



*Home of the Tualatin River National Wildlife Refuge*

# **Planning Commission Meeting Packet**

**FOR**

**November 22, 2016  
7 PM**

**Sherwood City Hall  
22560 SW Pine Street  
Sherwood, Oregon**



City of Sherwood  
**PLANNING COMMISSION**  
Sherwood City Hall  
22560 SW Pine Street  
Sherwood, OR 97140  
November 22, 2016  
7:00 PM Regular Meeting

**1. Call to Order**

**2. Consent Agenda**

- a. October 25, 2016 Planning Commission Minutes approval

**3. Council Liaison Announcements**

**4. Staff Announcements** (Brad Kilby)

**5. Community Comments**

**6. New Business**

- a. **2016 Planning Commission Report to Council** (Brad Kilby)

The Planning Commission will discuss accomplishments and 2017 goals.

- b. **SP 16-07/CUP 16-01 First Street Parking Lot**

The Sherwood Urban Renewal Agency is seeking site plan and conditional use permit approval to develop a 19-space non-accessory parking lot on a 10,000 square foot site on two undeveloped lots.

One lot is zoned Retail Commercial (RC) and the other is zoned Medium Density Residential Low (MDRL). Non-accessory parking is a permitted use in the RC zone and requires a Conditional Use Permit (CUP) in the MDRL zone. Development will consist of a parking lot and associated landscaping.

For more information visit [www.sherwoodoregon.gov/projects](http://www.sherwoodoregon.gov/projects)

**7. Planning Commissioner Announcements**

**8. Adjourn**

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**City of Sherwood, Oregon**  
**Planning Commission Meeting**  
**Sherwood Arts Center**  
**October 25, 2016**

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**Planning Commissioners Present:**

Chair Jean Simson  
Vice Chair Russell Griffin  
Commissioner Chris Flores  
Commissioner Alan Pearson  
Commissioner Michael Meyer  
Commissioner Lisa Walker

**Staff Present:**

Josh Soper, City Attorney  
Bob Galati, City Engineer  
Brad Kilby, Planning Manager  
Kirsten Allen, Planning Dept. Program Coordinator

**Planning Commission Members Absent:**

Commissioner Rob Rettig

**Council Members Present:**

None

**1. Call to Order/Roll Call**

Chair Jean Simson convened the meeting at 7:15 pm.

**2. Consent Agenda**

- a. September 13, 2016 Planning Commission Minutes approval
- b. September 27, 2016 Planning Commission Minutes approval

**Motion: From Commissioner Alan Pearson to approve the consent agenda, Seconded by Vice Chair Russell Griffin. All Commissioners voted in favor.**

**3. Council Liaison Announcements**

None.

**4. Staff Announcements**

Brad Kilby, Planning Manager, said the Federal Emergency Management Agency (FEMA) regulations were passed at the City Council meeting on October 18, 2016 by emergency and effective immediately. The Sanitary and Stormwater Master Plans were also approved and still in their appeal period. Mr. Kilby provided the Planning Commission flyer for the Home Builders Association 2017 Housing Forecast breakfast on November 4, 2016 regarding Metro's housing needs for the upcoming year.

**5. Community Comments**

None were received

## 6. New Business

### a. Public Hearing – PA 15-06 Claus Property Plan Amendment and Zone Change (Brad Kilby)

Chair Simson read the public hearing statement. She did not ask for ex parte, bias or conflicts of interest because the land use application was legislative.

Brad Kilby gave a presentation of the staff report (see record, Exhibit 1). He said the proposal was to rezone approximately 2.66 acres of a 5.86 acre site from General Commercial (GC) to Medium Density Residential High (MDRH). He said MDRH allowed for a variety of housing types with densities ranging from 5.5 to 11 dwelling units per acre. Mr. Kilby showed the location of the site and stated there was general commercial on either side of the property with a Low Density Residential Planned Unit Development (LDR PUD) to the north. Across Hwy 99W was Medium Density Residential Low (MDRL) and Medium Density Residential High, a majority of which was already developed with single family housing. He said to the west SW Swanstrom met the site and stated there would be a future extension of Cedar Brook Way east of the site or from Hwy 99W. He noted a PUD might have reduced setbacks or increased heights.

Mr. Kilby explained a zone change was a legislative process through a public hearing before the Planning Commission and the City Council which had to meet five required findings.

- Demonstrated need for the proposed use and zoning
- The proposed amendment is timely
- Other MDRH-zoned properties are unavailable or unsuitable for immediate development
- Does not significantly affect the functional classification of a local, county, regional or state transportation facility
- Consistent with the Comprehensive Plan and Transportation System Plan Policies and Metro and State Standards.

Mr. Kilby said need could be demonstrated by the City's economic health, current market demand, availability and location of residential land in the area. The Housing Needs Analysis initial findings, completed with the Sherwood West Preliminary Concept Plan and the applicant's narrative demonstrated that there were ninety-six acres of buildable residential land within the city. Mr. Kilby said twenty-one of those acres were zoned MDRH and there were seventy-nine buildable acres of residentially zoned land outside of city limits in the Brookman Concept Plan Area which was within the Urban Growth Boundary, but had not been annexed into the city; eleven acres in the Brookman area were zoned MDRH. Based on the housing needs analysis and what was known from the City's twenty year land supply there is not a lot of available land in the city zoned for MDRH, even if the Brookman Area was included, and constructed at the high end of the density range (11 units/acre), there would be a deficit of MDRH of about 10-11 acres.

Mr. Kilby explained the finding to be timely by stating there was an immediate need for residential land within the City and the market demand was high. He said the properties within this corridor had remained underdeveloped for a long time and there was an indication that properties within the area would begin developing as land supply continued to dwindle. He disclosed that the Elks property was put on the market for development, there were sixty-five units being developed off of Meinecke Parkway, and there was a high demand for residential in Sherwood; as fast as houses were built, people were buying them. Mr. Kilby said there was not a lot of vacant or available property in the City of Sherwood and commercial development activity was limited to a few properties. He reported utility services were available to the property and with development there would be added opportunities for future development within the corridor.

Mr. Kilby said there was a demonstrated lack of land zoned Medium Density Residential High to meet the projected need and it did not appear there was other MDRH zoned land on the market. Vacant or underdeveloped properties

were in challenging areas. He communicated there had been an incomplete application submitted for the properties in the Brookman Area that would need to be considered by the City Council. He explained a recent State House Bill that would take annexation out of the hands of the voters and into the Council's realm. He cautioned that there were a lot of people that did not want to see the Brookman Area annexed into the city, but three times the Council had found a reason to put the matter before the voters on the ballot and he saw nothing to suggest that the City Council would find the land should not come into the city.

Mr. Kilby said the proposed zone change could not affect the functional classification of a local, county, regional or state transportation facility; known as the Transportation Planning Rule. He explained the applicant had provided a traffic report indicating that 2.66 acres, developed to the highest and best use possible, would generate 2,546 more average daily trips with a commercial use than with a residential use. As demonstrated in the staff report the proposed amendments were not inconsistent with the goals of the Comprehensive Plan, Transportation System Plan (TSP) or Metro and State policies

Mr. Kilby specified the City must demonstrate that the request was consistent with statewide planning Goal 9, Economic Development which states commercially zoned land could not be taken out if there was a projected deficit. He said in 2007 the City put together an Economic Development Strategy which evaluated the amount of vacant land (See Exhibit D, Staff report,) and since then some of the property off of Langer Farms Parkway had developed commercially with an additional twenty-one acres with the potential to develop commercially, because of that PUD. The Economic Development Strategy demonstrates a need for ninety three acres in the twenty year planning horizon. The proposal does not reduce the amount of commercially available properties below the need identified as all of our Retail, Office Commercial, and General Commercial adds to approximately 165.24 acres; a surplus of over the projected need.

Mr. Kilby explained that based on staff's analysis the applicant had provided adequate information to make findings in support of the proposed amendment. Staff recommended the Planning Commission forward a recommendation of approval of the proposed Comprehensive Plan and Zoning Map Amendment to the City Council as proposed.

Mr. Kilby showed the Planning Commission the city zoning map (see record, Exhibit 2) and showed locations within the city zoned MDRH and stated much of the land zoned MDRH was either already developed or not buildable. The MDRH zone allowed for a variety of housing types; single family homes on a 5000 square foot lot, single family attached rowhomes or townhomes on a 4000 square foot lot, duplexes on a 8000 square foot lot or multi-family on a 3200 square foot lot for every unit after the first two or about five units for a ten thousand square foot lot. Mr. Kilby asked for questions from the Commission. There were none.

Chair Simson asked for applicant testimony.

Nathan Claus, 22211 SW Pacific Hwy on behalf of Robert James and Susan Claus gave a presentation (see record, Exhibit 3). He said the applicant agreed with most of the staff report and stated the zone change was being pursued because of Cedar Brook Way.

Mr. Claus gave a history of the property saying it had been a prime property in Sherwood and a hub of activity. He said there had been a restaurant, a book depository, residential, office, and a publishing center and the property had had a long productive life. He showed the draft plot plan for developing the site with twenty three lots off of SW Swanstrom Drive. Mr. Claus said the proposed Cedar Brook Way extension negatively impacted the property which was self-sufficient in its current state with utilities within the property. He stated there were two deeded ingress/egresses onto 99W and Cedar Brook Way was not needed to develop the property, however since Cedar Brook Way had been mandated by the city, the city must pay compensation for the road, if and when, it is installed. He said the road had not been planned, but was on the TSP, and split the property in two. Because the applicant wanted to develop the property this was the proposed solution with the expectation that there would be further discussions about Cedar Brook Way in the future.

Mr. Claus spoke of the required neighborhood meeting for all development where four people showed up at the first meeting who said they were in favor of a residential development instead of commercial because it was a lot nicer to have a houses instead of an office complex. Due to a revised application a second meeting was held where participants continued to be on board.

Mr. Claus stated the reason for the zoning change was because of the collector street, Cedar Brook Way. The applicant wanted to be clear that the road provided no benefit, but harmed the value of the property, and they wanted to make it clear it was a takings and they wanted to work within the takings situation. He pointed out the development would lay the ground work for Cedar Brook Way and said the Elks Club was looking to develop with Cedar Brook Way going through the property. Mr. Claus explained other development plans for the property was for a warehouse in the back of the property to be moved to the front of the property; a simple building permit process, and the house in the back of the property would be updated. He said the deeded highway ingress/egresses had been retained and, assuming everything went through, in the next six to nine months development of the subdivision would begin.

Mr. Claus said the electronic outdoor advertising sign would remain and was not part of the application. He commented there were five properties along the highway that were directly impacted by Cedar Brook Way. The applicant said they felt it had been a political decision to go through with the road and for fifteen years the road had been on the Transportation System Plan without headway. He said they were looking for resolution to the process, there were problems that the City had designated Cedar Brook Way, but did not have the money to pay for it, and the City may ultimately decide it was not needed. Mr. Claus said that presented a problem and the applicant would not have gone through the zone change if the City decided the road was not needed. Until the City made the ultimate decision on Cedar Brook Way it remained the elephant in the room. End of presentation.

The applicant had 23:41 remaining.

Chair Simson asked for questions of the applicant. None were received. She asked for public testimony.

