zone is to provide land for higher density multi-family housing with a density range between 16.8 and 24 units to the acre. The proposed densities were considered and preliminarily approved as part of the PUD 09-01 approval. The site is also located within the Cannery part of the Old Town Overlay zone, a designated historic district which seeks to preserve and enhance the area's commercial viability and historic character.
- G. Adjacent Zoning and Land Use: The subject properties are adjacent to residentially zoned and developed properties to the south and west. Properties south of the site are zoned Medium Density Residential Low. Properties to the west are zoned High Density Residential. In both instances, the properties immediately adjacent to the site are developed with single-family residences. Property to the east is zoned Medium Density Residential but developed with the City of Sherwood Fieldhouse and Public Works building. The property to the south is zoned Retail Commercial, is located within the PUD, and currently vacant.
- H. Review Type: The applicant proposes final development plan and site plan approval for two multi-family buildings within the Cannery Square PUD, which happens to be located within Sherwood Old Town overlay. As such, the application is subject to a Type IV review which requires review and approval by the Planning Commission after conducting a public hearing. An appeal would be heard by the Sherwood City Council.
- I. Public Notice and Hearing: This application was processed consistent with the standards in effect at the time it was submitted. A neighborhood meeting was held on April 30, 2012 at the Rebekah Lodge in downtown Sherwood. The neighborhood meeting was attended by eight members of the general public. They raised concerns about the aesthetics of the project, the proposed parking, the site amenities, and air conditioning. The minutes are provided in Attachment 3 of the applicant's materials.

Notice of the application was mailed to property owners within at least 1,000 feet of the subject property and posted on the property and in five locations throughout the City on July 24, 2012 in accordance with Section 16.72.020 of the SZCDC. The notice was published in the Times (a paper of general circulation) on August 2, 2012 and in the Sherwood Gazette (a paper of local circulation) in the August 2012 edition in accordance with Section 16.72.020 of the SZCDC.

- J. Review Criteria: Sherwood Zoning and Community Development Code, 16.12 (Residential Uses), 16.40 (Planned Unit Development), 16.58.010 (Clear Vision), 16.90 (Site Planning), 16.92 (Landscaping), 16.94 (Off-Street Parking), 16.96 (On-Site Circulation), 16.98 (On-Site Parking and Loading), Division VI 16.104-16.118 (Public Improvements), 16.142 (Parks and Open Space), 16.146 (Noise), 16.148 (Vibrations), 16.150 (Air Quality), 16.153 (Odors), 16.154 (Heat and Glare), 16.156 (Energy Conservation) and 16.162 (Old Town Overlay District)

II. PUBLIC COMMENTS

Public notice was mailed and posted on the property and in five locations throughout the City on July 24, 2012. Staff received no specific public comments to this application as of the date of the original report although staff received e-mail comments regarding parking in Old Town from Bruce Maplethorpe. His comments are attached as Exhibit B. Additional comments received prior to or at the Planning Commission Hearing were received from:

John and Jacky Boulton, 22515 SW Lincoln St., Sherwood Oregon 97140
Casey Overcamp, 23469 SW Richen Park Terrace, Sherwood Oregon 97140
Sanford Rome, 14645 SW Willamette, Sherwood Oregon 97140
Ethel Simpson, 22749 SW Highland Drive, Sherwood Oregon 97140
RJ Claus, 22211 SW Pacific Highway, Sherwood Oregon 97140
Scott Haynes, 22300 SW Schmeltzer Road, Sherwood Oregon 97140
Matt Langer 21315 SW Baler Way, Sherwood Oregon 97140
Scott Johnson, 22689 SW Saunders Drive, Sherwood Oregon 97140

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on July 10, 2012. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: Bob Galati, PE, the City Engineer submitted comments on July 30, 2012. His comments are incorporated throughout the report, and where appropriate conditions have been imposed to ensure that the proposal meets the standards which the engineering department is responsible to enforce. Mr. Galati's comments include consideration of the comments provided by DKS Associates, the City's traffic engineer. These comments are discussed in greater detail throughout this report, incorporated into the recommended decision, and are attached as Exhibits C.

Clean Water Services: Jackie Sue Humphrey's submitted comments dated July 24, 2012. Within her comments, Ms. Humphrey's indicates that the applicant will be required to obtain a storm connection permit from Clean Water Services (CWS), and approval of final construction plans and drainage calculations. The CWS comments are attached to this report as Exhibit D.

Tualatin Valley Fire and Rescue: John Wolff, Deputy Fire Marshal II with Tualatin Valley Fire and Rescue (TVFR), submitted comments for this proposal on July 24, 2012. Mr. Wolff's comments have been incorporated into this report where applicable, and are attached to this report as Exhibit E.

Pride Disposal Co.: Kristin Leichner of Pride Disposal, provided staff with comments dated June 22, 2012 that basically stating that the applicant and the provider have discussed how trash and

recycling will be provided to the site. Ms. Leichners' comments are attached to this report as Exhibit F.

ODOT, PGE, Kinder Morgan Energy, NW Natural Gas, Washington County, Metro, Raindrop to Refuge, and Tri-Met were also notified of this proposal and did not respond or provided no comments to the request for agency comments by the date of this report.

IV. SITE PLAN REVIEW REQUIRED FINDINGS (SECTION 16.90)

- 1. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.**

FINDING: This standard can be met as discussed and conditioned in this report.

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

STAFF ANALYSIS: Water, sanitary and streets are all available. They were provided as a part of the Cannery PUD. Parks and Open Space are nearby at Stella Olsen Park and at the nearby Cannery Plaza on Pine Street. Solid waste services, power, communication and public safety are all available to this development as it is located in Old Town Sherwood. There is a need to provide storm water treatment for the proposed development that has been discussed in the Engineering comments later in this report.

FINDING: Services are available to the site. Some of the services must be extended to the proposed apartment buildings. These services are discussed and conditioned further in this report.

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

FINDING: This site plan is subject to the conditions of the approved Planned Unit Development. Any required covenants or restrictions will be required to be satisfied as a part of PUD 09-01.

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

FINDING: The site where the apartments are proposed is flat and vacant. There are not any known significant natural resource areas on the property.

- 5. 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 16.108.080 Highway 99W Capacity Allocation Program, unless excluded herein.

FINDING: The subject properties are located within the Old Cannery portion of the Old Town Overlay; therefore, this criterion is not applicable.

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

STAFF ANALYSIS: The original approved PUD included an overall traffic study of the entire project, and required that each application for site plan review provide updated information. Chris Maciejewski, P.E. of DKS and Associates, the City's traffic consultant, provided a memo discussing the associated impacts dated July 26, 2012 and concluded that additional mitigation for this phase would not be necessary.

FINDING: The City Engineer has reviewed and concurred with the DKS memorandum that implementation of the remaining mitigation measures called for in the approved PUD were not warranted by this proposal.

- 7. The proposed office, retail multi-family institutional or 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 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.**

STAFF ANALYSIS: This proposal is located within the Cannery portion of the Old Town Overlay. The Old Town standards supersede the Commercial Design Matrix, and specific design standards approved through the approved Architectural Pattern book. Compliance with the Old Town Overlay standards are discussed later in this report.

FINDING: The Old Town standards supersede the above criteria and are discussed in greater detail later in this report, as proposed, the development does comply with the applicable standards.

V. APPLICABLE CODE PROVISIONS

The applicable zoning district standards are identified in Chapter 16.12 and 16.28 below.

A. Division II– Land Use and Development The applicable provisions of Division II include:

16.12.010.E. High Density Residential (HDR)

STAFF ANALYSIS: According to table 16.12.020.A, Multi-Family Dwellings are a use permitted outright within the zone. The 101-unit apartment complex was also considered and approved through the Cannery Square planned unit development (PUD 09-01).

FINDING: The proposed use is allowed within the HDR Zone.

