City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
March 27, 2012 – 7PM

Business Meeting – 7:00 PM

1. **Call to Order/Roll Call**
2. **Agenda Review**
3. **Consent Agenda:**
4. **Council Liaison Announcements**
5. **Staff Announcements**
6. **Community Comments**
7. **Old Business**
8. **New Business**

   a. Public Hearing - Sherwood Community Center SP12-01, CUP12-01, VAR 12-01, and VAR12-02
   The applicant proposes to remodel the existing 13,050 square foot industrial building into the Sherwood Community Center with commercial tenant space. The project was preliminarily considered as a component of the Sherwood Cannery Square PUD (PUD 09-01). This proposal also includes a request to improve two parking areas with pavement, lighting and landscaping to provide parking for the proposed community center. The properties are zoned PUD-RC and Medium Density Residential High.

9. **Adjourn**

Next Meeting: April 10, 2012

Meeting documents may be found on the City of Sherwood website or by contacting the planning staff at 503-925-2308.

SHERWOOD PLANNING COMMISSION MINUTES
February 28, 2012 - WORK SESSION

WORK SESSION

1. **CALL TO ORDER:** Chair Allen opened the meeting at 6:10 p. m.

2. **COMMISSION MEMBERS PRESENT:** Commissioner Griffin, Commissioner Clifford, Commissioner Allen, Commissioner Walker, Commissioner Carey

3. **STAFF AND LEGAL COUNSEL PRESENT:** Julia Hajduk, Michelle Miller, Brad Kilby, Tom Pessemier, Councilor Clark

4. **TOPICS DISCUSSED:**

   A. **Survey of Old Town** Cara Kaser with SHPO gave a presentation on survey results in Sherwood Old Town. PowerPoint presentation copy provided.

   B. **SW Corridor.** Karen Winthrow presented a summary of the SW Corridor Plan. Copy of the presentation is provided.

5. **ADJOURNED:** Chair Allen adjourned the Work Session at 7:10.

CITY OF SHERWOOD **March 20, 2012**
Staff Report **File No: SP 12-01/ CUP 12-01/ VAR 12-01/ VAR 12-02**

Sherwood Community Center

TO: Planning Commission

Pre-App. Meeting:	September 20, 2011
App. Submitted:	January 17, 2012
App. Complete:	February 8, 2012
Hearing Date:	March 27, 2012
120 Day Deadline:	

From:

Brad Kilby, AICP
Senior Planner

Proposal: The applicant is requesting a site plan, final development plan, and conditional use approval for the machine works phase of The Cannery PUD 09-01. In addition, the applicant is seeking, a variance to the prescribed parking lot dimensions and parking lot landscaping for one of two proposed parking lots. Specifically, the applicant is proposing to convert the Machine Works building into a community center for the citizens of Sherwood. The applicant is proposing to provide associated parking on the same lot as the building.

The parking lot located on the same lot as the building will be considered parking lot 1 for the purposes of this review. Parking lot 1 has two proposed parking lot layout options that have been discussed elsewhere in this report. Option A is a 29 space parking lot. Option B is a 23 space parking lot with a drive thru. The construction of this parking lot was considered in the review of the Cannery PUD 09-01.

The railroad parking lot, parking lot 2 for the purposes of this review, is currently an existing gravel parking lot that is on the adjacent parcel lying north and west of the building. As proposed this parking lot will have 41 parking stalls. A conditional use permit is required for the accessory parking and in order to have a public use building on site. The site is located in Old Town requiring a hearing by the Planning Commission. The applicant's submittal materials are attached to this report as Exhibit A.

I. BACKGROUND

A. Applicant: Capstone Partners LLC
1015 NW 11th Avenue, Suite 243
Portland, OR 97209

Contact: Jeff Sackett

Applicant's Representative: Harper Houf Peterson Righellis Inc.
205 SE Spokane Street, Suite 200
Portland, OR 97140

Contact: Keith Jones, AICP, LEED AP ND

Owner:

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

Union Pacific Railroad
Attn: Austin Fearnow
1400 Douglas Street
STOP 1690
Omaha, NE 68179

B. Location: 22832 SW Washington Street. Tax Lot 900; Tax Map 2S132BD. The Railroad right of way is located north and west of the building on tax lot 900.

C. Parcel Size: The subject property is 58,731 square feet in size. Specifically, the parking lot is 14,944 square feet and west phase of this project is 43,787 square feet

D. Existing Development and Site Characteristics: There is an existing building onsite which was used as a machine shop. The existing building is vacant and will be converted into a community center. There is also an existing gravel parking area.

E. Site History: The community center is part of the Cannery Planned Unit Development (PUD 09-01) which was approved by the City Council on March 2, 2010 through ordinance 2010-004. The Cannery PUD is a seven phased development. The public improvements and plaza phase have been completed. The existing building is an old machine works building. The second parking lot is located within Union Pacific Railroad right-of way, and used as an existing gravel parking lot.

F. Zoning Classification and Comprehensive Plan Designation: The existing Urban Renewal Agency (URA) owned building is zoned Retail-Commercial (RC). Per section 16.28, the purpose of the RC zone provides for general retail and services uses that neither require large parcels of land, nor produce excessive environmental impacts. The railroad right of way is considered to be Medium Density Residential High (MDRH) since that is the adjacent zoning to the railroad right of way. The site is also located within the Old Town Overlay zone, a designated historic district which seeks to preserve and enhance the area's commercial viability and historic character.