Kevin Finck, resident of Sherwood provided a map showing the proposed zone change location and surrounding streets along with a letter from Pride Disposal (see record, Exhibit 3). He said the apartment complex off of 99W was full of renters and the highlighted streets near his home represented locations where parking had become a problem. He noted the newly constructed road near the housing development next to the apartment complex was filled with cars. Mr. Finck stated his opposition was for high density zoning that would make the parking problem worse. The letter from Pride Disposal, received by all of his neighbors, informed residents that garbage pickup would not take place if there were cars parked in his cul-de-sac. He explained that the cars parking in his cul-de-sac were from people not living on his street and it was irritating not to have his garbage picked up. He strongly opposed the application if it would allow apartments with parking problems; single family housing was acceptable. He noted parking permissions in his neighborhood made it difficult for a fire engine to get through and expressed concern for cars parked along both sides of the street. He asked the Commission to consider what it would be like not to have parking near their homes because of overflow parking from apartments built nearby. He said he was worried the application was for a high density to pack in the apartments.

Chair Simson asked for rebuttal.

Nathan and Susan Claus came forward. Ms. Claus stated the zoning was not the highest zoning and would not be the same zoning as the apartment complex and the density would not be anything like that. Chair Simson confirmed that MDRH allowed 5.5-11 units per acre and the highest density was High Density Residential (HDR) which was 16.8- 24 units per acre. Ms. Claus said the parking rules had been changed to require more parking since the apartment complex had been built and it was an anomaly in the town. Ms. Claus pointed out the letter from Pride Disposal was five years old and the problem continued. She suggested if there was a car with an unknown owner to call the police who would put a tag on it for removal. She said the neighborhood had some control in that manner.

Ms. Claus said they were trying to respond to restrictions that had been put on them. It would be better if it could all be commercial, but when you split a property in two, take away the highway zoning and view with a road in the middle of it, the back part property became dead zoned. She said they were trying to make the best of a bad situation. Ms. Claus mentioned the Doyels, Shannons, Broadhursts and Elks and said in particular the property between their property and the Doyel's property was a ravine which was expensive to cross and the City did not want to spend funds. The Claus's could not and the road would not benefit them. She commented it was one of those odd situations where, because of the expense, it was going to be unusual if the City ever built it. Ms. Claus commented the City allowed the Doyel's development as a partial development and Cedar Brook Way did not extend to the Claus property where the ravine is.

Ms. Claus said it was a pretty simple thing and they were talking about twenty-three lots.

Chair Simson asked for questions of the applicant. Receiving none, she closed the public hearing and asked for final comments from staff.

Mr. Kilby reminded the Commission that the plot plan showed was a draft plan and the applicant would be able to develop under the zoning approved by the Commission; approval of the application was not an approval of the subdivision plan. The applicant would have to obtain subdivision approval and have to meet minimum densities, but would not have to achieve maximum density. He said the Cedar Brook Way alignment would be set by development and because it was a collector street it would have reimbursable System Development Charges (SDC). Mr. Kilby pointed out that whoever started Cedar Brook Way, whether it was the Elks, the Clauses, or City initiated, the development that initially paid for the road would be partially reimbursed for it. To respond to Mr. Finck's concerns, he said permit parking was controlled by the Police Department and there were parking issues in the area, the public was allowed to park on a public street, and it was unfortunate in cases like the Creekview Crossing Apartments that people have abused the parking and parked all over the place. He said his experience was that, in the suburbs, if you have a three bedroom apartment you are going to have three cars, however Metro does not allow cities to require more parking.

Chair Simson received confirmation that the minimum density requirement was 5.5 units per acres. Mr. Kilby reminded the commission that land would be used for roads, stormwater quality facilities, 5% open space which would allow between eleven to twenty-three units. Chair Simson clarified that the approval of the zone change would not dictate what would be developed, but would designate the use as residential instead of commercial. Mr. Kilby noted that multi-family could be built in the commercial zone provided it was above, behind and clearly secondary or incidental to the commercial use so the applicant could have put residential units on the back of the property without a zone change.

Chair Simson asked for questions for staff.

Commissioner Lisa Walker asked if the parking issues from the apartments were from a higher density and if there had been a change to the code to the parking standards since the development of the apartments.

Mr. Kilby explained that after the development of the Creekview Crossing Apartments garages in multi-family developments were not allowed to be counted towards the parking requirement. In a single family development the garages are allowed to be counted. If the property was developed as multi-family (which the zoning would allow) it could not go above the twenty three units. Mr. Kilby said the parking requirements for apartments were based on the type of housing unit; 1 bedroom unit= 1 space, two bedroom unit= 1.50 space per bedroom and a three bedroom unit = 1.75 spaces. Metro does not allow requiring more.

Commissioner Walker asked what the public could do about parking concerns and regarding special parking permits. Mr. Kilby said there was permitted parking around Sherwood High School and at Snyder Park. Permitted parking was initiated by the Police Department and adopted by the City Council. The police would begin by monitoring the parking complaints and the city council would hear requests for a parking overlay.

The following motion was received.

**Motion: From Vice Chair Griffin to forward a recommendation of approval to the City Council for PA 15-06 Claus Property Plan Amendment and Zone Change based on the applicant testimony, public testimony received, and the analysis, findings and conditions in the staff report. Seconded by Commissioner Lisa Walker.**

Chair Simson commented that by putting Cedar Brook Way in the TSP it divided the property and the MDRH created a transition from residential to commercial. She stated the zone change seemed to make sense in that it would be a good transition for the neighbors that were already there. A business office or another highly active commercial development would have a greater impact on the neighbors. She commented that it was the second or third zone change the Planning Commission had heard, because the Comprehensive Plan needed to be updated. She expressed concern that if the city continued to chip away at the existing Comprehensive Plan, it would fail to have a Comprehensive Plan. Chair Simson

reminded the Commission of the schedule to update the full Comprehensive Plan and said she would like the City Council to direct the Commission to put a moratorium on zone changes until the updated Comprehensive Plan was in place. She wanted a moratorium to prevent more zone changes until the update was complete. Chair Simson stated she was normally against piecemeal zone changes unless they made sense. With no other comments from the Commission she asked for a vote.

**All present Planning Commissioners voted in favor.**

The City Council public hearing was scheduled for November 29, 2016. Chair Simson moved that the Planning Commission express concern to the City Council that this was a slippery slope and until the Comprehensive Plan the Planning Commission should not hear zone change applications.

Mr. Kilby disclosed the Comprehensive Plan update would be a two or three year long process and staff was developing the work program which would be presented to the Council in early 2017. He shared that the Comprehensive Plan had not been updated since 1991 and based on today's population only about 2% of the population of Sherwood would have participated in the process which included visioning and objectives for the long range future of Sherwood. The Comprehensive Plan update was a desperately needed piece of legislation and it would have to be carefully thought out with the community; the hard questions of goals, policies and objectives could take months. Discussion followed.

Vice Chair Griffin suggested asking the Council their position as the last two zone changes made sense in those specific situations. He did not want to force a hardship because of a zone change moratorium.

Chair Simson commented it was staff's job to get an application approved. Mr. Kilby responded that staff did inform the applicant if the objectives for a rezone had been met, but the criteria was subjective. The commission agreed that the criteria was subjective and could be different with each application.

Commissioner Walker suggested if a moratorium was imposed there should be exceptions with stringent criteria or the existing criteria should be used and every application considered.

Mr. Kilby commented there was more of a need for multi-family housing than single family housing and there would need to be a discussion of the goals and policies related to housing in the comprehensive plan. He said the state would hold the city to the requirement to make sure there was land available for multi-family housing. He noted that cheap multi-family housing was not built in Sherwood, because it was an upscale community and higher design guidelines could be imposed on multi-family housing. He noted because of the value and the cost of land, developers have to put as many dwelling units as possible in order to make a return.

Chair Simson commented that high density residential, without residential design standards, could end up with apartments with blank walls at the face of the community, because of lack of standards in a twenty five year old Comprehensive Plan. She acknowledged a three year moratorium was a long time and asked the city attorney for comment. He said the Planning Commission was evaluating proposed zone changes on a case by case basis that had a considerable amount of discretion in the process.

Chair Simson asked if the Planning Commission felt an application did not meet the criteria or felt the timing was wrong and staff could make findings the city attorney could defend it through LUBA. He said he could on the basis of not meeting the criteria.

Commissioner Pearson commented the problem with a moratorium was prohibiting a property owner from doing something with their land that they had a legal right to do. He pointed out that tonight's applicant revised the submission to come up with a better plan. He spoke about Mandel Farms subdivision that was building one story homes, as he wanted, but the starting prices were at \$500,000 and not what he had in mind for a starter home. He said it points out the fact that there was a need for housing and a market that would support it in Sherwood.

Chair Simson said the Planning commission needed better direction from Council; what was the general thought for re-zoning and what should the ratio be between commercial, industrial, and residential.

Mr. Kilby told the commission that if they wanted to deny an application, staff would help with crafting findings. He hoped the commission did not feel they had to rubber stamp everything staff brought before the Commission. The Planning Commission could make a case that it was not the right timing or that it did not support the Comprehensive Plan.

Chair Simson asked commission members to provide comment about the goals, changes and accomplishments of the Planning Commission to Mr. Kilby via email. So far they included updating the Comprehensive Plan, a work session with the City Council regarding the Tannery Site, discussion of Council's vision for the entrance to our community, and economic development in the Tonquin Employment Area (TEA).

Mr. Kilby commented on an old adage in planning and development that says development follows pipe and pavement. He said that SW 124<sup>th</sup> Avenue was almost complete and he expected that when one of the properties started to develop the others would follow. He reminded the Planning Commission it had recently approved code changes for industrial properties to help facilitate development in the TEA.

## **7. Planning Commissioner Announcements**

Vice Chair Griffin stated that he wrote a recommendation for a political candidate which ended up in the Voter's Pamphlet incorrectly. He said it was an error and he was not professing to be on the City Council.

## **8. Adjourn**

Chair Simson adjourned the meeting at 8:28 pm.

Submitted by:

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Kirsten Allen, Planning Department Program Coordinator

Approval Date: \_\_\_\_\_

# **New Business Agenda**

## **Item A**



## **Annual Boards & Commissions Report to City Council** *(Board/Commission)*

**City Council Work Session**  
**Community Room at Sherwood City Hall**  
**22560 SW Pine Street, Sherwood, Oregon**  
**Tuesday, December 6, 2016, 6:00 pm**

### **What are your two or three most significant accomplishments for this past year as a board or commission?**

The Planning Commission has been very active over the course of the past year due to an increase in development activity. The Commission has also worked with stakeholders and staff address the following community issues:

The Planning Commission recommended edits to the industrial uses code to clarify the allowed uses within the Tonquin Employment Area.

The Commission was instrumental in developing regulations for recreational marijuana in the event that the ballot measure banning it from the City of Sherwood had failed.

The Commission recommended approval of the Sanitary Sewer and Stormwater System Master Plans to the Council.

The Commission recommended code edits to address the updates to the Sherwood Flood Insurance Study as required by FEMA.

Most importantly, the Planning recommended approval of the Sherwood West Preliminary Concept Plan.

### **What are your two or three major goals for 2017 as a board or commission?**

The planning commission feels that it is their responsibility to ensure all of their efforts maintain Sherwood's quality of life, make the right things easier to do, and work towards the betterment of the community. Working closely with the City Council is paramount to the success of the Commission. As we enter the new year, the Commission would like to focus their attention on the following community issues:

1. An update of the Sherwood Comprehensive Plan - The Comprehensive Plan has not been updated since 1991 when our population was just over 3,000 people. We are now over 19,000 people. While some of the components have been updated, there is no clear direction from the citizens at large as to how we should address future growth. Our vision is outdated, and desperately needs to be updated.

2. Tonquin Employment Area economic development- With the updates to the code, and a better understanding of the known constraints in the Tonquin Employment Area (TEA) the Commission would like to determine if there is any other policy or regulatory measures that can be taken to promote the economic development of the area to include annexation and development.
3. The Tannery site- The Commission is seeking direction from the Council on the City's intent for the area to understand how the commission can better support that vision.
4. Multi-Family Design Standards –The Commission believes that it is important to discuss what design standards can be developed to make sure that future multi-family development in Sherwood is attractive, high quality, and compatible with the community character.