16.12.030.C Development Standard per Residential Zone (table)

A. Lots

STAFF ANALYSIS: The proposed development is located within the HDR zone and subject to the HDR standards. The dimensional standards of each of the lots were evaluated and approved under a prior subdivision recorded in December of 2011. The building and all other structures must meet the dimensional standards outlined in the code.

FINDING: The lot dimension standards are met.

B. Setbacks

STAFF ANALYSIS: The proposed setbacks and modified dimensional standards were reviewed and approved through the PUD. Within the PUD, the setbacks for this specific proposal were waived for the interior of the PUD site, and as a result, the setback is 0-feet from the property line. However, the applicant is showing a minimum setback along both SW Columbia Street and SW Highland Drive of at least 5 feet. A setback of at least 53 feet along SW Willamette Street and side yard setbacks of at least 6-feet along the east property line of the east residential building, and 8.3 feet along the west property line of the west residential building are also provided. If the regional water quality facility is available to the development, and the applicant is permitted to divert the developments stormwater to that facility, the applicant may decide to move the buildings closer to the property line.

FINDING: The setback requirements are met.

C. Height

The maximum height of structures in the HDR zone is 40 feet or three stories, whichever is less.

STAFF ANALYSIS: As proposed and illustrated on sheets A301-A303 of the applicant's submittal, the buildings are proposed to be three stories high and 40 feet tall.

FINDING: The proposed development is consistent with the approved PUD, and the applicable sections of the development code as it pertains to the dimensional standards of the HDR zone. The applicable dimensional criteria of the PUD and HDR zone are satisfied by the proposed development.

16.40.030 - Final Development Plan

A. Generally

Upon approval of the PUD overlay zoning district and preliminary development plan by the Council, the applicant shall prepare a detailed Final Development Plan as per this Chapter, for review and approval of the Commission. The Final Development Plan shall comply with all conditions of approval as per Section 16.40.020. In addition, the applicant shall prepare and submit a detailed site plan for any non-single-family structure or use not addressed under Section 16.40.020(B)(6), for review and approval, pursuant to the provisions of Chapter 16.90. The site plan shall be processed concurrently with the Final Development Plan.

FINDING: The applicant is applying for final development plan approval and site plan review as part of this application. The site plan is being processed concurrently with the Final Development Plan. The applicant provided the following responses to the original conditions of approval in support of this application. Staff has amended the responses where information is available through other city records.

The proposal is a detailed Final Development Plan for the Residences at Cannery Square, a 101-unit multi-family development. Approved as part of the Sherwood Cannery PUD (Ordinance 2010-0004, PUD 09-01, approved in March 2010) the request for Site Plan Review has been submitted concurrently with this Final Development Plan approval request. The conditions of the preliminary PUD applicable to this proposal are listed under "E. General and Specific PUD Detailed Final Development Plan requirements" of the March 2010 notice of decision and City Council Ordinance. The applicants' response to these conditions of approval is provided below:

Condition E.1 - A Detailed Final Development Plan shall be submitted for review and approval within 1 year of the preliminary PUD approval.

Response: This condition was met with approval of the Plaza Phase, approved, permitted and completed (SP 10-02/CUP 10-01).

Condition E.2 - The Detailed Final Development Plan may be submitted for one or more phases, but shall include a detailed phasing, including timing, plan for remaining phases.

Response: The detailed phasing and timing plan was submitted with the initial final development plan, Plaza Phase (SP 10-02/CUP 10-01) approved on September 29, 2010.

Condition E.3 - Prior to occupancy of any phase in the PUD, on-site public improvements must be complete as determined by the City Engineer.

Response: The public improvements associated with the PUD have been constructed and accepted by the City.

Condition E.4 - *Prior to occupancy of the west building, south building, east building or the east or west residential building, the Plaza shall be complete.*

Response: The plaza has been constructed.

Condition E.5 - *Deleted*

Condition E.6 - *Prior to approval of occupancy for any phase utilizing on-site private storm water treatment systems, the applicant shall sign an access and maintenance agreement for any private storm water treatment systems installed as part of this development.*

Response: This is a timing issue. The applicant will complete access and maintenance agreements prior to occupancy. At this time the applicant is investigating the ability to send the stormwater from both sites to a proposed City-owned regional facility without providing on-site treatment. However, as a backup plan, an area within both parking lots is reserved for on-site treatment. If on-site treatment is not required this area will be used for landscaping or open space instead of stormwater treatment.

Condition E.7 - *All phases shall provide 65% of the required parking with no more than 50% of that parking being "modified" compact parking spaces (9 feet wide by 18 feet long).*

Response: Minimum parking is met for this proposal. Each site will provide off-street parking meeting the minimum parking requirement. Parking is discussed later in this report.

Condition E.8 - *Each phase shall comply with the site plan standards including but not limited to Community Design standards except as specifically modified in this decision.*

Response: Compliance with the site plan standards is addressed later in this report. As proposed and/or conditioned, the application can satisfy the applicable approval criteria for Site Plan.

Condition E.9 - *Trash enclosures must be placed consistent with Pride Disposal Requirements.*

Response: Both the buildings will have a trash compactor. The on-site manager will move the trash and recycling out from the building for pickup by the hauler. Pride Disposal has provided a letter approving this proposal. The letter is attached to this report as Exhibit F.

Condition E.10 - *No outdoor storage is permitted.*

Response: Outdoor storage is not proposed nor anticipated.

Condition E.11 - *Any outdoor sales and merchandise display must be approved as part of a CUP per 16.98.040.*

Response: Permanent outdoor sales and merchandise display is not proposed.

Condition E.12 - Any detailed final development plan approval for any structure in Phase I (West Building, South Building, East Building, West Residential Building, or East Residential Building) shall be coordinated and approved by the City Engineer to ensure that the traffic mitigation measures are assigned appropriately for each building phase. The traffic mitigation measures for all structures in Phase I are:

- a. Construct improvements to improve the operations of Pine Street/1st Street to meet City performance standards and mitigate queuing impacts at the Pine Street railroad crossing. This shall be accomplished by implementing a modified circulation for the downtown streets that includes:
 - i. Install a diverter for south-westbound on 1st Street at Ash Street or Oak Street to require vehicles travelling towards Pine Street to divert to 2nd Street.
 - ii. Remove one side of on-street parking Ash Street-2nd Street or Oak Street-2nd Street to provide two 12-foot travel lanes from the diverter to Pine Street. Convert to one-way traffic flow approaching Pine Street for this segment.
 - iii. Install an all-way stop at Pine Street/2nd Street. Stripe the southwestbound approach of 2nd Street to have a left turn lane and a shared through/right-turn lane.
 - iv. Install traffic calming measures on 2nd Street southwest of Pine Street to manage the impact of the added traffic.
- b. Restrict landscaping, monuments, or other obstructions within sight distance triangles at the access points to maintain adequate sight distances.
- c. Provide an enhanced at-grade pedestrian crossing of Pine Street to facilitate multi-modal circulation through the project site (e.g., signing, striping, lighting, a raised crossing, or pavement texturing).
- d. Construct Columbia Street northeast of Pine Street to City Standards as modified and approved by the City Engineer and install a sign indicating that this roadway will be a through street in the future (connecting to Foundry Avenue).
- e. Because of the alignment configuration of Columbia Street southwest of Pine, the street shall be configured and signed as a one way street.
- f. Restrict parking on the southeast side of Columbia Street at a minimum within 50 feet of Pine Street (northeast of Pine Street).

Response: A traffic impact study was prepared for the PUD by DKS Associates dated January 2009. The traffic study included this specific phase that remains at 101 dwelling units. The above are the recommendations from the 2009 study. All of the improvements above have been completed with the exception of improvements to Pine Street/1st Street. Whether improvements to Pine and 1st Street must be completed with this phase is at the discretion of the City Engineer. The City Engineer reviewed the applicant's traffic impact memorandums, and has concluded as evidenced by his comments that the proposed development does not warrant any additional mitigation measures beyond those that have already been constructed.

Condition E.13. - The west and east residential phases shall demonstrate compliance with the Old Cannery standards as outlined and modified in the pattern book.