G. Adjacent Zoning and Land Use: The existing building is adjacent to retail commercial zoning to the northeast, northwest and east. The property to the southeast is zoned high density residential and the property to the southwest is zoned medium density residential high. The railroad property is adjacent to retail commercial to the northeast, north and northwest. There are also adjacent properties to the southeast and southwest zoned medium density residential high. All of the surrounding properties have been previously developed.

H. Review Type: The applicant proposes a final development plan and site plan for the community center and a site plan for associated parking within the railroad right of way.

These both require conditional use permits. The applicant is also requesting two Class A variances; to reduce the parking stall dimensions and to reduce the parking lot landscape buffer. The site is located within the Old Town overlay which requires a decision by the Planning Commission. An appeal would be heard by the City Council.

I. Public Notice and Hearing: This application was processed consistent with the standards in effect at the time it was submitted. A neighborhood meeting was held on October 19, 2011. The neighborhood meeting was attended by two members of the general public. They raised concerns about the amount of parking, the location of the entrance to the community center, and weather protection for people attending events within the proposed facility. The minutes are provided in Attachment 2 of the applicant's materials.

Notice of the application was mailed to property owners within at least 1,000 feet of the subject property on March 2, 2012, and posted on the property and in five locations throughout the City on March 6, 2012 in accordance with Section 16.72.020 of the SZCDC. The notice was published in the Times (a paper of general circulation) on March 15, 2012 and in the Sherwood Gazette (a paper of local circulation) in the March 2012 edition in accordance with Section 16.72.020 of the SZCDC.

J. Review Criteria: Sherwood Zoning and Community Development Code, 16.12 (Residential Uses), 16.28 (Retail Commercial-RC), 16.40 (Planned Unit Development, 16.58.010 (Clear Vision), 16.90 (Site Planning), 16.82 (Conditional Uses), 16.84 (Variances) 16.92 (Landscaping), 16.94 (Off-Street Parking), 16.96 (On-Site Circulation), 16.98 (On-Site Parking and Loading), Division VI 16.104-16.118 (Public Improvements), 16.142 (Parks and Open Space), 16.146 (Noise), 16.148 (Vibrations), 16.150 (Air Quality), 16.153 (Odors), 16.154 (Heat and Glare), 16.156 (Energy Conservation) and 16.162 (Old Town Overlay District)

II. PUBLIC COMMENTS

Public notice was mailed on March 2, 2012, and posted on the property in five locations throughout the City on March 6, 2012. Staff received no public comments as of the date of this report. However, comments are accepted prior to, or at the Planning Commission hearing.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on February 14, 2012. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: Bob Galati, PE, the City Engineer submitted comments on March 5, 2012. His comments are incorporated throughout the report, and where appropriate conditions have been imposed to ensure that the proposal meets the standards which the engineering department is responsible to enforce. Mr. Galati's comments include consideration of the comments provided by DKS Associates, the City's traffic engineer. These comments are discussed in greater detail throughout this report, incorporated into the recommended decision, and are attached as Exhibits B and C.

Clean Water Services: Jackie Sue Humphrey's submitted comments dated February 27, 2012. Within her comments, Ms. Humphrey's indicates that the applicant will be required to obtain a

storm connection permit from Clean Water Services (CWS), and approval of final construction plans and drainage calculations. The CWS comments are attached to this report as Exhibit D.

Tualatin Valley Fire and Rescue: John Wolff, Deputy Fire Marshal II with Tualatin Valley Fire and Rescue (TVFR), submitted comments for this proposal on March 1, 2012. Mr. Wolff indicated that the district endorses the application provided their fire, life, and safety requirements, listed in the comments, were satisfied. In addition, Mr. Wolff indicated that the district would oppose any design concept that includes less than twenty feet of unobstructed roadway width. Finally, Mr. Wolff indicated that the applicant would need to demonstrate that the commercial building would have 20 psi of water pressure available. Mr. Wolff's comments have been incorporated into this report where applicable, and are attached to this report as Exhibit E.

Metro: Sherry Oeser of Metro indicated that they had reviewed the application and had no comments. Her comments are attached to this report as Exhibit F.

ODOT: Kurt Mohs, Rail Crossing Compliance Specialist, reviewed the proposal and wanted to ensure that the railroad was notified of the proposal. Mr. Mohs was informed that the railroad was a party to the proposal. Seth Brumley, and Sonya Kazen, planners with ODOT provided e-mails stating that they would not be submitting comments on the proposal. Mr. Mohs comments are attached to this report as Exhibit G.

Portland General Electric: Raymond Lambert, a project manager with the PGE Service Design and Construction division in Wilsonville, provided an e-mail stating that PGE has significant facilities in the area of the proposed development, and has indicated that there are a couple of poles on the same side of Washington Street as the single pole that is proposed to be replaced that may need to be moved or converted underground. He is also concerned that there may not be enough space to locate a power transformer adjacent to the location of the electric point of connection. Mr. Lamberts' comments have been provided to the applicant for their consideration, and are attached to this report as Exhibit H. The City Engineer has also shared some concerns regarding the power poles that Mr. Lambert is referring to, so conditions of approval have been recommended where applicable and appropriate.