CITY OF SHERWOOD  
November 15, 2016

Staff Report

**First Street Parking Lot Site Plan and Conditional Use Permit  
SP 16-07/CUP 16-05**

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<b>TO: Planning Commission</b>	Pre-App. Meeting:	N/A
	App. Submitted:	September 12, 2016
	App. Complete:	September 30, 2016
	120-Day Deadline:	January 28, 2017
	Hearing Date:	November 22, 2016

**FROM:**



Connie Randall  
Senior Planner

**Proposal:** The Sherwood Urban Renewal Agency is seeking site plan and conditional use permit approval to develop a 19-space non-accessory parking lot on a 10,000 square foot site composed of two undeveloped lots with frontage onto SW First Street. One lot is zoned Retail Commercial (RC) and the other is zoned Medium Density Residential Low (MDRL). Both lots are subject to the Old Town Overlay District. Non-accessory parking is a permitted use in the RC zone and requires a Conditional Use Permit in the MDRL zone. Development will consist of a parking lot and associated landscaping.

**I. BACKGROUND**

**A. Applicant/Owner:** Sherwood Urban Renewal Agency  
22560 SW Pine Street  
Sherwood, OR 97140

**Owner's Representative:** Bob Galati, PE  
City of Sherwood  
22560 SW Pine Street  
Sherwood, OR 97140

**B. Location:** 2S132BA – 2800 and 3000

**C. Address:** 15919 and 15931 SW First Street (currently a vacant site).

**D. Parcel Size:** The site is approximately 10,000 square feet in size.

**E. Existing Development and Site Characteristics:** The site is flat and vacant with limited vegetation and seven trees located along the southeast side of the lot, adjacent to First Street. Access to the site is via First Street on the southeast side of the site and a public alley on the northwest side.

**F. Site History:** The site is vacant and located within the Smockville portion of the Old Town Overlay District. The Urban Renewal Agency authorized the purchase of the subject property

on August 5, 2014 to support plans for the property to be redeveloped for public uses as set forth in the Sherwood Urban Renewal Plan (URA Resolution 2014-008).

- G. Adjacent Zoning and Land Use:** The site is surrounded by properties subject to the Old Town Overlay District: to the north is Bella Via on property zoned RC and a hair salon on property zoned MDRL; to the south is the American Legion on property zoned RC; to the west is a contractor's office on property zoned Retail Commercial (RC); and to the east is a single-family residential home on property Medium Density Residential Low (MDRL).
- H. Review Type:** According to §16.72.010.A3a, Conditional Uses require a Type III review with a Hearings Officer decision. An appeal would be heard by the Planning Commission. Site plan applications with development under 15,000 square feet, are considered a Type II staff level decision. However, the property is within the 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:** Notice of the application was mailed to property owners within 1,000 feet, posted on the property and distributed in five locations throughout the City on October 27, 2016 in accordance with § 16.72.020 of the Sherwood Zoning and Development Code (SZDC). The notice was published in the Sherwood Gazette on November 1, 2016 and in the Times on November 17, 2016 (a newspaper of general circulation) in accordance with § 16.72.020 of the SZDC.
- J. Review Criteria:** Sherwood Zoning and Community Development Code: §16.12 (Residential Land Uses), §16.22 (Commercial Land Use Districts), §16.58 (Clear Vision and Fence), §16.82 (Conditional Uses), §16.90 (Site Plan Review), §16.92 (Landscaping), §16.94 (Off-Street Parking and Loading), §16.96 (On-Site Circulation), Division VI. Public Infrastructure, §16.142 (Parks, Trees and Open Space), and §16.162 (Old Town (OT) Overlay District).

## II. PUBLIC COMMENTS

Public notice was mailed, posted on the property, and posted in five locations throughout the City on October 27, 2016. Staff has received no comments as of the date of this report; however, comments are welcome up to the close of the public hearing.

## III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on October 13, 2016. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: The Sherwood Engineering Department has provided comments that are included in this report and attached as **Exhibit B**.

Clean Water Services: A CWS Pre-Screening Site Assessment dated September 21, 2016 states that sensitive areas do not appear to exist on site or within 200' of the site. Jackie Humphries, CWS provided comments that indicated a storm water connection permit would be required. This will be discussed and conditioned further within this report. Her comments are attached as **Exhibit C**.

Tualatin Valley Fire and Rescue (TVF&R): Tom Mooney, Deputy Fire Marshall, contacted staff on October 13, 2016 and reported that TVF&R has no concerns with the proposed project.

Washington County, Kinder Morgan Energy, ODOT, METRO, Pride Disposal Company, NW Natural Gas and Portland General Electric 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 (16.90 Site Planning)

##### D. Required Findings

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

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

**FINDING:** The proposed development meets the applicable zoning district standards as discussed below under the "Division II- Land Use and Development" section, and the applicable provisions of Divisions V, VI, VIII, and IX as discussed in detail below.

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.**

**FINDING:** The proposed public parking lot requires minimal public services. As discussed in detail in the Public Infrastructure section, water, sanitary sewer, and storm sewer are either available or can be extended to serve the site. The subject site has access to SW First Street, a developed collector status road, on the southeast and a public alley on the northwest. Solid waste services are available, but not necessary for the proposed development. The nearest parks are Cannery Square, southeast of the site off Pine Street and Veteran's Park, southwest of the site off Main Street., Police and Fire services are available to serve the site. Existing overhead franchise utility services are available and run over a portion of the site that will need an easement dedicated or to be relocated outside the subject property. Sherwood Broadband utilities are required to be installed. This criterion can be met as discussed and conditioned in the Public Infrastructure Section below.

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:** The property will remain in the ownership of the Urban Renewal Agency. No covenants, agreements or other documents are specifically required for on-site features.

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 contains no significant natural features and therefore this criterion is not applicable.

5. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant must provide adequate information, such as a traffic impact analysis (TIA) or traffic counts, to demonstrate the level of impact to the surrounding transportation system. The developer is required to mitigate for impacts attributable to the project, pursuant to TIA requirements in Section 16.106.080 and rough proportionality requirements in Section 16.106.090. The determination of impact or effect and the scope of the impact study must be coordinated with the provider of the affected transportation facility.

**FINDING:** The proposed activity is a public parking lot to serve the businesses and activities in the Old Town area. The parking lot does not, in and of itself, generate traffic trips. This criterion is not applicable.

#### 6. Commercial Design Standards

**FINDING:** The property is zoned both Retail Commercial (RC) and Medium Density Residential Low (MDRL). No buildings or structures are proposed. Consequently, these criteria are not applicable.

7. Industrial developments provide employment opportunities for citizens of Sherwood and the region as a whole. The proposed industrial development is designed to enhance areas visible from arterial and collector streets by reducing the "bulk" appearance of large buildings. Industrial design standards include the following: (*Items a. and b.*)

**FINDING:** The subject site is zoned Retail Commercial (RC) and Medium Density Residential Low (MDRL). Consequently, these criteria are not applicable.

8. Driveways that are more than twenty-four (24) feet in width shall align with existing streets or planned streets as shown in the Local Street Connectivity Map in the adopted Transportation System Plan (Figure 17), except where prevented by topography, rail lines, freeways, pre-existing development, or leases, easements, or covenants.

**FINDING:** There are no existing or planned driveways that exceed 24 feet in width. This criterion is not applicable.

### V. CONDITIONAL USE PERMIT REVIEW REQUIRED FINDINGS (16.82 Conditional Uses)

#### 16.82.20 - Permit Approval

##### C. Use Criteria

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

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

**FINDING:** As discussed above, the proposed public parking lot requires minimal public services. As discussed in detail in the Public Infrastructure section below, water, sanitary sewer, and storm sewer are either available or can be extended to serve the site. The subject

site has access to SW First Street, a developed collector status road, on the southeast and a public alley on the northwest. Solid waste services are available, but not necessary for the proposed development. The nearest parks are Cannery Square, southeast of the site off Pine Street and Veteran's Park, southwest of the site off Main Street., Police and Fire services are available to serve the site. Existing overhead franchise utility services are available and run over a portion of the site that will need an easement dedicated or to be relocated outside the subject property. Sherwood Broadband utilities are required to be installed. This criterion can be met as discussed and conditioned in the Public Infrastructure Section below.

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

**FINDING:** The site is zoned Retail Commercial (RC) and Medium Density Residential Low (MDRL) and is subject to the Old Town (OT) Overlay district. "Public and commercial (non-accessory) parking" is a permitted use in the RC district and a Conditional Use within a residential zoning district in the OT Overlay district when the conditions of Section 16.162.040.C. apply. As discussed below, these conditions require that no buildings existed on the property on May 1, 2016 and that the property has street frontage on an arterial and/or collector street as identified within the Sherwood Street Transportation System Plan. As discussed earlier in this report, the subject site is and has been vacant and has frontage onto SW First Street, a Collector status street. The subject property satisfies both conditions for the conditional use. The site can be adequately served by public safety. The proposed parking lot will not generate noise above that of properly maintained and operated vehicles, which are exempt from the noise regulations in Section 16.146. This criterion has been met.

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

**ANALYSIS:** The Sherwood Urban Renewal Agency (URA) has identified a need for public parking in Old Town. The Old Town (OT) Overlay District specifically removed parking requirements for uses within the "Smockville" area. There are a few existing public parking areas in Old Town: a lot at the southwest corner of Railroad and Park streets; a lot at the Sherwood Center for the Arts, south of Railroad Street between Pine and Main streets, at the southwest corner of First and Pine streets (former Robin Hood Theater site), and behind the Library/City Hall building. The parking lot on the former Robin Hood Theater site is an existing non-conforming use; the site was intended to be a temporary lot and was not developed to current code with respect to paving, striping and landscaping. The site is owned by the URA and is being considered for sale and redevelopment. It is the intent of the URA Board to develop the proposed First Street Parking Lot in advance of the sale of the former Robin Hood Theater site to minimize the impacts of the redevelopment and loss of parking to the community and Old Town businesses.

The Sherwood Town Center Plan, adopted on September 17, 2013, includes a variety of policies and strategies to support the primary goal: "Future residential growth, economic development, and public investment in the Sherwood Town Center will enhance urban vibrancy, encourage active transportation, and improve safety and efficiency for all modes of transportation." Inherently, the City is challenged to balance often competing goals creating a vibrant, pedestrian-friendly Old Town area with the need to provide adequate parking for local businesses and community residents. The URA Board believes that this balance is achieved with the redevelopment of the former Robin Hood Theater site and development of the First

Street Parking Lot. Development of the First Street Parking Lot will help achieve Policy 9: “The City will support actions that provide sufficient parking for businesses and residents, while maximizing the efficiency of parking areas.”

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

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

**FINDING:** The First Street Parking Lot is proposed to be developed on a vacant site within the “Smockville” area of Old Town. The site is directly across First Street from the American Legion parking lot and located between a commercial business and single-family residential home. SW First Street is a Collector status street and provides direct access to the proposed parking lot. The proposed use will not generate additional traffic trips and will help alleviate potential parking shortages once the former Robin Hood Theater site is redeveloped. The surrounding properties will not be adversely affected by the proposed use This criterion is met.

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

**FINDING:** The proposed site is flat, square-shaped, and undeveloped. The parking lot has been designed to accommodate the proposed 19 spaces, drive aisle and perimeter and parking lot landscaping. This criterion is met.

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

**FINDING:** The proposed use does not appear to pose a significant impact to sensitive wildlife species nor the natural environment as it is not in close proximity to either. This criterion is met.