Response: A response to the Pattern Book and Old Cannery standards is provided in the applicant's narrative, and is discussed later in this report.

Conditions E.14 to E.18

Response: These conditions do not apply to this phase of development.

Condition E.19. - *As part of the development of the East and West residential phase, enhanced screening along Willamette Street shall be provided to ensure a year round visual screen is provided.*

Response: A landscaping plan is provided contained within the plan set submitted with this application demonstrating compliance with this condition. Compliance with the landscaping standards, and more specifically the enhanced screening along Willamette Street is discussed later in this report.

Condition E.20 - *Prior to final PUD approval, submit a revised Architectural Pattern Book that:*

- a. *Clarifies that while the requirements do not specifically apply to multi-family residential the elements in the architectural pattern book are to be applied.*
- b. *Specifies what metal panels may and shall not look like.*

Response: The final development plan submitted for the plaza (SP 10-02/CUP 10-01) was the first final development plan submitted for the Cannery Square PUD. An updated pattern book dated June 22, 2010 was submitted for review and was approved with the plaza application.

Conditions E.21 to E.22

Response: These conditions do not apply to this phase of development.

Condition E23 - *Prior to final site plan approval of the east or west residential development, the developer shall provide an agreement for approval by the City that requires an on-site manager for the residential buildings. The on-site manager will be required to ensure that tenants understand the parking limits prior to entering into a lease agreement, and understand and adhere to the approved parking locations.*

Response: The applicant has maintained that they will have an on-site manager, and will provide a copy of this agreement prior to final site plan approval. This remains a condition of final site plan approval.

B. Final Subdivision Plat

If the PUD involves the subdivision of land, a final plat shall be prepared and submitted for final approval, pursuant to Chapter 16.124.

FINDING: The application does not include any proposal for further subdividing the parent parcel. The land division that was approved with PUD 09-01, SUB 09-02 obtained final approval in 2011 and is recorded with Washington County as document no. 2011089523. This criterion is satisfied.

16.40.040 - General Provisions

A.1. Phasing

- a. The City may require that development be done in phases, if public facilities and services are not adequate to serve the entire development immediately.**
- b. Any PUD which requires more than twenty four (24) months to complete shall be constructed in phases that are substantially complete in themselves and shall conform to a phasing plan approved as part of the Final Development Plan.**

2. Failure to Complete

- a. When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission shall determine whether or not the PUD's continuation, in whole or in part, is in the public interest.**
- b. If continuation is found not to be in the public interest, the Commission shall recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.**

STAFF ANALYSIS: This proposal is the third of seven phases that were approved through the original Cannery Square PUD09-01. The first phase was recently just completed, and received a certificate of occupancy on February 14, 2012. The second phase was approved in April of 2012, and includes the conversion of the Machine Shop into a mixed use community center and an adjacent parking lot.

FINDING: The applicant has maintained momentum in realizing the completion of PUD 09-01 including the completion of all public improvements, and approval of two earlier phases. This criteria is not applicable to this specific proposal, as the apartments are expected to be constructed in a single phase.

16.40.060 - Non-Residential (Commercial or Industrial) PUD

A. Permitted Uses

Any commercial, industrial or related use permitted outright in the underlying zoning district in which the PUD is located, may be permitted in a Non-Residential PUD, subject to Division VIII.

B. Conditional Uses

Conditional use permitted in the underlying zoning district in which the PUD is located may be allowed as part of the PUD upon payment of required application fee and approval by Commission.

C. Development Standards

1. Floor Area

The gross ground floor area of principal buildings, accessory buildings, and future additions shall not exceed sixty percent (60%) of the buildable portion of the PUD.

2. Site and Structural Standards

Yard setback, type of dwelling unit, lot frontage and width and use restrictions contained in this Code may be waived for the Non-Residential PUD, provided that the intent and objectives of this Chapter are complied with in the Final Development Plan. Building separations shall be maintained in accordance with the minimum requirements of the Fire District.

3. Perimeter Requirements

Unless topographical or other barriers within the PUD provide reasonable privacy for existing uses adjacent to the PUD, the Commission shall require that structures located on the perimeter of the PUD be:

- a. Setback in accordance with provisions of the underlying zoning district within which the PUD is located and/or:**
- b. Screened so as to obscure the view of structures in the PUD from other uses.**

4. Height

Maximum building height is unlimited, provided a sprinkler system is installed in all buildings over two (2) stories, as approved by the Fire District, excepting that where structures are within one hundred (100) feet of a residential zone, the maximum height shall be limited to that of the residential zone.

5. Community Design Standards

For standards 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, see Divisions V, VIII and IX.

6. Density Transfer

Where the proposed PUD includes lands within the base floodplain, a density transfer may be allowed in accordance with Section 16.142.040.

7. Minimum Site Area

a. Commercial PUD

Minimum area for a Commercial PUD shall be five (5) acres. Development of a Commercial PUD of less than five (5) acres may be allowed if the PUD can be developed consistent with the intent and standards of this Chapter, as determined by the Commission.

b. Industrial PUD

The minimum site area for an Industrial PUD shall be twenty (20) acres.

STAFF ANALYSIS: Compliance with these standards was reviewed and conditionally approved as part of the original approval. It should be noted that the application has been reviewed for consistency with the preliminary plan and its associated conditions of approval as discussed above.

FINDING: To the extent that any of these provisions apply to this proposal, they have been addressed elsewhere in this report with greater specificity. For example, consistency with the permitted uses and dimensional requirements of the underlying zone are addressed earlier in this report. These criteria can be satisfied by the proposed development.

16.58 Supplementary Standards

16.58.010 Clear Vision Areas

- A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway. (Ord. 96-1014 § 1; 86-851)
- B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides. (Ord. 86-851 § 3)
- C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2-1/2) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground. (Ord. 86-851 § 3)

The following requirements shall govern clear vision areas:

- 2. In a commercial zone, the minimum distance shall be fifteen (15) feet, or at intersections including an alley, ten (10) feet.

STAFF ANALYSIS: There are two intersections where the clear vision areas could potentially be affected. There are no structures proposed at the intersection of SW Willamette Street and SW Highland Drive, and nothing to indicate that there would be any obstruction to the clear vision triangle of this intersection. The buildings are located closer to the intersection of SW Columbia Street and SW Highland Drive, but that intersection includes chicanes, or bulb outs that push the intersections forward and away from the buildings. A measurement of the clear vision area based on the intersection of the right-of-way extended indicates that there will not be any obstructions within the clear vision area.

FINDING: The proposed development does not include any new structures or proposed landscaping that would obstruct the clear vision areas that have been prescribed in Section 16.58. This criterion is satisfied by the proposed development.

B. Division V- Community Design

The applicable provisions of Chapter 5 include: 16.90 (Site Planning – addressed previously in this report), 16.92 (Landscaping), 16.94 (Off-street parking and Loading), and 16.96 (On-site Circulation). 16.98

Compliance with the standards in these sections is discussed below:

16.92 Landscaping

16.92.010 Landscape Plan

All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan which meets the standards of this chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan. Maintenance of existing not-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.

STAFF ANALYSIS: The proposed plans show planting areas on the site which are not paved. There are proposed trees around the parking area. The landscape plan shows a variety of plantings including a mixture of trees and shrubs. It should be noted that the proposed on site plantings are in addition to the existing street trees and vegetated water quality facilities that were planted as part of the public improvements that were constructed for the PUD.

FINDING: The applicant has submitted a landscape plan which shows landscaping in-all areas not occupied by structures, pavement, and walkways. This standard is met.

16.92.020 Landscaping Materials

A. 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 this Chapter.

STAFF ANALYSIS: The planting plans show three different types of trees including Vine Maples, Western Red Cedars, and Village Green Zelkova. The planting plan also identifies Kinnickinnik, Oregon Grape, and Holly in addition to other ground cover which will be selected at a later date. The site includes pre-existing street trees that were planted as part of the public improvements that were constructed for the PUD.