Pride Disposal Co.: Kristin Leichner of Pride Disposal, provided staff with comments that basically requests additional detailed information about the proposed trash enclosure, and provides a list of design standards that the applicant must achieve in order to satisfy Pride's requirements for service. Ms. Leichners' comments are attached to this report as Exhibit I. A condition of approval has been recommended to ensure that the proposed enclosure is designed so that it is consistent with the standards provided in Ms. Leichners' comments.

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

IV. SITE PLAN REVIEW REQUIRED FINDINGS (SECTION 16.90)

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

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

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

Water, sanitary and streets are all available. They were provided as a part of the Cannery PUD. Parks and Open Space are nearby at Stella Olsen Park and across Pine Street at the newly constructed public plaza. Solid waste services, communication and public safety are all available to this development as it is located in Old Town Sherwood. There is a need to provide electric power and storm water treatment to the proposed parking area within the Railroad's right of way.

FINDING: Services are available to the site. Some of the services must be extended to the proposed parking lot within the Railroad's right of way which is discussed and conditioned further in this report.

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

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

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

FINDING: The site where the community building and the adjacent parking lot (1) is flat and currently graveled. There are two trees on the parking lot (2) site that are proposed to be preserved. This site is flat and graveled as well. There are not any known significant natural resource areas on the property.

E. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.080 Highway 99W Capacity Allocation Program, unless excluded herein.

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

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

FINDING: Based on the review letter from Chris Maciejewski, P.E. of DKS and Associates, the City's traffic consultant, dated February 27, 2012 a traffic impact analysis is not necessary since the anticipated number of trips associated with this proposal is expected to be less than 400 Average Daily Trips (ADT).

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

G. The proposed office, retail multi-family institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:

1. **Primary, front entrances shall be located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.**
2. **Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.**
3. **The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.**

FINDING: This proposal is located within the cannery portion of the Old Town Overlay; therefore, the Old Town standards supersede the above criteria. The Old Town Overlay standards have been discussed in greater detail later in this report.

V. APPLICABLE CODE PROVISIONS

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

A. <u>Division II– Land Use and Development</u>
The applicable provisions of Division II include:

16.12.010.D. Medium Density Residential High (MDRH)

16.12.020.A Conditional Uses – Public Use Buildings-(such as libraries, and community centers) are permitted subject to special conditions or requirements as defined in the zoning district an Chapter 16.82 of the code.

FINDING: The planned unit development (PUD 09-01) for the public use to take place on site therefore this use is permitted with a conditional use permit, subject to the conditional use criteria which will be discussed later in this report.

16.12.030.C Development Standard per Residential Zone (table)

FINDING: Based on a prior planning commission determination, parking lots are considered structures and subject to review. The parking structure is buffered by

landscaping and set to the interior of the site. It does not have any height associated with it. The dimensional requirements for the zone are satisfied.

16.28 Retail-Commercial
Subject to the provisions in 16.28.020 and 030 the following uses and their accessory uses are permitted outright and Conditional.

16.28.020.A. Professional services, including but not limited to financial, medical and dental, social services, real estate, legal, artistic and similar uses.

16.28.020.B. General retail trade…

16.28.020.C. Personal and business services, including daycares, preschools, and kindergartens.

16.28.020.J. Restaurants, taverns, and lounges.

16.28.030.G. Public use buildings including, but not limited to libraries, museums, community centers, and senior centers.

FINDING: The proposed use of the building as a mixed-use community center is very feasible given the sites location within the Retail-Commercial zone. The Retail Commercial zone allows a wide variety of uses outright, so it is perfectly feasible that a number of uses that the applicant has discussed with staff would be permissible within the zone. Both the Community Center itself, and the associated parking lot, on property west of the Community Center site are conditional uses. The proposed uses are permitted outright or conditionally in the underlying zones. While a specific tenant for the retail space has not been identified, planning staff will proposed uses are consistent with permissible uses at such time that tenant improvements are requested.

16.28.040 Dimensional Standards
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.

A. Lot Dimensions
Except as otherwise provided, required minimum lot areas and dimensions shall be:

1.	**Lot area:**	**5,000 sq ft**
2.	**Lot width at front property line:**	**40feet**
3.	**Lot width at building line:**	**40 feet**

B. Setbacks
Except as otherwise provided, required minimum setbacks shall be:

1.	**Front yard:**	**None, unless abutting residential zone (20 ft.)**

2.	**Side yard:**	**None, unless abutting residential zone (10 ft.)**
3.	**Rear yard:**	**None, unless abutting residential zone (10 ft.)**

FINDING: The proposal does not include a land division or lot line adjustment; therefore, no new lots are being created. The existing lot and building exceeds the minimum of 5,000 square feet by 9,944 square feet. The lot width is approximately 61 feet, and is therefore over the 40 foot minimum. The building is existing, and consistent with this section and the PUD 09-01 approval, not subject to any additional setbacks. The proposed parking lot does not include any structures that would be subject to the setback, and is located on railroad property. The City is in the process of purchasing the parking area from the railroad. While there are no structures on the site, the Planning Commission has indicated in a previous decision that parking lots are considered structures within the Old Town District. As proposed, the development satisfies the minimum lot dimensions of the zone.