- 7. For wireless communication facilities, no Conditional Use Permit will be granted unless the following additional criteria is found:**

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

**FINDING:** The proposed use is not a wireless communication facility. Therefore, this criterion is not applicable.

8. The following additional criteria apply to transportation facilities and improvements subject to Conditional Use approval per [Chapter 16.66](#). These are improvements and facilities that are (1) not designated in the adopted City of Sherwood Transportation System Plan (TSP), and are (2) not designed and constructed as part of an approved land use application.
- a. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
  - b. The project includes provisions for bicycle and pedestrian access and circulation consistent with the Comprehensive Plan, the requirements of this Code, and the TSP.
  - c. Proposal inconsistent with TSP: If the City determines that the proposed use or activity or its design is inconsistent with the TSP, then the applicant is required to apply for and obtain a plan and/or zoning amendment prior to or in conjunction with Conditional Use Permit approval.
  - d. State transportation system facility or improvement projects: The Oregon Department of Transportation (ODOT) must provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in Sections 16.82.020.C.1—6 and 8.a—8.d. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.

**FINDING:** The proposed use is not a Transportation Facility nor Improvement as defined per Chapter 16.66. Therefore, this section is not applicable.

**D. Additional Conditions**

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

1. Mitigation of air, land, or water degradation, noise, glare, heat, vibration, or other conditions which may be injurious to public health, safety or welfare in accordance with environmental performance standards.

**FINDING:** The proposed parking lot does not require additional mitigation of air, land or water degradation, noise, glare, heat, vibration or other conditions. This criterion is met.

2. Provisions for improvement of public facilities including sanitary sewers, storm drainage, water lines, fire hydrants, street improvements, including curb and sidewalks, and other above and underground utilities.

**FINDING:** As discussed in the Public Infrastructure section below, the applicant will be required to dedicate easements or relocate water and electrical utility lines that traverse the site. Installation of Sherwood Broadband utilities will be required. The applicant will also be required to extend the existing storm sewer to serve the site. The proposed conditional use does not require any additional provisions of or improvements to public facilities. This criterion is met.

3. Increased required lot sizes, yard dimensions, street widths, and off-street parking and loading facilities.

**FINDING:** The proposed parking lot does not require increased lot sizes, yard dimensions, street widths or off-street parking or loading facilities. This criterion is not applicable.

**4. Requirements for the location, number, type, size or area of vehicular access points, signs, lighting, landscaping, fencing or screening, building height and coverage, and building security.**

**FINDING:** The proposed parking lot will have primary access via First Street. A secondary access is proposed via the public alley. No additional access points are required. No signs, apart from ADA signage, is proposed. Any signs proposed in the future would be reviewed and approved in accordance with the standards of section 16.100 of the Development Code. The applicant has demonstrated compliance with perimeter and parking lot landscaping requirements. No buildings or structures are proposed. The applicant has demonstrated compliance with existing code provisions and additional requirements are not warranted. This criterion is met.

**5. Submittal of final site plans, land dedications or money-in-lieu of parks or other improvements, and suitable security guaranteeing conditional use requirements.**

**FINDING:** While the above items will be required prior to receiving final site plan approval and permits, there is no need to require additional conditions as a result of the requested conditional use. This criterion is met.

**6. Limiting the number, size, location, height and lighting of signs.**

**FINDING:** No signs, apart from ADA signage, is proposed. Any signs proposed in the future would be reviewed and approved in accordance with the standards of section 16.100 of the Development Code. Limits to the number, size, location, height and lighting of signs is not necessary. This criterion is met.

**7. Requirements for the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.**

**FINDING:** The subject site has minimal vegetation and no identified watercourses, habitat areas or drainage areas. Additional conditions regarding the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas is not warranted. This criterion is not applicable.

**8. Requirements for design features which minimize potentially harmful environmental impacts such as noise, vibration, air pollution, glare, odor and dust.**

**FINDING:** The requested Conditional Use, a public parking lot, has limited potential to create harmful environmental impacts that require mitigation measures above and beyond those already provided in the current code. No additional mitigation is warranted. This criterion is met.

**VI. APPLICABLE CODE PROVISIONS**

**A. Division II– Land Use and Development  
Chapter 16.12 RESIDENTIAL LAND USE DISTRICTS  
16.12.020 Uses**

- A. The table below identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and defined in Chapter 16.10**
- B. Any use not otherwise listed that can be shown to be consistent or associated with the permitted uses or conditionally permitted uses identified in the residential zones or contribute to the achievement of the objectives of the residential zones will be allowed or conditionally permitted using the procedure under Chapter 16.88 (Interpretation of Similar Uses).**
- C. Any use that is not permitted or conditionally permitted under this zone that cannot be found to be consistent with the allowed or conditional uses identified as in B, is prohibited in the residential zone using the procedure under Chapter 16.877 (Interpretation of Similar Uses).**

**FINDING:** The proposed use is not permitted in the Medium Density Residential Low (MDRL) district. However, the subject property is subject to the provisions of the Old Town (OT) Overlay district found in Section 16.162 which specifically states, in Section 16.162.040, Conditional Uses: “C. Public and commercial (non-accessory) parking within residential zoning districts when both of the following apply: 1. On May 1, 2016, no buildings existed on the property where the parking is to be located; and 2. The property has street frontage on an arterial or collector street as identified within the Sherwood Transportation System Plan.” The subject site is and has been vacant, with no buildings as of May 1, 2016, and has frontage onto SW First Street, a Collector status street. The subject property satisfies both conditions for the conditional use.

**FINDING:** The proposed use is not an outright permitted use in the MDRL zoning district, but is conditionally permitted as allowed by the Old Town (OT) Overlay district provisions outlined in Section 16.162.040.C.

**16.12.030 Residential Land Use Development Standards**

- A. Generally**  
No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Variance and Adjustments)
- B. Development Standards**  
Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas) Chapter 16.44 (Townhomes), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.
- C. Development Standards per Residential Zone**

	<b>MDRL</b>
Minimum Lot area (in square ft); Single-Family Detached:	5,000
Minimum Lot width at front property line:	25 feet
Minimum Lot width at building line; Single-Family:	50 feet
Lot Depth:	80 feet

**ANALYSIS:** The applicant is not proposing any new lots. The existing lot size is 5,000 square feet with a lot width of 50 feet and lot depth of 100 feet deep. The applicant is not proposing residential development.

**FINDING:** These standards are met.

**16.12.030.C Setbacks**

	<b>MDRL</b>
Front yard:	14 feet
Face of garage	20 feet
Interior side yard; Single-Family Detached:	5 feet
Corner lot side yard; Single Family or Two Family:	15 feet
Rear yard:	20 feet

**ANALYSIS:** No buildings are proposed. The applicant will be subject to site design standards, including perimeter landscape standards, as required in Division V, Community Design, of the Development Code.

**FINDING:** These standards are not applicable.

**16.12.030.C. Height**

	<b>MDRL</b>
Maximum Height (in feet):	30 or 2 stories

**FINDING:** No buildings are proposed. This standard is not applicable.

**Chapter 16.22 COMMERCIAL LAND USE DISTRICTS**

**16.22.020 Uses**

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined Chapter 16.88 (Interpretation of Similar Uses).
- B. Uses listed in other sections of the code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 (Interpretation of Similar Uses).
- D. Additional limitations for specific uses are identified in the footnotes of this table.

	<b>RC</b>
<b>COMMERCIAL</b>	
<b>Public or commercial parking (non-accessory)</b>	<b>P</b>

**FINDING:** The proposed use is permitted in the Retail Commercial (RC) district. This standard is met.

**16.22.030 Development Standards**

**A. Generally**

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

**B. Development Standards**

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

	RC
Lot area	5,000 sq. ft.
Lot width at front property line:	40 ft
Minimum Lot width at building line	40 ft
Front yard setback <sup>9</sup>	0 ft
when abutting residential zone	Same as abutting residential zone
Side yard setback <sup>9</sup>	0 ft
when abutting residential zone	10 ft
Rear yard setback <sup>9</sup>	0
when abutting residential zone	10 ft
Corner lot <sup>9</sup>	
Height <sup>10,11</sup>	50 ft <sup>13,14</sup>
<sup>9</sup> Existing residential uses shall maintain setbacks as specified in the High Density Residential Zone (16.12.030). <sup>10</sup> Maximum height is the lessor of feet or stories. <sup>11</sup> Solar and wind energy devices and similar structures attached to buildings and accessory buildings, may exceed this height limitation by up to twenty (20) feet. <sup>13</sup> Structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area. <sup>14</sup> Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Chapter 16.82.	

**ANALYSIS:** The site is also subject to the Old Town (OT) Overlay District, which supersedes the requirements of the RC district if there is a conflict. The OT Overlay requires a minimum lot area of 2,500 square feet; no minimum yards (setbacks); and limits height to 40 feet (3 stories) in the “Smockville” area. The applicant is not proposing any new lots. The existing lot size is 5,000 square feet with a lot width of 50 feet and lot depth of 100 feet deep. The applicant is not proposing any buildings. The applicant will be subject to site design standards, including perimeter landscape standards, as required in Division V, Community Design, of the Development Code.

**FINDING:** These standards are met.

**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.
- 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.
- C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2½) 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 on the sidewalk side and ten (10) feet on the street side.

The following requirements shall govern clear vision areas:

- 1. In all zones, the minimum distance shall be twenty (20) feet.
- 2. In all zones, the minimum distance from corner curb to any driveway shall be twenty-five (25) feet.
- 3. Where no setbacks are required, buildings may be constructed within the clear vision area.

**FINDING:** Clear vision areas are not identified on the site plan at the intersections of the proposed driveway and First Street, however it appears that adequate space is provided to meet this standard. This standard can be met as conditioned below.

**RECOMMENDED CONDITION:** Prior to final site plan approval, show that there are no sight obstructing objects within the clear vision area.

**B. Division V. Community Design**

**16.92-LANDSCAPING**

**16.92.010-Landscaping Plan Required**

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

**FINDING:** The applicant submitted a landscape plan that shows landscaping adjacent to the parking areas. Compliance with the landscaping standards will be discussed below. As proposed and conditioned below, the applicant can meet the landscaping requirements.

**16.92.020 Landscaping Materials**

**A. Type of Landscaping**

Required landscaped areas shall include an appropriate combination of native 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. Plants may be selected from the City's "Suggested Plant Lists for Required Landscaping Manual" or suitable for the Pacific Northwest climate and verified by a landscape architect or certified landscape professional.

**FINDING:** The applicant provided a landscape plan that shows a combination of evergreen and deciduous trees and evergreen ground cover. The applicant identified the groundcover, shrubs and the exact number of trees to be planted. The applicant has not verified that the plan has been certified by a landscape professional. The applicant has not met this criterion, but can meet this criterion with the following condition.

**RECOMMENDED CONDITION:** Prior to final site plan approval, submit a final landscape plan that has been verified by a qualified landscape professional.

#### **16.92.030 Site Area Landscaping and Perimeter Screening Standards**

##### **A. Perimeter Screening and Buffering**

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

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

**FINDING:** There is an existing single-family residence east of the site. There is an existing six-foot high fence separating the single-family residence from the subject property. This standard is met.

###### **2. Perimeter Landscaping Buffer**

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

**FINDING:** The site plan shows a minimum 10 foot wide landscape strip around the perimeter of the site, with an extra 16.42-foot landscape strip along the western property line. The applicant has met this criterion.

##### **B. Parking Area Landscaping**

###### **3. Required Landscaping**

**There shall be at least forty-five (45) square feet parking area landscaping for each parking space located on the site. The amount of required plant materials are based on the number of spaces as identified below.**

**FINDING:** The proposal will provide a total of 19 parking spaces including 1 ADA space. Based on the above standards a total of 855 square feet of parking area landscaping is required. The plans show an 855 square foot landscaping area on the western side of the site, between the parking area and perimeter landscape area. This standard is met.