FINDING: The proposed planting plan includes a mixture of evergreen and deciduous trees, shrubs, and groundcover as required by this section. This standard is met.

B. 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.

STAFF ANALYSIS: The planting plan indicates that the planting areas will be irrigated, and calls for at least 18-inches of topsoil to be imported to the site and be amended per the planting media requirements for stormwater plantings.

FINDING: The applicant's plans call for planting techniques that have been recommended by a professional landscape architect to ensure that the landscape is established in a way that promotes healthy growth and maturity of the landscape. This standard is met.

C. Non-Vegetative Features

Landscaped areas as required by this Chapter may include architectural features interspersed with planted areas, such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, semi-pervious decorative paving, and graveled areas. Impervious paving shall not be counted as landscaping. Artificial plants are prohibited in any required landscaped area.

STAFF ANALYSIS: The proposed plans show shrubs and low growing ground cover. It is likely that there is mulch or bark dust in addition to the proposed landscaping.

FINDING: There are no hardscapes proposed to count towards the landscaping requirements. This standard is met.

D. Existing Vegetation - All developments subject to site plan review as per Section 16.90.020 and required to submit landscaping plans as per Section 16.92.020 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 16.142.060.

STAFF ANALYSIS: The entire site will likely be graded, and all of the existing landscaping with the exception of a row of shrubs along the west property line, removed.

FINDING: To the extent possible, the proposed development is maintaining the existing vegetation. This standard is met.

16.92.030 Landscaping Standards

A. 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.

STAFF ANALYSIS: The applicant has indicated within their narrative that they would be providing a fence along the east property line, but there are also single family homes located along the west property line. Staff visited the site and observed that there is an existing chain link fence along the property line that is overgrown with Himalayan blackberry vines, and other volunteer plant varieties. The landscape plans indicate that the existing shrub plantings along that property line would be kept, but again, these appear to be invasive, and not ideal for retention. The addition of the fence, trees and shrubs will provide privacy to neighboring residential properties.

FINDING: There is no clear indication within the narrative or on the plan sets to demonstrate compliance with this standard; therefore, the following condition is warranted.

CONDITION: Prior to final site plan approval, the developer shall install a 6-foot tall fence, wall or evergreen screen along the east property line of the east residential building site, and the west property line of the west residential building.

B. Parking and Loading Areas

1. Total Landscaped Area

A minimum of ten percent (10%) of the lot area used for the display or parking of vehicles shall be landscaped in accordance with Section 16.92. In addition, 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 16.92.020.

STAFF ANALYSIS: As proposed the total landscaping area can meet the minimum 10% landscaping requirement. The West Residential Phase has 17,019 square feet of impervious parking area and 2,456 square feet of landscaping, or 14%. The East Residential Phase has 15,597 square feet of impervious parking area and 2,085 square feet of landscaping, or 13%.

FINDING: The proposal exceeds the minimum 10% landscaping requirement. This standard is met.

2. Adjacent to Public Rights-of-Way

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, and change in grade, wall or fence, forming a permanent year-round screen, excepting clear vision areas as per Section 16.58.030.

STAFF ANALYSIS: There are two locations where the parking is adjacent to the SW Willamette Street right-of-way. The plans and narrative indicate that there will be a 10-foot wide landscape strip installed in this location.

FINDING: A 10-foot landscaping strip is provided between the surface parking lot and SW Willamette Street. This standard is satisfied.

3. Perimeter Landscaping

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.

FINDING: This standard is not applicable to this proposal, but it should be noted that the on-site landscaping, along with the condition requiring a sight obscuring fence recommended above provides a landscape buffer between the parking areas on the two apartment sites, and the adjacent land uses.

4. Interior Landscaping

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. Storm water bio-swailes may be used in lieu of the interior landscaping standard.

STAFF ANALYSIS: The proposed West residential parking lot has a parking field of 17,019 square feet. Ten percent of the area would require 1,701 square feet of landscaping, and fifty percent of the area must be interior. Under this requirement, the development would require a minimum of 851 square feet of interior landscaping. The applicant is proposing to provide 1,723 square feet.

The proposed East residential parking lot has a parking field of 15,597 square feet requiring ten percent, or 1,559 square feet of interior landscaping. This standard would require a minimum of 780 square feet to be interior to the parking area. The applicant is proposing to provide 1,521 square feet.

FINDING: The proposal provides more than 50% of the required parking landscaping interior to the site. This criterion is satisfied.

5. Landscaping at Points of Access

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

STAFF ANALYSIS: The two points of access into the site are off of SW Highland Drive. Sheet L101, the landscaping plan, indicates that there is to be trees and shrubs provided at each point of access. The planting plan calls for all trees to have a clear height of six feet which will ensure that the minimum sight distance is maintained.

FINDING: The proposal includes landscaping and planting directions to ensure that the minimum sight distance can be preserved. This standard is met.

16.94. Off-Street Parking and Loading (relevant sections)

16.94.010 Generally

A. Off-Street Parking Required.

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

C. Joint Use

Two (2) or more uses or, structures on multiple parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap, provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.

D. Multiple/Mixed Uses

When several uses occupy a single structure or parcel of land, the total requirements for off-street parking and loading shall be the sum of the requirements of the several uses computed separately, with a reduction of up to 25% to account for cross-patronage of adjacent businesses or services. If the applicant can demonstrate that the peak parking demands for the combined uses are less than 25% (i.e., the uses operate on different days or at different times of the day), the total requirements may be reduced accordingly.

STAFF ANALYSIS: As proposed, each residential building is provided with its own on-site parking lot. The project is required to provide 65% of the minimum parking for this development to be consistent with the planned unit development approval. For 101 apartment units, the parking is based on the size of the unit. The applicant has provided the following breakdown for the units.

East Building			
Unit Type	Units	Spaces Per Unit	Parking Required
studio	8	0.81	6.50
1 bed 1 bath	11	0.81	8.94
1 bed + den	10	0.81	8.13
1 bed tow nhouse	6	0.81	4.88
2 bed 1 bath	2	0.98	1.95
2 bed 2 bath	5	0.98	4.88
3 bed	6	1.14	6.83
Parking Required			42
Tota Off-Street Spaces provided			48

West Building			
Unit Type	Units	Spaces Per Unit	Parking Required
studio	8	0.81	6.50
1 bed 1 bath	15	0.81	12.19
1 bed + den	9	0.81	7.31
1 bed townhouse	0	0.81	0.00
2 bed 1 bath	6	0.98	5.85
2 bed 2 bath	12	0.98	11.70
3 bed	3	1.14	3.41
Parking Required			47
Tota Off-Street Spaces provided			53

FINDING: The applicant has demonstrated that the required number of parking spaces provided for each building is provided consistent with the Sherwood Zoning and Community Development Code. This standard is met

F. Location

2. 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. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.

G. 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.

J. Parking and Loading Plan

An off-street parking and loading plan, drawn to scale, shall accompany requests for building permits or site plan approvals, except for single and two-family dwellings, and manufactured homes on residential lots. The plan shall show but not be limited to:

1. Delineation of individual parking and loading spaces and dimensions.
2. Circulation areas necessary to serve parking and loading spaces.
3. Location of accesses to streets, alleys and properties to be served, and any curb cuts.
4. Landscaping as required by Chapter 16.92.
5. Grading and drainage facilities.
6. Signing and bumper guard specifications.
7. Bicycle parking facilities as specified in Section 16.94.020.C.

STAFF ANALYSIS: The applicant has submitted plans which show the proposed off-street parking spaces to serve this development. The proposed parking is available

within 500 feet of the front door. The proposed site plan shows the lines for the parking stalls. There are sidewalks and crosswalks available in order for pedestrians to go from the parking area within the site to future development sites on the opposite side of SW Willamette Street. Circulation, parking dimensions, locations of streets and bike parking requirements are all discussed and met later in this report.

FINDING: The applicant has provided plans that demonstrate compliance with these criteria.