C. Height

Except as otherwise provided, the maximum height of structures shall be fifty (50) feet, except that structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area. Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Chapter 16.82.

FINDING: The Machine Works building is an existing structure and is approximately 25 feet tall. The adjacent residential zone limits height to 35 feet or 2.5 stories. The proposed ticket booth is approximately ten feet tall. The applicant did not provide a detail of the trash enclosure, but it can be reasonably determined that the trash enclosure would not exceed nine feet. Given its location on the site it would be possible to construct a 50-foot tall enclosure, but the applicant has stated that it will be no more than nine feet. As proposed, the structures on site will be well below the permitted maximums. This criterion is satisfied.

16.40.030 - Final Development Plan

A. Generally

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

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

The proposal is a detailed Final Development Plan for the Sherwood Community Center Phase (formerly known as the Machine Works Phase) and construction of the parking lot within the West Phase of the Sherwood Cannery PUD (Ordinance 2010-0004, PUD 09-01, approved in March 2010). A request for Site Plan Review and Conditional Use approval has been submitted concurrently with this Final Development Plan approval request. The conditions of the preliminary PUD applicable to this proposal are listed under "E. General and Specific PUD Detailed Final Development Plan requirements" of the March 2010 notice of decision and City Council Ordinance. The applicants response to these conditions of approval is provided below:

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

Response: This condition was met with approval of the Plaza Phase, approved, permitted and currently nearing completion (SP 10-02/CUP 10-01). Staff concurs. The Plaza phase of the PUD received final occupancy permits from the City on February 14, 2012.

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

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

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

Response: Public improvements are substantially complete and anticipated to be fully complete by January 2012. The actual completion date and acceptance of all improvements for the Plaza phase were accomplished through issuance of the certificate of occupancy on February 14, 2012.

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

Response: This does not apply to this phase. Further, construction of the plaza is anticipated to be complete by February 2012. The Plaza is complete and was issued a certificate of occupancy on February 14, 2012. This condition has been met.

Condition E.5 – Deleted. Staff concurs. The adopted Notice of Decision reflects that this condition had been deleted.

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

Response: This project does not include on-site private stormwater treatment systems; therefore this condition does not apply to this proposal. Staff concurs; the City Engineer has reviewed the applicant's stormwater calculations, and agrees that the existing stormwater facility that was constructed in support of other public improvements includes adequate capacity to serve the proposed development.

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

Response: Minimum parking is met for this proposal (see parking exhibit Attachment 7 and Section IV of this report for further details). Spaces within the West Phase lot are 18 feet deep consistent with the Preliminary Development Plan approval. This condition does not apply to the Railroad Parking Lot since it is not a part of the PUD. Staff concurs with this response. Compliance with the parking standards is discussed in greater detail later in this report.

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

Response: Compliance with the site plan standards is addressed in Section IV of this report. Staff concurs. The applicant provided responses and as discussed throughout this report, the applicant's plans either meet, exceed, or have been conditioned to satisfy the site plan standards of the SZCDC.

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

Response: Both the West Phase parking lot and West Phase Parking Lot alternative drive-thru design, have a trash enclosure at the north corner of the property that will meet Pride Disposal requirements (see attached Plan Set). Staff received comments from Pride Disposal that have been provided to the applicant, and are attached to this decision as Exhibit 8. According to Pride, the applicant would need to provide additional detailed information, but did not indicate that the proposal is not feasible. A condition has been recommended that would ensure that the applicant's plans for the trash enclosure are reviewed and approved by Pride Disposal prior to the issuance of any building permits on the site.

Condition E.10 - No outdoor storage is permitted.

Response: Outdoor storage is not proposed nor anticipated. Staff concurs.

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

Response: Permanent outdoor sales and merchandise display is not proposed. However, Pine Street is designed to be closed for events. At such time temporary vendors might use the street and part of the Community Center and West Phase area for outdoor display.

Further, during the summer months the sidewalk and paseo may be used for outdoor seating. Given the extent of the public improvements along Pine Street, and the proximity of the proposed improvements to Old Town and the Sherwood Cannery Plaza, it is entirely possible that limited outdoor sales consistent with the applicants statement could be approved as part of this decision; however, it is unlikely that the applicant could estimate the times that outdoor sales and merchandise would be proposed. Future owners of any associated retail facilities will need to satisfy the provisions of the code as they apply to outdoor sales and merchandise display. It is premature to impose another condition given that the applicant has stated that no permanent outdoor sales and merchandise display is proposed.