###### **4. Amount and Type of Required Parking Area Landscaping**

###### **a. Number of Trees required based on Canopy Factor**

**Small trees have a canopy factor of less than forty (40), medium trees have a canopy factor from forty (40) to ninety (90), and large trees have a canopy factor greater than ninety (90);**

**(1) Any combination of the following is required:**

**(i) One (1) large tree is required per four (4) parking spaces;**

**(ii) One (1) medium tree is required per three (3) parking spaces; or**

**(iii) One (1) small tree is required per two (2) parking spaces.**

**(iv) At least five (5) percent of the required trees must be evergreen.**

- (2) Street trees may be included in the calculation for the number of required trees in the parking area.
- b. Shrubs:
  - (1) Two (2) shrubs are required per each space.
  - (2) For spaces where the front two (2) feet of parking spaces have been landscaped instead of paved, the standard requires one (1) shrub per space. Shrubs may be evergreen or deciduous.
- c. Ground cover plants:
  - (1) Any remainder in the parking area must be planted with ground cover plants.
  - (2) The plants selected must be spaced to cover the area within three (3) years. Mulch does not count as ground cover.

**FINDING:** The applicant provided a list of the plants, location of the plants and size of the containers of the plants to be planted. The applicant proposes 4 large trees (Ginko Biloba) and 2 small trees (Pacific Boxwood), which is sufficient for 20 parking spaces, exceeding the requirements for the proposed 19 spaces. The applicant proposes 44 shrubs (Brandon Arborvitae and Oregon Grape), exceeding the required 38 shrubs. The remaining landscape areas will be covered with 200 groundcover plants (Kinnikinnick). These standards are met.

#### 5. Individual Landscape Islands Requirements

- a. Individual landscaped areas (islands) shall be at least ninety (90) square feet in area and a minimum width of five (5) feet and shall be curbed to protect the landscaping.
- b. Each landscape island shall be planted with at least one (1) tree.
- c. Landscape islands shall be evenly spaced throughout the parking area.
- d. Landscape islands shall be distributed according to the following:
  - (1) Residential uses in a residential zone: one (1) island for every eight (8) contiguous parking spaces.
  - (2) Multi or mixed-uses, institutional and commercial uses: one (1) island for every ten (10) contiguous parking spaces.
  - (3) Industrial uses: one (1) island for every twelve (12) contiguous parking spaces.
- e. Storm water bio-swales may be used in lieu of the parking landscape areas and may be included in the calculation of the required landscaping amount.

**FINDING:** The proposed parking is situated so that there are not more than 10 contiguous spaces. Therefore, this standard is not applicable.

#### 6. Landscaping at Points of Access

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

**FINDING:** As discussed under Section 16.58.010, Clear Vision Areas, vision triangles are not identified on the plans, however there appears to be adequate space to meet this standard. This standard can be met as previously conditioned.

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

All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and any adjacent

**residential zones. If unfeasible to fully screen due to policies and standards, the applicant shall make efforts to minimize the visual impact of the mechanical equipment.**

**FINDING:** No mechanical equipment, outdoor storage or service or delivery areas are proposed. This standard is not applicable.

#### **16.92.040 Installation and Maintenance Standards**

##### **A. Installation**

All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Clean Water Services storm water management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.

##### **B. Maintenance and Mitigation of Landscaped Areas**

1. Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.
2. All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan.
3. Any required landscaping trees removed must be replanted consistent with the approved landscaping plan and comply with § 16.142, (Parks, Trees and Open Space).

##### **C. Irrigation**

The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All landscaped areas must provide an irrigation system, as stated in Option 1, 2, or 3.

1. Option 1: A permanent built-in irrigation system with an automatic controller installed.
2. Option 2: An irrigation system designed and certified by a licensed landscape architect or other qualified professional as part of the landscape plan, which provides sufficient water to ensure that the plants become established. The system does not have to be permanent if the plants chosen can survive independently once established.
3. Option 3: Irrigation by hand. If the applicant chooses this option, an inspection will be required one (1) year after final inspection to ensure that the landscaping has become established.

**FINDING:** The applicant has indicated that in ground irrigation will be provided and that the system will be a design build system installed by the contractor. These standards have not been met but can be met as conditioned below.

**RECOMMENDED CONDITION:** Prior to Final Site Plan approval, submit a final landscape plan that address the installation and maintenance standards of Section 16.92.040 to the Planning Department for review and approval.

#### **16.94 Off-Street Parking and Loading**

##### **16.94.010 General Requirements**

##### **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.

**FINDING:** The Zoning and Community Development Code has no established minimum or maximum off-street parking requirements for a public parking lot. The Old Town (OT) Overlay district established no required parking for uses in the "Smockville" area of Old Town. This standard is met.

#### 16.94.010 General Requirements

##### B. Deferral of Improvements

Off-street parking and loading spaces shall be completed prior to the issuance of occupancy permits, unless the City determines that weather conditions, lack of available surfacing materials, or other circumstances beyond the control of the applicant make completion impossible. In such circumstances, security equal to one hundred twenty five (125) percent of the cost of the parking and loading area is provided the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the parking or loading area is not completed within one (1) year, the security may be used by the City to complete the installation.

**FINDING:** The applicant is not seeking to defer any required improvements. This standard is not applicable.

#### 16.94.010 General Requirements

##### C. Options for Reducing the Required Parking Spaces

1. 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.
  - a. Within commercial, institutional and public, or industrial zones, shared parking may be provided on lots that are within five hundred (500) feet of the property line of the use to be served.
  - b. Shared parking is allowed if the application can show that the combined peak use is available by a parking study that demonstrates:
    - (1) There is a sufficient number of parking spaces to accommodate the requirements of the individual businesses; or
    - (2) That the peak hours of operation of such establishments do not overlap, and
    - (3) That an exclusive permanent easement over a delineated area has been granted for parking space use.
2. Mixed use projects are developments where a variety of uses occupies a development project or complex. For example, an eating establishment, professional office building and movie theater are all components of a mixed use site. It does not include a secondary use within a primary use such as an administrative office associated with a retail establishment. In mixed-use projects, the required minimum vehicle parking shall be determined using the following formula:
  - a. Primary use: i.e. that with the largest proportion of total floor area within the development at one hundred (100) percent of the minimum vehicle parking required for that use.

- b. **Secondary Use:** i.e. that with the second largest percentage of total floor area within the development, at ninety (90) percent of the vehicle parking required for that use.
- c. **Subsequent use or uses,** at eighty (80) percent of the vehicle parking required for that use.

**FINDING:** As there are no required parking standards for a public parking lot, this standard is not applicable.

#### 16.94.010 General Requirements

##### D. Prohibited Uses

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

**FINDING:** No long term storage or sale of vehicles or other materials is proposed. This standard is met.

#### 16.94.010 General Requirements

##### E. Location

- 2. **For all other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within five hundred (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.**
- 3. **Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible.**

**FINDING:** As there are no required parking standards for a public parking lot, this standard is not applicable.

#### 16.94.010 General Requirements

##### F. 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.**

**FINDING:** The site plan identifies clearly marked and painted parking spaces with wheel stops. The primary access is via First Street with a 24-foot wide drive aisle to accommodate two-way traffic. This standard is met.

#### 16.94.010 General Requirements

##### G. Surface and Drainage

- 1. **All parking and loading areas shall be improved with a permanent hard surface such as asphalt, concrete or a durable pervious surface. Use of pervious paving**

**material is encouraged and preferred where appropriate considering soils, location, anticipated vehicle usage and other pertinent factors.**

- 2. Parking and loading areas shall include storm water drainage facilities approved by the City Engineer or Building Official.**

**ANALYSIS:** The parking lot will be improved with an asphalt surface. The City Engineering Department has stated that no public storm sewer exists in the alley northwest of the subject property frontage nor along SW 1<sup>st</sup> Street southeast of the subject property frontage. SW 1<sup>st</sup> has adequate drainage facilities for the public street. Properties on the southeast side of SW 1<sup>st</sup> Street have access to storm sewer via a storm sewer in the pedestrian corridor southeast of those properties. Properties on the northwest side of the subject property (northwest of the alley) have access to a storm sewer within SW 2<sup>nd</sup> Street.

No storm sewer is available for servicing the proposed development. Therefore, the developer shall extend storm sewer as necessary to serve the subject property meeting the approval of the City of Sherwood Engineering Department.

A regional water quality facility is available for the storm water runoff from the subject property. This regional facility was sized with downtown development in mind and has the capacity to serve the subject property.

City policy requires that prior to any grading, a permit shall be obtained from the Building Department for all grading on the private portion of the site. In addition, an approved grading and erosion control plan is also required from the City of Sherwood Engineering Department for all public and private improvements prior to any grading and to obtain a Storm Water Connection Permit from Clean Water Services (CWS).

**FINDING:** This standard can be met as conditioned below.

**RECOMMENDED CONDITION:** Prior to issuance of the Engineering Compliance Agreement, the developer shall either design a water quality facility on-site for treatment of storm runoff meeting the approval of the City of Sherwood Engineering Department or make a payment-in-lieu toward the regional facilities upon approval by the City Engineer and Clean Water Services.

**RECOMMENDED CONDITION:** Private storm water runoff within the subject property shall be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code.

**RECOMMENDED CONDITION:** All storm infrastructure shall be designed to meet the approval of the City of Sherwood Engineering Department prior to issuance of an Engineering Compliance Agreement.

#### **16.94.010 General Requirements**

##### **H. Repairs**

**Parking and loading areas shall be kept clean and in good repair. Breaks in paved surfaces shall be repaired. Broken or splintered wheel stops shall be replaced. Painted parking space boundaries and directional symbols shall be maintained in a readable condition.**

**FINDING:** The City of Sherwood Public Works Department will be responsible for all site maintenance and repairs. This standard is met.

#### **16.94.010 General Requirements**

##### **I. 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.
8. Parking lots more than one (1) acre in size shall provide street-like features including curbs, sidewalks, and street trees or planting strips.

**FINDING:** Preliminary off-street parking plans are shown on Sheets C4 of the application. This standard is met.

#### **16.94.010 General Requirements**

##### **J. Parking Districts**

The City may establish a parking district (i.e., permits or signage) in residential areas in order to protect residential areas from spillover parking generated by adjacent commercial, employment or mixed-use areas, or other uses that generate a high demand for parking. The district request shall be made to the City Manager, who will forward a recommendation to the City Council for a decision.

- E. Structured parking and on-street parking are exempt from the parking space maximums in Section 16.94.020.A.**

**FINDING:** No parking districts or structured parking are proposed. This standard is not applicable.

#### **16.94.010 Off-Street Parking Standards**

##### **A. Generally**

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off - street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.

**FINDING:** As discussed above, the Zoning and Community Development Code has no established minimum or maximum off-street parking requirements for public parking lots. The proposal reflects the URA Board's decision to provide off-street parking in an amount equal to that provided in the former Robin Hood Theater site. This standard is met.

#### **16.94.010 Off-Street Parking Standards**

##### **B. Dimensional and General Configuration Standards**

1. **Dimensions** For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent 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.

2. 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 as to minimize backing movements or other maneuvering within a street, other than an alley. All parking areas shall meet the minimum standards shown in the following table and diagram.