16.94.020 Off-street parking standards

16.94.020.02 provides the required minimum and maximum parking spaces for uses permitted by the SZCDC.

STAFF ANALYSIS: The SZCDC states that for all property and uses within the "Old Cannery Area" of the Old Town Overlay District, requirements for off-street automobile parking shall be no more than sixty-five percent (65%) of that normally required by Section 16.94.020. The proposed multi-family buildings are located within the Old Cannery Area. According to the applicant, and as discussed previously within this narrative, the 65% standard was used in calculating minimum required parking (see Section 16.94.020 above).

FINDING: The proposal has demonstrated that the required minimum parking requirements for the proposed use have been met. The maximum number of parking spaces would not be exceeded given that the calculations were based off of 65% of the minimum parking requirements. This standard is satisfied.

16.94.020.A – Dimensional Standards

For the purpose of Section 16.94, 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.

STAFF ANALYSIS: All stalls within the project will be 90-degree head in spaces. Proposed drive aisle widths meet or exceed the 23-foot width required in Appendix G of the SZCDC. The proposed development provides some 9-foot wide by 18-foot deep stalls and some 9-foot wide by 20-foot deep stalls. This variation in size was previously approved through Condition E.7 of the approved PUD (Ordinance 2010-0004, PUD 09-01, approved in March 2010). That approval allows 50% of the PUD parking to be 9X18 "modified" compact spaces. The preliminary PUD showed 76 of 101 spaces for this particular phase as modified compact. The actual number of modified compact spaces has been reduced with this proposal to 41 of 101 spaces

FINDING: Sheet C3.0, and the applicants narrative have demonstrated that the dimensional standards for parking have been satisfied.

16.94.020. 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.

STAFF ANALYSIS: As discussed previously, the dimensions of the proposed parking lot is consistent with Appendix G.

FINDING: As proposed, the development satisfies the dimensional standards of Appendix G within the SZCDC. This standard is satisfied.

1. 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. Wheel stops adjacent to landscaping, bio-swales or water quality facilities shall be designed to allow storm water run-off.

STAFF ANALYSIS: The applicant's narrative and site plan has indicated that all interior parking spaces will have wheel stops. The parking spaces along the landscaped areas adjacent to Willamette Street are provided with a curb to protect the landscaping that would be adjacent to the parking lots.

FINDING: Wheel stops are provided adjacent to the interior landscaped areas and sidewalks. This criterion is satisfied.

16.94.020 C. Bicycle Parking Facilities

- 1. Location and Design.** 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 such as benches, street lights, planters and other pedestrian amenities. Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" design is appropriate. Alternative, creative designs are strongly encouraged.
- 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.
- 3. Options for Storage.** 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.
- 4. Lighting.** Bicycle parking shall be least as well lit as vehicle parking for security.
- 5. Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

6. Hazards. 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.

STAFF ANALYSIS: The code requires a minimum of 1 bike parking space for every 10 auto spaces. In this instance, the applicant is required to provide 5 bike spaces for the West residential building, and 5 bike spaces for the East residential building. The narrative indicates that interior bike parking will be provided on the ground floor, and the first floor plans (sheets A201e and A201w) for each building illustrates interior parking for approximately 34 parking spaces. The location of the bike racks will be convenient, secure and well lit.

FINDING: The proposal provides for 17 covered bicycle parking spaces for each multi-family building. Overall, the development provides 24 more bicycle parking spaces than required by the code. This criterion is satisfied.

16.96 On-Site Circulation

16.96.010 – 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.

STAFF ANALYSIS: There are new sidewalks completely surrounding the two buildings, that were constructed as part of the public improvements associated with the approved PUD. These sidewalks connect to a comprehensive system of sidewalks throughout Old Town that connect to a whole host of activity centers.

FINDING: There is an existing system of sidewalks surrounding the development that were installed in anticipation of this phase of the development. No further sidewalk improvements are warranted with this request, and this standard is satisfied.

16.96.010.03 - Connection to Streets

- A. Except for joint access as per 16.96.010, 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.**

STAFF ANALYSIS: Both multi-family buildings will have direct driveway access to SW Highland Drive, and the buildings include a central ground floor lobby that connects directly to the adjacent system of sidewalks located along SW Highland Street.

FINDING: The proposed development is connected directly to the public street with both vehicular and pedestrian access. This criterion is satisfied.

16.96.010.05 - 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: 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.

FINDING: There is not access onto Highway 99W or any other arterials therefore this standard is not applicable.

16.96.030.03. Sidewalks and Curbs

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). At a minimum all crosswalks shall include paint striping.

STAFF ANALYSIS: The proposed development connects directly to the public sidewalk system that was completed a little over a year ago. There are no proposed private sidewalks associated with the development.

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

16.98.020 - 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.

STAFF ANALYSIS: The applicant has proposed to provide on-site compactors for both buildings. As proposed, the trash and recycling will be collected inside the ground floor of the building, compacted, and placed outside for collection by Pride Disposal. Pride Disposal has reviewed and approved this option as evidenced by the letter and comments that they have provided that are attached as Exhibit F.

FINDING: The applicant has proposed to collect all solid waste on site, within a ground floor room of the building. The only time that the roller bins will be visible to the public is on days when trash is collected. This is a practice that is consistent with many residential developments, and is acceptable to the service provider; therefore, this criterion is satisfied.

C. Division VI - Public Improvements

16.108– Streets

16.108.030.01 – 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.

STAFF ANALYSIS: The proposed development abuts SW Highland Street, SW Columbia Street, and SW Willamette Street. According to the City Engineer, all improvements associated with the public streets have already been completed and are sufficient to serve the proposed development. It should be noted that the applicant is required to repair or replace any improvements that are damaged in the course of construction.

FINDING: All of the street related improvements adjacent to the proposed development have been recently completed. No further improvements are needed, and this criterion is satisfied.

16.108.040.03 - 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.

STAFF ANALYSIS: According to the City Engineer, all of the utilities necessary to service the proposed development were installed at the time that the public improvements were constructed, and are already underground and stubbed to the properties

FINDING: All utilities were previously installed consistent with this requirement. This criterion is satisfied.

16.108.050.11-Transit Facilities

Developments along existing or proposed transit routes, as illustrated in Figure 7-2 in the TSP, shall be required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities to Tri-Met specifications. Transit facilities shall also meet the following requirements:

- 1. Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.**
- 2. Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.**
- 3. Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).**

4. **Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.**
5. **Provide lighting at a transit stop (if not already existing to transit agency standards).**

STAFF ANALYSIS: There is an existing transit facility on SW Railroad Street north and west of the site, but not adjacent to this development. Tri-Met did not provide comments on the proposed development.

FINDING: There is no evidence to suggest that any transit facilities are needed for the proposed development; therefore, this criterion is not applicable to the proposed development.

16.110 - 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 16.110.

FINDING: Sanitary sewers are already available to the site. This criterion is satisfied.

16.112– 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 16.112.

FINDING: Although the water lines are already available to the site, the Fire Marshal has indicated that there is not enough information within the record to demonstrate that fire flows are met. Therefore, the following condition is warranted for this development.

CONDITION: Prior to the issuance of any building permits, the applicant shall provide the fire marshal with evidence demonstrating that the existing water lines will provide at least 20 psi of dedicated water service. The applicant shall provide evidence in writing from the fire marshal that this condition has been met.

16.114 - 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, the requirements of the Clean Water Services water quality regulations and section 16.114.

STAFF ANALYSIS: According to the City Engineer, the site is not currently serviced by any public or regional storm water quality facility. A regional storm water quality facility is planned for within this sites storm water basin; however the scheduled design and construction date may be several years out. With this understanding the applicant has provided design for on-site storm water quality treatment via storm water planters.

A storm water report prepared by HHPR, dated May 2012, provides calculations on the design parameters of the storm water planter treatment capacity. These design

parameters are in conformance with Clean Water Services design requirements delineated in R&O 07-20. Section 4.07.3 – LIDA Approvable to the District.