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

a. Construct improvements to improve the operations of Pine Street/1st Street to meet City performance standards and mitigate queuing impacts at the Pine Street railroad crossing. This shall be accomplished by implementing a modified circulation for the downtown streets that includes:

    i. Install a diverter for south-westbound on 1st Street at Ash Street or Oak Street to require vehicles travelling towards Pine Street to divert to 2nd Street.
    ii. Remove one side of on-street parking Ash Street-2nd Street or Oak Street-2nd Street to provide two 12-foot travel lanes from the diverter to Pine Street. Convert to one-way traffic flow approaching Pine Street for this segment.
    iii. Install an all-way stop at Pine Street/2nd Street. Stripe the southwest bound approach of 2nd Street to have a left turn lane and a shared through/right-turn lane.
    iv. Install traffic calming measures on 2nd Street southwest of Pine Street to manage the impact of the added traffic.

b. Restrict landscaping, monuments, or other obstructions within sight distance triangles at the access points to maintain adequate sight distances.
c. Provide an enhanced at-grade pedestrian crossing of Pine Street to facilitate multi-modal circulation through the project site (e.g., signing, striping, lighting, a raised crossing, or pavement texturing).
d. Construct Columbia Street northeast of Pine Street to City Standards as modified and approved by the City Engineer and install a sign indicating that this roadway will be a through street in the future (connecting to Foundry Avenue).
e. Because of the alignment configuration of Columbia Street southwest of Pine, the street shall be configured and signed as a one way street.

f. Restrict parking on the southeast side of Columbia Street at a minimum within 50 feet of Pine Street (northeast of Pine Street).

Response: The condition does not apply to the Community Center, formerly known as the Machine Works Phase. Staff concurs; the improvements required above were satisfied through the review, approval, and construction of the Cannery Plaza Square development.

Conditions E.13 to E.19

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

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

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

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

B. Final Subdivision Plat

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

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

16.40.040 - General Provisions

A.1.Phasing

a. The City may require that development be done in phases, if public facilities and services are not adequate to serve the entire development immediately.

b. Any PUD which requires more than twenty four (24) months to complete shall be constructed in phases that are substantially complete in themselves and shall conform to a phasing plan approved as part of the Final Development Plan.

2. Failure to Complete

a. When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission shall determine whether or not the PUD's continuation, in whole or in part, is in the public interest.

b. If continuation is found not to be in the public interest, the Commission shall recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.

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

B. Changes in Approved Plans

1. Major Changes

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

2. Minor Changes

Minor changes in a Final Development Plan may be approved by the Council without further public hearing or Commission review, provided that such changes do not increase densities, change boundaries or uses, or change the location or amount of land devoted to specific uses.

C. Multiple Zone Density Calculation

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

FINDING: The proposed development was envisioned as part of the original PUD approval, and does not constitute a change in approved plans. The railroad parking lot was not part of the original PUD; however, that is not germane to this discussion as it is not proposed to be reviewed as part of the PUD. These criteria are not applicable to the proposed development.

16.40.060 - Non-Residential (Commercial or Industrial) PUD

A. Permitted Uses

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

B. Conditional Uses

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

C. Development Standards

1. Floor Area

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

2. Site and Structural Standards

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

3. Perimeter Requirements

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

a. Setback in accordance with provisions of the underlying zoning district within which the PUD is located and/or:

b. Screened so as to obscure the view of structures in the PUD from other uses.

4. Height

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

5. Community Design Standards

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII and IX.

6. Density Transfer

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

7. Minimum Site Area

a. Commercial PUD

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

b. Industrial PUD

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

FINDING: Compliance with these standards was reviewed and conditionally approved as part of the original approval. It should be noted that the application has been reviewed for consistency with the preliminary plan and its associated conditions of approval as discussed above. To the extent that any of these provisions apply to this proposal, they have been addressed elsewhere in this report with greater specificity. For example, consistency with the permitted uses and dimensional requirements of the

underlying zone are addressed earlier in this report. These criteria can be satisfied by the proposed development.

16.58 Supplementary Standards

16.58.010 Clear Vision Areas

A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway. (Ord. 96-1014 § 1; 86-851)

B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides. (Ord. 86-851 § 3)

C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2-1/2) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground. (Ord. 86-851 § 3)

The following requirements shall govern clear vision areas:

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

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

B. <u>DIVISION IV. PLANNING PROCEDURES</u>

16.82.020.C. – Conditional Use Permit 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: Public sewer and water are already available to the proposed development. The Railroad Parking Lot will connect to the existing stormwater system constructed west of the Community Center building. This criterion is satisfied.

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 proposed Railroad Parking Lot upgrade cannot meet some of the dimensional standards of the zoning district and the applicant has requested a Class A variance to reduce the width of the required landscaping planters and the parking space depth and width.

The proposal to upgrade the existing gravel parking lot to a paved parking area could be expected to reduce noise and provide improvements that will improve the aesthetics and safety by the provision of new landscaping and lighting. Paving will eliminate gravel from being tracked onto paved public streets and sidewalks, and will provide improved traction for entering the public street from the parking area. Proposed new lighting will provide additional security. Improved screening proposed along the south property line to buffer the parking field from the residential area can be expected to eliminate headlight trespass.

The Sherwood Community Center is proposed to be located within the renovated industrial machine shop building within the Cannery Square PUD (formerly known as the Machine Works building). The property is zoned Retail-Commercial and is within Sherwood's Old Town Overlay District. The use was proposed, considered, and approved as part of the preliminary PUD 09-01 approval. This criterion can be satisfied by the proposed development.

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.**

FINDING: The City has been looking for a location to hold performing arts and to develop a cultural arts and community center. In fact, within the Comprehensive Plan Chapter 4, Community Design Policy 1 states that the City should, "develop a civic/cultural center and plaza park as a community focus." The proposal meets this strategy by locating the Community Center across the street from the public plaza and Sherwood City Hall and Library (Civic Building). The proposed Community Center will establish a central civic/cultural hub for Sherwood and further places focus on Old Town as the civic/cultural center for Sherwood as envisioned by the above City policy. This criterion is satisfied.