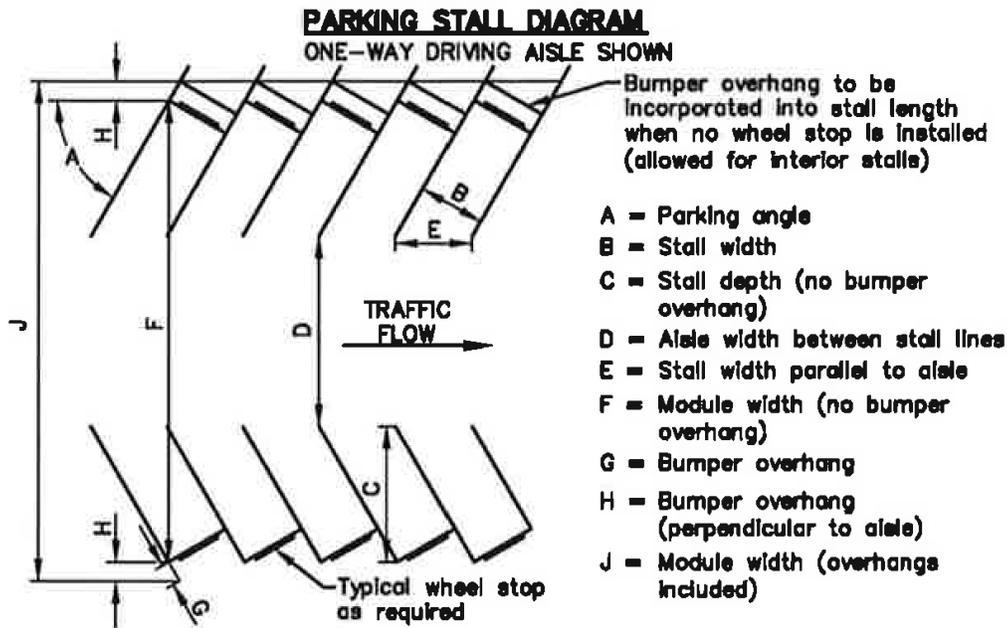


Table 2: Minimum Parking Dimension Requirements  
One-Way Driving Aisle (Dimensions in Feet)

A	B	C	D	E	F	G	H	I
45°	8.0	16.5	13.0	11.3	46.0	3.0	2.5	51.0
	9.0	18.5	12.0	12.7	49.0	3.0	2.5	54.0

3. 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 the above diagram.
- Wheel stops adjacent to landscaping, bio-swales or water quality facilities shall be designed to allow storm water runoff.
- The paved portion of the parking stall length may be reduced by three (3) feet if replaced with three (3) feet of low lying landscape or hardscape in lieu of a wheel stop; however, a curb is still required. In other words, the traditional three-foot vehicle overhang from a wheel stop may be low-lying landscaping rather than an impervious surface.

4. Service Drives

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

5. **Credit for On-Street Parking**
  - a. **On-Street Parking Credit.** The amount of off-street parking required shall be reduced by one (1) off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards.
  - b. **The following constitutes an on-street parking space:**
    - (1) Parallel parking, each twenty-four (24) feet of uninterrupted curb;
    - (2) Forty-five (45)/sixty (60) degree diagonal, each with ten (10) feet of curb;
    - (3) Ninety (90) degree (perpendicular) parking, each with eight (8) feet of curb;
    - (4) Curb space must be connected to the lot which contains the use;
    - (5) Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and;
    - (6) On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.
6. **Reduction in Required Parking Spaces**

Developments utilizing Engineered storm water bio-swales or those adjacent to environmentally constrained or sensitive areas may reduce the amount of required parking spaces by ten (10) percent when twenty-five (25) through forty-nine (49) parking spaces are required, fifteen (15) percent when fifty (50) and seventy-four (74) parking spaces are required and twenty (20) percent when more than seventy-five (75) parking spaces are required, provided the area that would have been used for parking is maintained as a habitat area or is generally adjacent to an environmentally sensitive or constrained area.
7. **Parking Location and Shared Parking**

Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable.

**ANALYSIS:** The parking stalls meet the length, width, and depth requirements. 17 parking stalls will be standard width, one stall will be compact, and one stall will meet ADA requirements. Wheel stops are provided in accordance with this section. The applicant is not seeking credit for on-street parking or a reduction in required parking spaces, as there are no required spaces for uses in the "Smockville" area of Old Town.

**FINDING:** This standard is met.

#### **16.94.010 Off-Street Parking Standards**

##### **C. Bicycle Parking Facilities**

###### **1. General Provisions**

- a. **Applicability.** Bicycle parking spaces shall be provided for new development, changes of use, and major renovations, defined as construction valued at twenty-five (25) percent or more of the assessed value of the existing structure.
- b. **Types of Spaces.** Bicycle parking facilities shall be provided in terms of short-term bicycle parking and long-term bicycle parking. Short-term bicycle parking is intended to encourage customers and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for at least several hours a weather-protected place to park bicycles.

- c. **Minimum Number of Spaces.** The required total minimum number of bicycle parking spaces for each use category is shown in Table 4, Minimum Required Bicycle Parking Spaces.
  - d. **Minimum Number of Long-term Spaces.** If a development is required to provide eight (8) or more required bicycle parking spaces in Table 4, at least twenty-five (25) percent shall be provided as long-term bicycle with a minimum of one (1) long-term bicycle parking space.
  - e. **Multiple Uses.** When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.
2. **Location and Design.**
- a. **General Provisions**
    - (1) Each space must be at least two (2) feet by six (6) feet in area, be accessible without moving another bicycle, and provide enough space between the rack and any obstructions to use the space properly.
    - (2) There must be an aisle at least five (5) feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
    - (3) **Lighting.** Bicycle parking shall be at least as well lit as vehicle parking for security.
    - (4) **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
    - (5) Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" or staple design is appropriate. Alternative, creative designs are strongly encouraged.
    - (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.
  - b. **Short-term Bicycle Parking**
    - (1) Provide lockers or racks that meet the standards of this section.
    - (2) Locate inside or outside the building within thirty (30) feet of the main entrance to the building or at least as close as the nearest vehicle parking space, whichever is closer.

**Table 4: Minimum Required Bicycle Parking Spaces**

Use Categories	Minimum Required Spaces
<b>Public and Institutional Categories</b>	
Park and ride facility	2 or 1 per 20 spaces, whichever is greater

**ANALYSIS:** No bicycle parking standards are provided for a public parking lot, the use is most closely related to a “park and ride facility”. As such, a public parking lot is required to provide at least two (2) bicycle parking spaces. The site plan identifies a 6-foot by 3-foot bicycle parking station, however no plan details or discussion is provided in the project narrative to indicate how many bicycle spaces will be accommodated in this area. There appears to be adequate space for two bicycle spaces, however no additional details are provided about the configuration to confirm that the layout complies with the code. The area is adjacent to a five-foot pedestrian access, providing adequate bicycle maneuvering space. The bicycle parking area is adjacent to First Street, which is adequately lit.

**FINDING:** As discussed above, this standard is not met but can be met as conditioned below.

**RECOMMENDED CONDITION:** Submit a detail and cut sheet for the proposed bicycle rack with the Final Site Plan for review and approval.

**16.94.030 - Off-Street Loading Standards**

**A. Minimum Standards**

1. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, or other public meeting place, which is designed to accommodate more than twenty five (25) persons at one time.
2. The minimum loading area for non-residential uses shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet.
3. Multiple uses on the same parcel or adjacent parcels may utilize the same loading area if it is shown in the development application that the uses will not have substantially overlapping delivery times.
4. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:
  - a. Twenty thousand (20,000) to fifty (50,000) sq. ft. - five hundred (500) sq. ft.
  - b. Fifty (50,000) sq. ft. or more - seven hundred fifty (750) sq. ft.

**B. Separation of Areas**

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

**C. Exceptions and Adjustments.**

The review authority, through Site Plan Review, may approve loading areas within a street right-of-way in the Old Town Overlay District when all of the following conditions are met:

1. Short in duration (i.e., less than one (1) hour);
2. Infrequent (less than three (3) operations occur daily between 5:00 a.m. and 12:00 a.m. or all operations occur between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);
3. Does not unreasonably obstruct traffic; [or] Does not obstruct traffic during peak traffic hours;
4. Does not obstruct a primary emergency response route; and
5. Is acceptable to the applicable roadway authority.

**FINDING:** No loading areas are required or proposed. This standard is not applicable.

**16.96 ONSITE CIRCULATION**

**16.96.030 - Minimum Non-Residential Standards**

Minimum standards for private, on-site circulation improvements in non-residential developments:

**Commercial:** Improved hard surfaced driveways are required as follows:

Required		Minimum Width	
Parking Spaces	# Driveways	One-Way Pair	Two-Way
1 - 49	1	15 feet	24 feet

**FINDING:** The applicant proposes 19 onsite parking spaces. Therefore only one driveway is required. There is one two-way drive approximately 24 feet wide illustrated on the site plan. A 12-foot secondary access to the public alley is also provided, in excess of the requirement. This standard is met.

**B. Sidewalks and Curbs**

1. A private pathway/sidewalk system extending throughout the development site shall be required to connect to existing development, to public rights-of-way with or without improvements, to parking and storage areas, and to connect all building entrances to one another. The system shall also connect to transit facilities within five hundred (500) feet of the site, future phases of development, and whenever possible to parks and open spaces.
2. Curbs shall also be required at a standard approved by the Hearing Authority. Private pathways/sidewalks shall be connected to public rights-of-way along driveways but may be allowed other than along driveways if approved by the Hearing Authority.
3. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other pervious durable surface. Primary pathways connecting front entrances to the right of way shall be at least 6 feet wide and conform to ADA standards. Secondary pathways between buildings and within parking areas shall be a minimum of four (4) feet wide and/or 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 painted striping.
4. Exceptions. Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

**FINDING:** The only private pathway/sidewalk is a 5-foot pedestrian access from the ADA parking space to the public sidewalk. A 6-foot wide access is required. This standard is not met but can be met as conditioned below.

**RECOMMENDED CONDITION:** Provide a 6-foot wide pedestrian access to the existing sidewalk on the Final Site Plan.

**C. Division VI – PUBLIC IMPROVEMENTS**  
**Chapter 16.106 TRANSPORTATION FACILITIES**  
**16.106.020 Required Improvements**

**A. Generally**

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. The following figure provides the depiction of the functional classification of the street network as found in the Transportation System Plan, Figure 8-1.

**ANALYSIS:** According to the Engineering Department, the subject property has street frontage along SW 1<sup>st</sup> Street (Collector) to the southeast and along a public alley to the northwest. The existing street has a 13-foot wide half street paved street section with a 5-foot wide curb tight sidewalk within a 29-foot wide half street right-of-way section. Standard for a 2 lane collector street with no parking is 17 feet of half street paved width with a 5-foot wide landscape strip and 8-foot wide sidewalk within a 31-foot wide half street right-of-way section. The existing street section is consistent throughout this area. Therefore street improvements on SW 1<sup>st</sup> Street are only required as necessary for the development.

An existing driveway exists at the eastern corner of the subject property that does not meet ADA standards. The site plan shows that the applicant intends to eliminate this driveway. A condition is proposed to ensure that the driveway is eliminated or reconstructed to ADA standards.

The subject property has street frontage along a public alley to the northwest. The existing alley has a gravel surface within a 14-foot wide full width right-of-way width. Half street improvements within the public alley are not required since it would be impractical to install half street improvements of 7 feet in width when the remainder of the alley would remain gravel.

Since the proposed development is for a parking lot only, no additional trips are generated due to this development.

All street infrastructure shall be designed to meet the approval of the City of Sherwood Engineering Department prior to issuance of an Engineering Compliance Agreement.

**FINDING:** This standard is not met but can be met as conditioned below.

**RECOMMENDED CONDITION:** Prior to final engineering approval of the improvements, the existing driveway on SW 1<sup>st</sup> Street shall either be reconstructed or eliminated to make the sidewalk meet ADA standards.