A “Private Stormwater Facility Access and Maintenance Covenant” will need to be signed by the applicant, which will give the City right to enter upon the site to inspect or perform maintenance on the on-site storm water treatment facilities if the applicant fails to maintain the facilities to established standards. Provisions of the covenant include the right to recover the cost of maintenance efforts from the applicant, and are considered a regular component of the development agreements associated with the engineering permits.

FINDING: The applicant has provided enough information to demonstrate that stormwater collection, treatment, and conveyance can be handled through one of two options, and that it is feasible to utilize either option provided the following recommended conditions are met.

CONDITION: Prior to final site plan approval, obtain construction plan approval from the Engineering Department for all public improvements including the on-site water quality facility if an alternative has not been agreed upon at time of final site plan review. If the applicant, City and CWS reach an acceptable agreement to use the regional water quality facility, the applicant may submit revised plans showing how the areas for the on-site water quality facility will be otherwise landscaped or utilized consistent with the approved development plans and the engineering compliance agreement modified accordingly to eliminate the on-site water quality facility.

CONDITION: Prior to final occupancy, an on-site or a regional storm water treatment system that complies with City of Sherwood and CWS standards shall be either in place, operational and any necessary connection fees paid or an agreement and assurances acceptable to both the City of Sherwood and CWS shall be in place.

16.116.010 - 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. In addition capacity, fire flow, access to facilities and number of hydrants shall be consistent with 16.116.020 and fire district standards.

FINDING: John Wolf, the TVFR Fire Marshal has provided comments within Exhibit E to this report that indicates that the development has not fully satisfied the fire protection requirements of the district. This is not uncommon in that the District will typically issue comments that are intended to guide the applicant towards compliance as the construction drawings are finalized; however, given that the comments are not specific to the proposal the following condition is warranted.

CONDITION: Prior to the issuance of any building permits, the applicant shall provide evidence in writing from the fire marshal that the requirements within his comments have been satisfied by the proposed development.

16.118.020 – Public and Private Utilities 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.**

STAFF ANALYSIS: In this specific instance, the developer is proposing to connect to services at the property line. The property was recently subject to the review and approval of a subdivision plat that was approved in conjunction with PUD09-01. That plat indicates that all of the necessary public utility easements have been provided for the proposed development site.

FINDING: The proposed development includes the extension of some public utilities onto the site. It is in the public's interest to have access to the utilities for the purpose of maintenance. Therefore, the following condition is warranted with this proposal.

CONDITION: Prior to granting occupancy, the applicant shall provide public utility easements for the water meter and the FDC vault and assembly in conformance with City standards.

16.142.050 Trees Along Public streets or on Other Public Property

16.142.050. Street Trees

- A. Trees are required to be planted to the following specifications along public streets abutting or within any new development or redevelopment. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.**

STAFF ANALYSIS: The applicant has not addressed this section of the Sherwood Community Development Code; however, the street trees associated with the public improvements have already been installed along the sites frontage.

FINDING: Street trees were installed along the sites frontage along with the public improvements. There is no need for any additional street trees, and this standard is satisfied.

16.142.060 - Trees on Property Subject to Certain Land Use Applications

All site developments subject to Section 16.92.020 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. Review and mitigation shall be consistent with 16.142.060 A, B, C and D.

FINDING: As a part of the Cannery PUD all trees greater than five inches in diameter at breast height (DBH) that are within the PUD were inventoried by size and species and shown on the tree protection plan submitted with the PUD. None of the trees discussed in the Cannery PUD tree report are impacted by the proposal and the findings of the original report are not affected.

16.146.020 - Noise Sensitive Uses

When proposed commercial and industrial uses do not adjoin land exclusively in commercial or industrial zones, or when said uses adjoin special care, institutional, or parks and recreational facilities, or other uses that are, in the City's determination, sensitive to noise impacts, then:

- A.** The applicant shall submit to the City a noise level study prepared by a professional acoustical engineer. Said study shall define noise levels at the boundaries of the site in all directions.
- B.** The applicant shall show that the use will not exceed the noise standards contained in OAR 340-35-035, based on accepted noise modeling procedures and worst case assumptions when all noise sources on the site are operating simultaneously.
- C.** If the use exceeds applicable noise standards as per subsection B of this Section, then the applicant shall submit a noise mitigation program prepared by a professional acoustical engineer that shows how and when the use will come into compliance with said standards.

STAFF ANALYSIS: It is not anticipated that there will be high levels of noise beyond what is expected in an urban area generated by the proposed multi-family use.

FINDING: As proposed, there will be no adverse impacts therefore this standard is met

16.148.010 - Vibrations

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

STAFF ANALYSIS: It is not anticipated that there will be high levels of vibration beyond what is expected in an urban area.

FINDING: There are not any expected adverse impacts therefore this standard is met.

16.150.010 – Air Quality

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

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

STAFF ANALYSIS: It is not anticipated that there will be high levels of air pollution beyond what is expected in an urban area.

FINDING: There are not any expected adverse impacts therefore this standard is met.

16.152.010 - Odors

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

STAFF ANALYSIS: It is not anticipated that there will be high levels of odor or unusual beyond what is expected in an urban area.

FINDING: There are not any expected adverse impacts therefore this standard is met.

16.154.010 – Heat and Glare

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

STAFF ANALYSIS: The lighting plan, sheet L102 provides a photometric lighting plan that demonstrates that the light at the property line is expected to be 0.5 foot candle or less.

FINDING: As demonstrated on the submitted plans, the proposed lighting will not shine off site in excess of 0.5 foot candle. This criterion is satisfied.

16.162 – Old Town Overlay District

16.162.030.A Permitted Uses

...Uses permitted outright in the HDR zone subject to 16.12.020.

STAFF ANALYSIS: The proposed use for the development is two multi-family buildings containing 101 residential units. Table 16.12.020 permits multi-family dwellings within the HDR zone.

FINDING: The proposed use is an outright permitted use within the underlying HDR zone; therefore, it is a permitted use on these properties.

Chapter 16.162.070 – Community Design

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

C. Off-Street Parking

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

STAFF ANALYSIS: The development is located within the Old Cannery Area of Old Town. According to the applicant, and as discussed previously within this report, the 65% standard was used in calculating the minimum required parking (see Section 16.94.020 above).

FINDING: As proposed, the development satisfies this criterion.

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

STAFF ANALYSIS: As previously discussed within this report, all of the existing streets were recently reconstructed with the Cannery Square PUD 09-01 and meet the standards of this section.

FINDING: This criterion is satisfied.

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

STAFF ANALYSIS: The proposed development is subject to the pattern book that was approved as part of the PUD 09-01, revised, and finally approved with File No. SP10-02/CUP 10-01, the Plaza phase of the PUD. The applicant has indicated that all exterior materials will be consistent with the pattern book and a color board will be presented at the public hearing.

FINDING: The applicant has provided an artist's rendering demonstrating that they intend to use earth tone colors, and has indicated that a color board will be presented at the public hearing. The color board will need to be reviewed and discussed at the public hearing, and this finding will need to be amended.

16.162.080.B. Reinforce the Corner.

The purpose of this standard is to emphasize the corners of buildings at public street intersections as special places with high levels of pedestrian activity and visual interest. On structures with at least two frontages on the corner where two city walkways meet, the building must comply with at least two of these options.

Option 1: The primary structures on corner lots at the property lines must be at or within 6 feet of both street lot lines. Where a site has more than one corner, this requirement must be met on only one corner.

Option 2: The highest point of the building's street-facing elevations at a location must be within 25 feet of the corner.

Option 3: The location of a main building entrance must be on a street-facing wall and either at the corner, or within 25 feet of the corner.

Option 4: There is no on-site parking or access drives within 40 feet of the corner.

Option 5: Buildings shall incorporate a recessed entrance(s) or open foyer(s), a minimum of 3 feet in depth to provide architectural variation to the facade. Such entrance(s) shall be a minimum of ten percent (10%) of the ground-floor linear street frontage.