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 changing of the surface from gravel to pavement for the upgrade of the railroad parking lot could be expected to reduce noise from vehicles maneuvering in and out of a gravel parking area. Upgraded screening along the south property line will buffer the parking from the residential area and prevent headlights from shining onto

neighboring residential properties. Upgraded parking lot lighting will improve security and be shielded to eliminate glare and trespass lighting.

In the same light, the location of the Community Center near the plaza and Civic Building is consistent with the City's Comprehensive Plan and vision. The Community Center will help to bring people to Old Town who could be expected to spend money at Old Town businesses. The conversion of an existing industrial building into an updated retail and community center and creation of a large paseo will add to the aesthetics of the area and meet with the City's desire for pedestrian-oriented development in Old Town.

Potential adverse impacts anticipated would likely come from increased noise of people congregating, traffic and parking. The site's location and its design will mitigate potential adverse impacts. First, the site will be accessed by surrounding commercial streets including Pine Street, a collector street. Traffic will not be routed through residential areas or local residential streets. Building entrances will be located off of Pine Street and the north side of the building and face commercial areas and the railroad tracks. A large paseo or walkway is proposed along the north side of the building that will act as an outdoor waiting area for those purchasing tickets and waiting to enter the Community Center for an event. Any noise generated by people waiting will be projected north toward the railroad tracks and not toward the residential area to the south and west. This criterion is satisfied.

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

FINDING: The proposed development is sited on areas that have been previously developed. The sites are located in Old Town and not constrained by any topography or natural features. The size and shape of the development sites are adequate to accommodate the proposed use. This criterion is satisfied.

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

FINDING: The proposed development is sited on areas that have been previously developed. There are no known sensitive wildlife species on site, so there are not likely to be any significant adverse impacts. This criterion is not applicable to the proposed development.

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

FINDING: Although a portion of the development is located within the Retail Commercial zone, it is also located within the Old Town Overlay Zone which is exempt from this standard. This criterion is not applicable to the proposed development.

8. **For wireless communication facilities, no conditional use permit shall be granted unless the following additional criteria is found:**
   a. **The applicant shall demonstrate to the satisfaction of the City that the wireless communication facility cannot be located in an IP zone due to the coverage needs of the applicant.**
   b. **The proposed wireless communication facility is designed to accommodate co-location or it can be shown that the facility cannot feasibly accommodate co-location.**
   c. **The applicant shall demonstrate a justification for the proposed height of the tower or antenna and an evaluation of alternative designs which might result in lower heights.**
   d. **The proposed wireless communication facility is not located within one-thousand (1,000) feet of an existing wireless facility or that the proposed wireless communication facility cannot feasibly be located on an existing wireless communication facility.**
   e. **The proposed wireless communication facility is located a minimum of three-hundred (300) feet from residentially zoned properties.**

FINDING: The proposed development is not for wireless communication facilities. This criterion is not applicable to the proposed development.

9. **The following criteria apply to transportation facilities and improvements subject to Conditional use approval (in addition to criteria 1—7) per 16.66. These are improvements and facilities that are (1) not designated in the adopted City of Sherwood Transportation System Plan (TSP), and are (2) not designed and constructed as part of an approved subdivision or partition subject to site plan review.**
   a. **The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.**
   b. **The project includes provisions for bicycle and pedestrian access and circulation consistent with the Comprehensive Plan, the requirements of this Code, and the TSP.**
   c. **Proposal inconsistent with TSP: If the City determines that the proposed use or activity or its design is inconsistent with the TSP, then the applicant shall apply for and obtain a plan and/or zoning amendment prior to or in conjunction with conditional use permit approval.**
   d. **State transportation system facility or improvement projects: The Oregon Department of Transportation (ODOT) shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in Section 1—7 and 9.a—9.d. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.**

FINDING: Public improvements have been reviewed and prescribed as part of the PUD approval. The applicant will continue to comply with those standards with this proposal. Review of the transportation facilities and impacts to those facilities by this development have been conducted by the City Engineer as well as the City's consulting traffic

engineer. As discussed and conditioned later in this report, this criterion can be satisfied by the proposed development.

D. Additional Conditions

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

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

FINDING: Potential impacts from this development, consistent with the above provisions have been discussed in specific detail throughout this report. As proposed and conditioned throughout this report, the development can feasibly comply with these criteria.

16.84 VARIANCES
Class A Variances

1. Generally

a. **The Class A variance procedure may be used to modify a standard for three (3) or fewer lots, including lots yet to be created through a partition process.**

FINDING: The proposal does not involve more than 3 lots. The proposal includes modifications to the parking and landscaping dimensions on proposed parking lot (2). The property that is the subject of this request is part of the existing railroad right-of-way currently owned by the Union Pacific Railroad. This criterion is satisfied.

b. An applicant who proposes to vary a standard for lots yet to be created through a subdivision process may not utilize the Class A variance procedure. Approval of a Planned Unit Development shall be required to vary a standard for lots yet to be created through a subdivision process, where a specific code section does not otherwise permit exceptions.