#### **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.**

**ANALYSIS:** According to the Engineering Department, a public sanitary sewer exists within the alley northwest of the subject property frontage. There is no sanitary sewer in SW 1<sup>st</sup> Street. Properties on the southeast side of SW 1<sup>st</sup> Street have access to sanitary sewer via a public sewer within the pedestrian corridor southeast of those properties. Therefore all properties within the vicinity of the subject property have access to the public sanitary sewer system. No public sanitary sewer extension is required.

The proposed development has no plumbing fixtures proposed. Therefore no connection to the public sanitary sewer system is proposed.

**FINDING:** This standard is met.

## 16.112– WATER SUPPLY

### 16.112.010 Required Improvements

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

**ANALYSIS:** Currently a public water main exists within SW 1<sup>st</sup> street along the subject property frontage. No public water main extension is required. There exists a water service within the alley northwest of the subject property that serves both the subject property and 1 property to the northwest. Therefore all properties within the vicinity of the subject property have access to the public water system. No public water line extension is required.

The existing water service within the alley northwest of the subject property is partially within the subject property. The preliminary plan shows the water service being relocated into the alley. All cost of relocation shall be borne by the development. Developer shall contact Sherwood Public Works prior to relocation.

**FINDING:** This standard is not met, but can be met as conditioned below.

**RECOMMENDED CONDITION:** Prior to final engineering approval of the improvements, the developer shall either relocate the water service to within the right-of-way or shall provide a public water line easement to the City of Sherwood.

**RECOMMENDED CONDITION:** As a general condition, private water lines shall be installed in compliance with the current Oregon Plumbing Specialty Code.

## 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 systems consistent with the Comprehensive Plan and the requirements of the Clean Water Services water quality regulations contained in their Design and Construction Standards R&O 04-9, or its replacement.**

**ANALYSIS:** Currently no public storm sewer exists within the alley northwest of the subject property frontage nor along SW 1<sup>st</sup> Street southeast of the subject property frontage. SW 1<sup>st</sup> has adequate drainage facilities for the public street. Properties on the southeast side of SW 1<sup>st</sup> Street have access to storm sewer via a storm sewer in the pedestrian corridor southeast of those properties. Properties on the northwest side of the subject property (northwest of the alley) have access to a storm sewer within SW 2<sup>nd</sup> Street.

No storm sewer is available for servicing the proposed development. Therefore, the developer shall extend storm sewer as necessary to serve the subject property meeting the approval of the City of Sherwood Engineering Department.

A regional water quality facility is available for the storm water runoff from the subject property. This regional facility was sized with downtown development in mind and has the capacity to serve the subject property.

All storm infrastructure shall be designed to meet the approval of the City of Sherwood Engineering Department prior to issuance of an Engineering Compliance Agreement.

**FINDING:** This standard is not met but can be met as conditioned below.

**RECOMMENDED CONDITION:** Prior to issuance of the Engineering Compliance Agreement, the developer shall either design a water quality facility on-site for treatment of storm runoff meeting the approval of the City of Sherwood Engineering Department or make a payment-in-lieu toward the regional facilities upon approval by the City Engineer and Clean Water Services.

**RECOMMENDED CONDITION:** Private storm water runoff within the subject property shall be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code.

**RECOMMENDED CONDITION:** Prior to Engineering Approval of the Public Improvement Plans, submit a Clean Water Services Storm Water Connection Permit Authorization that includes the standards identified in the comments submitted by Clean Water Services on October 26, 2016.

### **16.116 FIRE PROTECTION**

#### **16.116.010 Required Improvements**

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

**FINDING:** Tom Mooney, Deputy Fire Marshall, contacted staff on October 13, 2016 and reported that TVF&R has no concerns with the proposed project. This standard is met.

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

#### **16.118.010 Purpose**

**Public telecommunication conduits as well as conduits for franchise utilities including, but not limited to, electric power, telephone, natural gas, lighting, and cable television shall be installed to serve all newly created lots and developments in Sherwood.**

#### **16.118.020 Standard**

- A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.**
- B. Public utility easements shall be a minimum of eight (8) feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.**

**ANALYSIS:** Since the subject property is in the Old Town Overlay, a PUE is not required. There are existing overhead franchise services over the subject property that service the neighboring property to the southwest. Per City Ordinance 2005-017 and City Resolution 2005-074, Sherwood Broadband utilities are required along the frontage of the site. Since no widening improvements are to be constructed as part of this project the applicant can elect to submit a payment in lieu of constructing these facilities.

**FINDING:** These standards are not met but can be met as conditioned below.

**RECOMMENDED CONDITION:** The developer shall either have the existing overhead franchise services relocated to outside of the subject property or provide an easement for the services.

**RECOMMENDED CONDITION:** Prior to approval of the public improvement plans, the developer shall record all required public easements and provide proof of the recording to the City of Sherwood Engineering Department.

**RECOMMENDED CONDITION:** Prior to approval of the public improvement plans, the developer shall construct or pay the fee in lieu for Sherwood Broadband along the sites frontage.

**F. Division VIII. Environmental Resources**

**16.142.060: STREET TREES**

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

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

1. **Location:** Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.
2. **Size:** Trees shall have a minimum trunk diameter of two (2) caliper inches, which is measured six inches above the soil line, and a minimum height of six (6) feet when planted.
3. **Types:** Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.
4. **Required Street Trees and Spacing:**
  - a. The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in section 16.142.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.
  - b. All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.
  - c. A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:
    - (1) Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or
    - (2) There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and
    - (3) The street trees are spaced as close as possible given the site limitations in (1) and (2) above.

- (4) The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.
- (5) For arterial and collector streets, the City may require planted medians in lieu of paved twelve-foot wide center turning lanes, planted with trees to the specifications of this subsection.

**FINDING:** There is no existing planting strip along SW First Street. Consequently, Street Trees will be installed on private property in accordance with Section 16.142.060.A.1. The applicant proposes to install two Ginko Biloba "Fairmont" trees, consistent with the recommended street tree list found in Section 16.142.080. The site has 100 feet of frontage with a 24-foot wide driveway in the middle of the site. One street tree is proposed on either side of the driveway, meeting appropriate spacing requirements. This standard is met.

#### **B. Removal and Replacement of Street Trees.**

The removal of a street tree shall be limited and in most cases, necessitated by the tree. A person may remove a street tree as provided in this section. The person removing the tree is responsible for all costs of removal and replacement. Street trees less than five (5) inches DBH can be removed by right by the property owner or his or her assigns, provided that they are replaced. A street tree that is removed must be replaced within six (6) months of the removal date.

1. Criteria for All Street Tree Removal for trees over five (5) inches DBH. No street tree shall be removed unless it can be found that the tree is:
  - a. Dying, becoming severely diseased, or infested or diseased so as to threaten the health of other trees, or
  - b. Obstructing public ways or sight distance so as to cause a safety hazard, or
  - c. Interfering with or damaging public or private utilities, or
  - d. Defined as a nuisance per City nuisance abatement ordinances.
2. Street trees between five (5) and ten (10) inches DBH may be removed if any of the criteria in 1. above are met and a tree removal permit is obtained.
  - a. The Tree Removal Permit Process is a Type I land use decision and shall be approved subject to the following criteria:
    - (1) The person requesting removal shall submit a Tree Removal Permit application that identifies the location of the tree, the type of tree to be removed, the proposed replacement and how it qualifies for removal per Section 1. above.
    - (2) The person shall post a sign, provided by the City, adjacent to the tree for ten (10) calendar days prior to removal that provides notice of the removal application and the process to comment on the application.
    - (3) If an objection to the removal is submitted by the City or to the City during the ten (10) calendar day period, an additional evaluation of the tree will be conducted by an arborist to determine whether the tree meets the criteria for street tree removal in Section 1. above. The person requesting the Tree Removal Permit shall be responsible for providing the arborist report and associated costs.
    - (4) Upon completion of the additional evaluation substantiating that the tree warrants removal per Section 1. above or if no objections are received within the ten-day period, the tree removal permit shall be approved.
    - (5) If additional evaluation indicates the tree does not warrant removal, the Tree Removal Permit will be denied.
3. Street trees over ten (10) inches DBH may be removed through a Type I review process subject to the following criteria.

- a. The applicant shall provide a letter from a certified arborist identifying:
  - (1) The tree's condition,
  - (2) How it warrants removal using the criteria listed in Section 1. above, and identifying any reasonable actions that could be taken to allow the retention of the tree.
- b. The applicant shall provide a statement that describes whether and how the applicant sought assistance from the City, HOA or neighbors to address any issues or actions that would enable the tree to be retained.
- c. The person shall post a sign, provided by the City, adjacent to the tree for ten (10) calendar days prior to removal that provides notice of the removal application and the process to comment on the application.
- d. Review of the materials and comments from the public confirm that the tree meets the criteria for removal in Section 1. above.

**ANALYSIS:** The applicant proposes to remove seven trees along SW First Street which appear to be in conflict with the proposed parking lot driveways and required perimeter landscaping as shown on Sheet C3. These trees appear to have been planted prior to the City's Street Tree requirements as no approved landscape plan exists for this site. Consequently, these trees are not considered to be street trees and no subject to this section of code.

**FINDING:** These standards are not applicable.

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

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

##### **A. Generally**

The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of trees and woodlands within the City. This Section is intended to help protect the scenic beauty of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time.

##### **B. Applicability**

All applications including a Type II - IV land use review, shall be required to preserve trees or woodlands, as defined by this Section to the maximum extent feasible within the context of the proposed land use plan and relative to other codes, policies, and standards of the City Comprehensive Plan.

##### **C. Inventory**

1. To assist the City in making its determinations on the retention of trees and woodlands, land use applications including Type II - IV development shall include a tree and woodland inventory and report. The report shall be prepared by a qualified professional and must contain the following information:
  - a. Tree size (in DBH and canopy area)
  - b. Tree species
  - c. The condition of the tree with notes as applicable explaining the assessment
  - d. The location of the tree on the site
  - e. The location of the tree relative to the planned improvements
  - f. Assessment of whether the tree must be removed to accommodate the development



	Residential (single family & two family developments)	Old Town & Infill developments	Commercial, Industrial, Institutional Public and Multi-family
Canopy Requirement	40%	N/A	30%
<b>Counted Toward the Canopy Requirement</b>			
Street trees included in canopy requirement	Yes	N/A	No
Landscaping requirements included in canopy requirement	N/A	N/A	Yes
Existing trees onsite	Yes x2	N/A	Yes x2
Planting new trees onsite	Yes	N/A	Yes
<b>Mature Canopy in Square Feet Equation <math>\pi r^2</math> or <math>(3.14159 * \text{radius}^2)</math> (This is the calculation to measure the square footage of a circle. The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half.</b>			
<b>Canopy Calculation Example: Pin Oak</b> <b>Mature canopy = 35'</b> <b><math>(3.14159 * 17.5^2) = 962</math> square feet</b>			

**ANALYSIS:** The applicant is proposing to remove all seven existing trees. Six new trees are proposed for the site. Properties in Old Town are exempt from the canopy requirement.

**FINDING:** This standard is met.

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

**E. Tree Preservation Incentive**

Retention of existing native trees on site which are in good health can be used to achieve the required mature canopy requirement of the development. The expected mature canopy can be calculated twice for existing trees. For example, if one existing tree with an expected mature canopy of 10 feet (78.5 square feet) is retained it will count as twice the existing canopy (157 square feet).

**FINDING:** As discussed above, no existing site trees are proposed to be retained. Further, the tree preservation incentive is not needed as development in Old Town are exempt from the canopy coverage requirements. This standard is met.