STAFF ANALYSIS: The applicant has indicated that the developer intends to satisfy the Architectural Pattern Book approved as part of the Cannery Square PUD. The Residential Buildings are designed to reinforce the corners of the building facing SW Highland Street and SW Columbia Street, using brick as an accent cladding material. A front façade consisting of brick, fiber cement board, entrances and large amounts of glazing is proposed for facades facing SW Columbia Street and SW Highland Street. The brick façade portion will be at the building corners at the intersection of SW Columbia Street and SW Highland Street. The brick portion will serve to reinforce the architectural expression at the building corners and to tie the building back to the other Cannery projects. The facades of the buildings will be clad in two contrasting textures of fiber cement board panel.

FINDING: This criterion is satisfied by the proposed development.

16.162.080.C. Residential Buffer.

The purpose of this standard is to provide a transition in scale where the Old Cannery Area is adjacent to a lower density residential zone, outside the District. Where a site in the Old Cannery Area abuts or is across a street from a residential zone, the following is required:

- 1. On sites that directly abut a residential zone the following must be met:**
 - a. In the portion of the site within 25 feet of the residential zone, the building height limits are those of the adjacent residential zone; and,**
 - b. A 6-foot deep area landscaped with, at a minimum, the materials listed in Section 16.92.030B is required along the property line abutting or across the street from the lower density residential zone. Pedestrian and bicycle access is allowed, but may not be more than 6 feet wide.**

STAFF ANALYSIS: The proposed development is located within a residential zone, and abuts other residential properties in the zone. The applicant is proposing to provide an 8-foot landscape buffer, and has been conditioned earlier in this report to provide a sight obscuring fence along the property lines where there is an existing residential structure. No portion of the building is located within 25 feet of another residential use.

FINDING: This criterion is satisfied.

16.162.080.D. Main Entrance.

The purpose of this standard is to locate and design building entrances that are safe, accessible from the street, and have weather protection.

- 1. Location of main entrance. The main entrance of the principal structure must face a public street (or, where there is more than one street lot line, may face the corner). For residential developments these are the following exceptions:**
 - a. For buildings that have more than one main entrance, only one entrance must meet this requirement.**
 - b. Entrances that face a shared landscaped courtyard are exempt from this requirement.**
- 2. Front porch design requirement. There must be a front porch at the main entrance to residential portions of a mixed-use development, if the main entrance faces a street. If the porch projects out from the building it must have a roof. If the roof of a required porch is developed as a deck or balcony it may be flat, otherwise it must be articulated and pitched. If the main entrance is to a single dwelling unit, the covered area provided by the porch must be at least six (6) feet wide and six (6) feet deep. If the main entrance is to a porch that provides the entrance to two or more dwelling units, the covered area provided by the porch must be at least 9 feet wide and 8 feet deep. No part of any porch may project into the public right-of-way or public utility easements, but may project into a side yard consistent with Section 16.60.040.**

STAFF ANALYSIS: The primary building entries will be from SW Highland Street, set near the intersection of SW Columbia Street. The front building entries will be defined by a large architectural recess, storefront glazing, and an entry canopy. Secondary building entrances are provided from the parking area to the rear of the building. Additionally on the ground floor fronting Columbia and Highland will have residential entry doors directly to the street.

FINDING: As proposed, the development satisfies these criteria.

16.162.080.E. Off-Street Parking and Loading Areas.

The purpose of this standard is to emphasize the traditional development pattern in Old Town where buildings connect to the street, and where off-street vehicular parking and loading areas are of secondary importance.

- 1. Access to off-street parking areas and adjacent residential zones - Access to off-street parking and loading areas must be located at least twenty (20) feet from any adjacent residential zone.**

- 2. Parking lot coverage - No more than fifty percent (50%) of the site may be used for off-street parking and loading areas.**
- 3. Vehicle screening - Where off-street parking and loading areas are across a local street from a residential zone, there must be a 6-foot wide landscaped area along the street lot line that meets the material requirements in Section_16.92.020B.**

FINDING: The proposed development provides access to the site utilizing SW Highland Drive. Access to both parking areas is over 20 feet away from the nearest residential use. A 10-foot wide landscaping area is proposed along Willamette Street to screen and buffer the parking area. The west phase has a surface parking area of 14,671 square feet and a site area of 40,246 square feet or 36%. The east phase has a surface parking area of 12,807 square feet and a site area of 38,069 square feet or 34%.

FINDING: The proposed development does not use more than 50% of the site for off-street parking and loading, provides a landscape screen from the residential uses across SW Willamette Street, and the proposed access are not closer than 20-feet to any residential use. These criteria are satisfied.

16.162.080.F. Exterior Finish Materials.

The purpose of this standard is to encourage high quality materials that are complementary to the traditional materials used in Old Town.

1. Plain or painted concrete block, plain concrete, corrugated metal, full-sheet plywood, fiberboard or sheet pressboard (i.e. T-111), vinyl and aluminum siding, and synthetic stucco (i.e. DryVit and stucco board), are not allowed as exterior finish material, except as secondary finishes if they cover no more than ten percent (10%) of a surface area of each facade and are not visible from the public right-of-way. Natural building materials are preferred, such as clapboard, cedar shake, brick, and stone. Composite boards manufactured from wood in combination with other products, such as hardboard or fiber cement board (i.e. HardiPlank) may be used when the board product is less than six (6) inches wide. Foundation materials may be plain concrete or block when the foundation material does not extend for more than an average of three (3) feet above the finished grade level adjacent to the foundation wall.

2. Where there is an exterior alteration to an existing building, the exterior finish materials on the portion of the building being altered or added must visually match the appearance of those on the existing building. However, if the exterior finishes and materials on the existing building do not meet the standards of subsection F.1 above, any material that meets the standards of subsection F.1 may be used.

STAFF ANALYSIS: According to the applicant, the Residential buildings will comply with this standard and the Architectural Pattern Book for the Sherwood Cannery Square PUD. The project is a multi-family residential use and will include windows and ornament to fit the use. Storefront glazing will only be used at the primary building entry and amenity areas. The primary cladding material will be fiber cement board, using two

contrasting textures, along with a brick accent expression at the building corners. Aluminum, vinyl and T-111 siding is not proposed.

At the public hearing, testimony was received regarding the appearance of the buildings facing Willamette Street. The concern was that, while a significant amount of detail was provided to the primary entrance at the northern portion of the property, there was no detail provided to the south. This would result in a lack of harmony between this project and the existing properties to the south. As a result the Planning Commission determined that modifications were needed to ensure the building design at the southern corner of the building was “reinforced” as well.

FINDING: Based on the input at the public hearing, the Planning Commission determined this standard was not met because all street facing building elevations did not provide variations in materials or architectural details. They determined this could be met with the following condition.

CONDITION: Prior to the issuance of building permits for the east and west residential buildings, the applicant shall submit revised drawings that illustrate an enhanced decorative treatment of the southeast portion of the buildings and/or sites facing SW Willamette St. Such architectural revisions shall involve variations of texture, materials, patterns, and color which are distinct yet complementary to the buildings, or shall include brick or stone elements which serve to add visual interest to the portion of the project visible from SW Willamette St.

16.162.080.G. Roof-Mounted Equipment.

The purpose of this standard is to minimize the visual impact of roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communications equipment, must be screened using one of the methods listed below. Solar heating panels are exempt from this standard.

- 1. A parapet as tall as the tallest part of the equipment.**
- 2. A screen around the equipment that is as tall as the tallest part of the equipment.**
- 3. The equipment is set back from the street-facing perimeters of the building 3 feet for each foot of height of the equipment. On corner lots with two street facing areas, all equipment shall be centered.**

STAFF ANALYSIS: The applicant has indicated that all roof-mounted equipment will be placed in a recessed well, behind the pitched portion of the roof of the buildings.

FINDING: The applicant’s narrative, and plans indicate that the roof mounted equipment can be screened through the use of a recessed wall on the roof. This criterion is satisfied.