FINDING: The proposal does not involve division of property. The boundary of the property is part of the railroad right-of-way and dates back to the completion of the railroad between Portland and Dundee that opened in 1887. The site once contained the Sherwood Train Depot constructed in 1895 and demolished in 1978. This criterion is satisfied.

c. A Class A Variance shall not be approved that would vary the "permitted, conditional or prohibited uses" of a land use district.

FINDING: The proposal is to reduce the minimum depth of the parking stalls from 20 feet to 17 feet and width from 9 feet to 8 feet 11 inches (16.94.020.B); reduce the required parking lot landscaping buffer from 10 feet to 2.5 feet (16.92.030) along the southern boundary; and reduce the buffer along Washington street from 10 feet to 7 feet (16.92.030.B.2.a). It is unclear in the code if a buffer is required between the parking lot use and the railroad. The applicant has requested that the City approve the project with a proposed 1.8-foot landscaping buffer through this variance request. There is no room to install a 10-foot buffer given that a 30-foot separation from the centerline of the railroad tracks and the parking lot is required by the railroad. While it does not meet the minimum dimensions the community desires. The reduced parking stall sizes could still accommodate a vehicle. In fact, The City of Tigard allows stall depth and width to be reduced to 8 feet by 16.5 feet for compact spaces and as small as 8.5 feet by 18.5 feet for standard spaces. The City of Tualatin allows stall depths and widths to be reduced to 7.7 feet by 15 feet. While these dimensions are not consistent with the City of Sherwood standards, it does demonstrate that a car could park within the proposed space size. This request does not propose to vary the permitted, conditional, or prohibited uses of the district. This criterion is satisfied.

2. Approval Process: Class A Variances shall be processed using a Type IV procedure, as governed by Chapter 16.84, using the approval criteria in subsection 3, below. In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.

FINDING: The proposed variance has been scheduled before the City Planning Commission, and the review and notice requirements for a Type IV procedure have been followed. The applicant has provided a written narrative responding to the approval criteria of sections 16.84.030.C.a-f. They maintain in their response to alternatives considered that, “The variance is needed given the dimensional constraints of the property. A land survey was conducted in October of 2011 and indicates that between the fence line separating the railroad tracks and the southern property line there is between 61 and 62 feet. In order to allow for two rows of 90 degree 20-foot deep parking, 10-feet of landscaping buffer and a 23-foot drive aisle, a total of 73 feet is needed. To fit two rows of parking, the applicant proposes 17-foot deep parking and a 2.5-foot wide landscaping buffer along the southern property line a 1.8-foot buffer along

the railroad tracks. Minimum parking stall requirements cannot be achieved without the amount of parking proposed within the Parking Lot (2). It should be noted that the applicant is providing the 65% minimum required parking for this use as called for in the original PUD approval and has provided a detailed parking plan for this phase in attachment 7 of their proposal. The attachment shows that the provided parking exceeds the required minimums for this phase, but they are dependent on parking lot (2) in doing so. The original PUD required that the applicant demonstrated that the 65% minimum is met in each subsequent phase of the PUD, so it will be incumbent upon the applicant to ensure that the on-street parking that they are proposing in this phase is not double counted in future phases to meet the minimums.

The following options were studied:

Option 1 - One-way drive aisle with angled parking – Appendix G of the development code indicates that angled parking can be 30, 45 or 60 degree. Depth of stalls and aisle width for angled parking is as follows:

- 30 degree - 18.2-foot stall depth and 12.5 drive aisle width
- 45 degree – 20.9-foot stall depth and 12.5 drive aisle width
- 60 degree – 18-foot stall depth and 22.1 drive aisle width

Total width needed for two rows of parking, drive aisle and 10 feet of landscaping buffer on the south property line is between 60 and 68 feet depending on parking angle. Only the 30 degree parking with one-way drive aisle would work within the dimensional constraints without a variance. The end result is not desirable as it would only allow vehicles to circulate in one direction. In order to drive through the parking lot a second time, cars would have to reenter the public street and drive back to the entrance requiring a long drive. If the one-way entrance was located on Washington Street this would require a 1,400 foot drive back around via Railroad, Pine and Columbia Streets. If the one-way was located off of Main Street this would require drivers to go 1,800 feet to drive back to Main Street to reenter the parking lot. This would make circulation confusing for drivers as they would not be able to enter at one end as stated above which would require them to drive around in a long circuitous route to the entrance. Those unfamiliar with the area would have difficulty finding the entrance and could impact local streets and residential areas.

Option 2 - One row of parking with parallel spaces – This option would have one row of 90 degree 20-foot deep spaces and one bank of parallel spaces the opposite side of the lot. This option is not preferable as it would reduce the parking count by approximately 12 spaces which would not achieve the required minimum amount of spaces per City code.