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

**G. Tree Protection During Development**

The applicant shall prepare and submit a final Tree and Woodland Plan prior to issuance of any construction permits, illustrating how identified trees and woodlands will be retained, removed or protected as per the Notice of Decision. Such plan shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. At a minimum, trees to be protected shall have the area within the drip line of the tree protected from grading, stockpiling, and all other construction related activity unless specifically reviewed and recommended by a certified arborist or other qualified

**professional. Any work within the dripline of the tree shall be supervised by the project arborist or other qualified professional onsite during construction.**

**FINDING:** No trees are proposed for retention. This standard is not applicable.

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's submittal, staff finds that the proposed site plan does not fully comply with the standards but can be conditioned to comply. Therefore, staff recommends Approval of the **First Street Parking Lot (SP 16-07/CUP 16-05)** with the following conditions of approval:

## **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 and narrative dated November 4, 2016 and prepared by Robert Galati, City of Sherwood City Engineer, 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. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
6. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.
7. Water flows calculations for meter sizing shall be provided by the developer.
8. Private water lines shall be installed in compliance with the current Oregon Plumbing Specialty Code.
9. Private storm water runoff within the subject property shall be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code.
10. Prior to receiving any permits, a Clean Water Services Storm Water Connection Permit Authorization shall be obtained.
11. Prior to the issuing of a building, plumbing or grading permits, developer shall obtain execute an Engineering Compliance Agreement from the City of Sherwood Engineering Department.

### **B. Prior to Final Site Plan Approval:**

1. Prior to final site plan approval, show that there are no sight obstructing objects within the clear vision area.
2. Prior to final site plan approval, submit a final landscape plan that has been verified by a qualified landscape professional.

3. Prior to Final Site Plan approval, submit a final landscape plan that address the installation and maintenance standards of Section 16.92.040 to the Planning Department for review and approval.
4. Provide a 6-foot wide pedestrian access to the existing sidewalk on the Final Site Plan.

**C. Prior to Engineering Approval of the Public Improvement Plans:**

1. Prior to final engineering approval of the improvements, the existing driveway on SW 1<sup>st</sup> Street shall either be reconstructed or eliminated to make the sidewalk meet ADA standards.
2. Prior to final engineering approval of the improvements, the developer shall either relocate the water service to within the right-of-way or shall provide a public water line easement to the City of Sherwood.
3. Prior to issuance of the Engineering Compliance Agreement, the developer shall either design a water quality facility on-site for treatment of storm runoff meeting the approval of the City of Sherwood Engineering Department or make a payment-in-lieu toward the regional facilities upon approval by the City Engineer and Clean Water Services.
4. Prior to Engineering Approval of the Public Improvement Plans, submit a Clean Water Services Storm Water Connection Permit Authorization that includes the standards identified in the comments submitted by Clean Water Services on October 26, 2016.
5. The developer shall either have the existing overhead franchise services relocated to outside of the subject property or provide an easement for the services.
6. Prior to approval of the public improvement plans, the developer shall record all required public easements and provide proof of the recording to the City of Sherwood Engineering Department.
7. Prior to approval of the public improvement plans, the developer shall construct or pay the fee in lieu for Sherwood Broadband along the sites frontage.
8. Prior to issuance of an Engineering Compliance Agreement, a public improvements plan shall be submitted meeting the approval of the City of Sherwood Engineering Department.
9. Prior to final engineering approval of the improvements, all improvements shall be installed in accordance with the approved engineering plans as approved by the City of Sherwood Engineering Department.
10. The development shall adhere to the conditions of the Clean Water Services Service Provider Letter.

**VII. Exhibits**

- A. Applicant's submittal with narrative and supporting documents dated November 2, 2016.
- B. Engineering Comments dated October 28, 2016.
- C. Clean Water Services comments dated October 26, 2016.

**The site plan approval is valid for a period of two (2) years from the date of the decision, per Section 16.90.020.**

See Addendum for Exhibit A



# Engineering Land Use Application Comments

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To: Brad Kilby, Planning Manager  
From: Craig Christensen, P.E., Engineering Department  
Project: First Street Parking Lot (SP 16-07)  
Date: October 28, 2016

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Engineering staff has reviewed the information provided for the above cited project. Final construction plans will need to meet the standards established by the City of Sherwood Engineering Department and Public Works Department, Clean Water Services (CWS) and Tualatin Valley Fire & Rescue in addition to requirements established by other jurisdictional agencies providing land use comments. City of Sherwood Engineering Department comments are as follows:

## Sanitary Sewer

Currently a public sanitary sewer exists within the alley northwest of the subject property frontage. There is no sanitary sewer in SW 1<sup>st</sup> Street. Properties on the southeast side of SW 1<sup>st</sup> Street have access to sanitary sewer via a public sewer within the pedestrian corridor southeast of those properties. Therefore all properties within the vicinity of the subject property have access to the public sanitary sewer system. No public sanitary sewer extension is required.

The proposed development has no plumbing fixtures proposed. Therefore no connection to the public sanitary sewer system is proposed.

## Water

Currently a public water main exists within SW 1<sup>st</sup> street along the subject property frontage. No public water main extension is required. There exists a water service within the alley northwest of the subject property that serves both the subject property and 1 property to the northwest. Therefore all properties within the vicinity of the subject property have access to the public water system. No public water line extension is required.

The existing water service within the alley northwest of the subject property is partially within the subject property. The preliminary plan shows the water service being relocated into the alley. All cost of relocation shall be borne by the development. Developer shall contact Sherwood Public Works prior to relocation.

Exhibit B

Project: First Street Parking Lot (SP 16-07)  
Date: October 28, 2016  
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CONDITION: Prior to final engineering approval of the improvements, the developer shall either relocate the water service to within the right-of-way or shall provide a public water line easement to the City of Sherwood.

The proposed development shall provide water service to supply irrigation water to the development as needed meeting the approval of the City of Sherwood Engineering Department.

Water flows calculations for meter sizing shall be provided by the developer.

Private water lines shall be installed in compliance with the current Oregon Plumbing Specialty Code.

All water infrastructure shall be designed to meet the approval of the City of Sherwood Engineering Department prior to issuance of an Engineering Compliance Agreement.

#### Storm Sewer

Currently no public storm sewer exists within the alley northwest of the subject property frontage nor along SW 1<sup>st</sup> Street southeast of the subject property frontage. SW 1<sup>st</sup> has adequate drainage facilities for the public street. Properties on the southeast side of SW 1<sup>st</sup> Street have access to storm sewer via a storm sewer in the pedestrian corridor southeast of those properties. Properties on the northwest side of the subject property (northwest of the alley) have access to a storm sewer within SW 2<sup>nd</sup> Street.

No storm sewer is available for servicing the proposed development. Therefore, the developer shall extend storm sewer as necessary to serve the subject property meeting the approval of the City of Sherwood Engineering Department.

A regional water quality facilities is available for the storm water runoff from the subject property. This regional facilities was sized with downtown development in mind and has the capacity to serve the subject property.

CONDITION: Prior to issuance of the Engineering Compliance Agreement, the developer shall either design a water quality facilities on-site for treatment of storm runoff meeting the approval of the City of Sherwood Engineering Department or make a payment-in-lieu toward the regional facilities upon approval by the City Engineer and Clean Water Services.

Private storm water runoff within the subject property shall be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code.

All storm infrastructure shall be designed to meet the approval of the City of Sherwood Engineering Department prior to issuance of an Engineering Compliance Agreement.

#### Transportation

Project: First Street Parking Lot (SP 16-07)  
Date: October 28, 2016  
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The subject property has street frontage along SW 1<sup>st</sup> Street (Collector) to the southeast and along a public alley to the northwest. The existing street has a 13-foot wide half street paved street section with 5-foot wide curb tight sidewalk within a 29-foot wide half street right-of-way section. Standard for a 2 lane collector street with no parking is 17 feet of half street paved width with a 5-foot wide landscape strip and 8-foot wide sidewalk within a 31-foot wide half street right-of-way section. The existing street section is consistent throughout this area. Therefore street improvements on SW 1<sup>st</sup> Street are only required as necessary for the development.

An existing driveway exists at the eastern corner of the subject property that does not meet ADA standards.

CONDITION: Prior to final engineering approval of the improvements, the existing driveway on SW 1<sup>st</sup> Street shall either be reconstructed or eliminated to make the sidewalk meet ADA standards.

The subject property has street frontage along a public alley to the northwest. The existing alley has a gravel surface within a 14-foot wide full width right-of-way width. Half street improvements within the public alley are not required since it would be impractical to install half street improvements of 7 feet in width when the remainder of the alley would remain gravel.

Since the proposed development is for a parking lot only, no additional trips are generated due to this development.

All street infrastructure shall be designed to meet the approval of the City of Sherwood Engineering Department prior to issuance of an Engineering Compliance Agreement.

Grading and Erosion Control:

City policy requires that prior to any grading, a permit shall be obtained from the Building Department for all grading on the private portion of the site. In addition, an approved grading and erosion control plan is also required from the City of Sherwood Engineering Department for all public and private improvements prior to any grading and to obtain a Storm Water Connection Permit from Clean Water Services (CWS).

Other Engineering Issues:

CONDITION: Prior to issuance of an Engineering Compliance Agreement, a public improvements plan shall be submitted meeting the approval of the City of Sherwood Engineering Department.

CONDITION: Prior to final engineering approval of the improvements, all improvements shall be installed in accordance with the approved engineering plans as approved by the City of Sherwood Engineering Department.

The development shall adhere to the conditions of the Clean Water Services Service Provider Letter.

Project: First Street Parking Lot (SP 16-07)  
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CONDITION: Prior to receiving any permits, a Clean Water Services Storm Water Connection Permit Authorization shall be obtained.

CONDITION: Prior to the issuing of a building, plumbing or grading permits, developer shall obtain execute an Engineering Compliance Agreement from the City of Sherwood Engineering Department.

Since the subject property is in the Old Town Overlay, a PUE is not required.

There exists overhead franchise services over the subject property that service the neighboring property to the southwest.

CONDITION: The developer shall either have the existing overhead franchise services relocated to outside of the subject property or provide an easement for the services.

Sherwood Broadband utilities shall be installed as per requirements set forth in City Ordinance 2005-017 and Resolution 2005-074 meeting the approval of the City of Sherwood Engineering Department.

CONDITION: Prior to granting building occupancy, the developer shall record all required public easements and provide proof of the recording to the City of Sherwood Engineering Department.

END OF COMMENTS.

**M E M O R A N D U M**

**Date:** October 26, 2016  
**To:** Connie Randall, Senior Planner, City of Sherwood  
**From:** Jackie Sue Humphreys, Clean Water Services (the District)  
**Subject:** First Street Parking Lot, SP 16-07 & CUP 16-05, 2S132BA02800, 03000

Please include the following comments when writing your conditions of approval:

**PRIOR TO ANY WORK ON THE SITE**

A Clean Water Services (the District) Storm Water Connection Permit Authorization must be obtained. Application for the District's Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 07-20, (or current R&O in effect at time of Engineering plan submittal), and is to include:

- a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.
- b. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans.
- c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.
- d. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 07-20, Section 4.05.5, Table 4-1. Access shall be provided for maintenance of facility per R&O 07-20, Section 4.02.4.
- e. If use of an existing offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and, any additional improvements and/or upgrades that may be needed to utilize that facility.

Exhibit C

- f. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review and acceptance.
- g. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.
- h. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.

## CONCLUSION

This Land Use Review does not constitute the District's approval of storm or sanitary sewer compliance to the NPDES permit held by the District. The District, prior to issuance of any connection permits, must approve final construction plans and drainage calculations.