16.162.080.H. Ground Floor Windows.

The purpose of this standard is to encourage interesting and active ground floor uses where activities within buildings have a positive connection to pedestrians in Old Town. All exterior walls on the ground level which face a street lot line, sidewalk, plaza or other public open space or right-of-way must meet the following standards:

1. Windows must be at least fifty percent (50%) of the length and twenty-five percent (25%) of the total ground-level wall area. Ground-level wall areas include all exterior wall areas up to nine (9) feet above the finished grade. This requirement does not apply to the walls of residential units or to parking structures when set back at least five (5) feet and landscaped to at least the Section 16.92.030C standard.

2. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. The bottom of the windows must be no more than four (4) feet above the adjacent exterior grade.

STAFF ANALYSIS: The applicant has indicated that the project will have windows set at residential height, two to three feet above the floor line and of residential size and character. Building entries will have ample glass for the lobbies, amenity and community spaces, and the elevations clearly demonstrate that the standards are exceeded by the amount of glass doors and windows on the exterior walls.

FINDING: This specific section applies to all Commercial, Institutional and Mixed-Use Structures in the Old Cannery area, and was discussed at the time of the Preliminary PUD and it was determined that it did not apply to this phase as a “residential” project. According to sheet A301, a typical elevation that is illustrated for both buildings, ground floor windows and doors make up the majority of the elevation.

16.162.080.I. Distinct Ground Floor.

The purpose of this standard is to emphasize the traditional development pattern in Old Town where the ground floor of buildings is clearly defined. This standard applies to buildings that have any floor area in non-residential uses. The ground level of the primary structure must be visually distinct from upper stories. This separation may be provided by one or more of the following:

- 1. A cornice above the ground level.**
- 2. An arcade.**
- 3. Changes in material or texture; or**
- 4. A row of clerestory windows on the building's street-facing elevation.**

FINDING: The entire building is for residential use. This standard is not applicable to the proposed development.

16.162.080.J. Roof.

The purpose of this standard is to encourage traditional roof forms consistent with existing development patterns in Old Town. Roofs should have significant pitch, or if flat, be designed with a cornice or parapet. Buildings must have either:

- 1. A sloped roof with a pitch no flatter than 6/12; or**
- 2. A roof with a pitch of less than 6/12 and a cornice or parapet that meets the following:**
 - a. There must be two parts to the cornice or parapet. The top part must project at least six (6) inches from the face of the building and be at least two (2) inches further from the face of the building than the bottom part of the cornice or parapet.**
 - b. The height of the cornice or parapet is based on the height of the building as follows:**

- (1) Buildings sixteen (16) to twenty (20) feet in height must have a cornice or parapet at least twelve (12) inches high.
- (2) Buildings greater than twenty (20) feet and less than thirty (30) feet in height must have a cornice or parapet at least eighteen (18) inches high.
- (3) Buildings thirty (30) feet or greater in height must have a cornice or parapet at least twenty-four (24) inches high.

STAFF ANALYSIS: The proposed buildings include a pitched roof that appears to be significant, but again, there is no indication on the plans to demonstrate compliance with this requirement.

FINDING: It is feasible that the proposed development satisfies this standard, since a pitched roof appears to be proposed, however, staff cannot verify the pitch because it is not indicated on the plans. Therefore, the following condition is warranted.

CONDITION: Prior to the issuance of building permits, the applicant shall provide a set of plans that clearly demonstrates compliance with the pitch of the roof as permitted by the approved architectural pattern book.

RECOMMENDATION

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's revised submittal, staff finds that the requested approvals do not fully comply with the standards but can be conditioned to comply. Therefore, staff recommends approval of File Nos: SP 12-04 with the recommended conditions below.

VI. CONDITIONS OF APPROVAL

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. This land use approval shall substantially comply with the submitted preliminary site plans dated May 8, 2012 prepared by HHPR Engineering 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/owner/applicant is responsible for all costs associated with private/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. An on-going condition of the approval is that the site 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.

6. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
7. A temporary use permit must be obtained from the Planning Department prior to placing a construction trailer on-site.
8. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.

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

1. Obtain City of Sherwood Building Department approval of grading plans.
2. Provide an Erosion and Sediment Control Plan that is consistent with the applicable requirements of CWS and or the DEQ for the duration of construction.

C. Prior to Final Site Plan Approval:

1. Submit the required final site plan review fee along with a brief narrative and supporting documents demonstrating how each of the final site plan conditions are met.
2. Prior to final site plan approval of the east or west residential development, the developer shall provide an agreement for approval by the City that requires an on-site manager for the residential buildings. The on-site manager will be required to ensure that tenants understand the parking limits prior to entering into a lease agreement, and understand and adhere to the approved parking locations.
3. Prior to final site plan approval submit revised plans showing that the developer will install a 6-foot tall fence, wall or evergreen screen along the east property line of the east residential building site, and the west property line of the west residential building.
4. Obtain construction plan approval from the Engineering Department for all public improvements including the on-site water quality facility if an alternative has not been agreed upon at time of final site plan review. If the applicant, City and CWS reach an acceptable agreement to use the regional water quality facility, the applicant may submit revised plans showing how the areas for the on-site water quality facility will be otherwise landscaped or utilized consistent with the approved development plans and the engineering compliance agreement modified accordingly to eliminate the on-site water quality facility.

D. Prior to Issuance of a Building Permit:

1. Prior to the issuance of building permits for the east and west residential buildings, the applicant shall submit revised drawings that illustrate an enhanced decorative treatment of the southeast portion of the buildings and/or sites facing SW Willamette St. Such architectural revisions shall involve variations of texture, materials, patterns, and color which are distinct yet complementary to the buildings, or shall include brick or stone elements which serve to add visual interest to the portion of the project visible from SW Willamette St.
2. Receive Sherwood Engineering Department approval of engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets).
3. Obtain approval from the Engineering Department for storm water treatment.
4. Obtain a Storm Water Connection Permit from Clean Water Services.
5. Obtain final site plan approval from the Planning Department.
6. Provide evidence in writing from the fire marshal that the applicant has submitted evidence demonstrating that the existing water lines will provide at least 20 psi of dedicated water service.
7. The applicant shall provide evidence in writing from the fire marshal that the requirements within his comments have been satisfied by the proposed development.
8. Provide a set of plans that clearly demonstrates compliance with the pitch of the roof as permitted by the approved architectural pattern book.

E. Prior to Final Inspection of the Building Official & Certificate of Occupancy:

1. Provide public utility easements for the water meter and the FDC vault and assembly in conformance with City standards.
2. All public improvements shall be competed, inspected and approved, as applicable, by the City, CWS, TVF & R, TVWD and other applicable agencies.
3. All agreements required as conditions of this approval must be signed and recorded.
4. All site improvements including but not limited to landscaping, parking and site lighting shall be installed per the approved final site plan and inspected and approved by the Planning Department.
5. All other appropriate department and agency conditions have been met.
6. On-site or a regional storm water treatment system that complies with City of Sherwood and CWS standards shall be either in place, operational and any necessary connection fees paid or an agreement and assurances acceptable to both the City of Sherwood and CWS shall be in place.

F. On-going Conditions:

1. An on-going condition of the approval is that the site 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.
3. Install all site improvements in accordance with the approved final site plan.
4. The applicant shall continue to comply with the conditions of approval. Including those which were established as a part of the PUD 09-01.

VII. EXHIBITS

- A. Applicant's submitted materials dated May 8, 2012
- B. Bruce Maplethorpe email dated 8/2/12
- C. Engineering comments dated 7/30/12
- D. Clean Water Services comments dated 7/24/12
- E. Tualatin Valley Fire & Rescue comments dated 7/24/12
- F. Pride Disposal Company comments dated 7/22/12
- G. Color board presented by applicant at 8/14/12 hearing
- H. Sanford Rome Testimony presented at 8/14/12 hearing
- I. Testimony submitted prior to 8/14/12 hearing, presented verbally at 8/28/12 hearing