The proposed option was selected as the preferred option since it maximizes the available space and maintains two-way traffic flow. Maximizing parking at this location is desirable and consistent with City policy. Chapter 4 of the Comprehensive Plan under G. “Summary of Economic Analysis”, “The City should continue to invest in the downtown area by redeveloping the Cannery site, enhancing public parking, and enhancing amenities (such as parks and wireless internet access).” In successful and active downtowns, parking is limited and must be balanced appropriately with buildings and surrounding uses that generate activity. It is the amenities and walkablity of Old Town that draws people to it. If Old Town had too much parking the expanse of paving would

remove buildings and amenities detracting from the active vibrant environment that draws people to it. Therefore it is important to maximize available space allocated to parking and to strategically place parking so it is close to destinations but does not detract from the fabric of buildings and active areas. The Railroad Parking Lot meets these objectives and is an excellent location for the following reasons:

1. The area is isolated and separated from the Old Town core by the railroad and from the Old Cannery Area by Washington Street. Therefore building on it does not interrupt the fabric of pedestrian-scale buildings and storefronts located in Old Town or the developing Old Cannery area.
2. Although segregated from Old Town, the parking lot is at the same time close and walkable to various destinations of Old Town and the Cannery.
3. The property is part of railroad right-of-way and cannot be used for a building.

Given that the location is already being used for parking and is an excellent location to serve the Sherwood Community Center and Old Town, maximizing the amount of parking there is desirable. Not maximizing the space would be a lost opportunity and would create pressure to develop parking elsewhere and potentially placing it in areas that are not as desirable or where it detracts more from the pedestrian and active nature of Old Town.

Not providing for two-way traffic through the parking lot is also not desirable as one-way traffic would need to exit onto City streets to drive long distances through a circuitous route to reenter the parking lot, creating additional and unnecessary congestion." Staff generally concurs with this line of reasoning as reflected in the recommendation for approval of the variance. This criterion is satisfied.

a. The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;

FINDING: The proposed variances are to the dimensional standards of the parking area including parking spaces and landscape buffers. These standards can be satisfied in all other parking areas associated with the development, but in this case the subject area is already used as a gravel parking area, not tied to any one individual lot, and a portion of railroad right-of-way. There is no evidence within the record to suggest that the proposed variances will be materially detrimental to the purposes of the code, any other applicable policies and standards, or to other properties within the same land use district or vicinity. The improvement of the proposed parking area will most likely improve the compatibility of the use with the surrounding properties. This criterion is satisfied.

b. A hardship to development exists which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);

FINDING: The size and shape of the lot is related to a pre-existing delineation by the railroad. The applicant has no control over the railroad and their standards. They are grounded in the Federal Rail Safety Act which limits their ability to approve

improvements within a certain distance from the railroad centerline. This also limits their ability to sell any additional land to the City in that it could compromise the safety of the railroad. The applicant adds that, "The hardship arises from the width of the available area to install paved parking. A land survey was performed that shows that only 61 to 62 feet between the south property line and the fence line between the railroad tracks and the property. The creation of the property dates back to 1885 when the Smocks, the City's founders, donated the property to the Portland and Willamette Valley Railway for completion of a narrow gauge line between Portland and Dundee through Sherwood that opened in 1887. With completion of the railroad, Smocks created the City's first plat north of the tracks, "Smockville", in 1889 and the City developed around the railroad depot. The decision on the donation of the land in 1885 for railroad operations happened before cars or zoning laws and was therefore totally out of the control of the applicant." This criterion is satisfied.

c. The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;

FINDING: The proposed use is consistent with how the land is used now. The difference is that as proposed, the parking lot will be improved with pavement, striping, landscaping and lighting. The property was leased to the City of Sherwood and has been used for parking for many years. The use of the property related to railroad service is very limited given the low demand. The property is therefore limited to being used for parking as the only reasonable economic use. Not granting the variance will limit the amount of parking available to Old Town businesses and potentially reduce its reasonable economic value. This criterion is satisfied.

d. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;

FINDING: There are no sensitive areas on or near the site, and as proposed, the development would not be expected to adversely affect any physical and natural systems. The upgrading of the existing parking area to paved and marked spaces will arguably improve traffic flow and provide safer access to and from Main and Washington Streets. The proposal has no impact on parks as it will not remove open space as all areas of the proposal are already dedicated to parking. This criterion is satisfied.

e. The hardship is not self-imposed; and

FINDING: The hardship is the size and dimensions of the area available to make the improvements. As discussed above, the applicant has no control over the limitations placed on the property by the railroad. It is not a self-imposed hardship. This criterion is satisfied.

f. The variance requested is the minimum variance that would alleviate the hardship.

FINDING: The proposed variances are the minimum variances required in order to realize the preferred parking option and alleviate the hardship as discussed previously in this report. This criterion is satisfied.

C. Division V- Community Design

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

Compliance with the standards in these sections is discussed below:

16.92 Landscaping

16.92.010 Landscape Plan

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

FINDING: The proposed plans show planting areas on the site which are not paved. There are proposed trees around the site, within and around the parking area. The landscape plan shows a variety of plantings. This site has two existing trees which the applicant is proposing to retain. There is not any additional existing landscaping onsite. There is a small parking area on the south side of the building with improved parking and landscaping which was a part of the public improvements portion of the PUD. This standard is met.

16.92.020 Landscaping Materials

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

FINDING: The planting plans show three different types of trees including Italian Cypress, Marshall Ash and Village Green Zelkova. The planting plan also identifies Kinnickinnik and Holly in addition to perennials which will be selected at a later date. There are also two existing trees on the railroad site which will be preserved. There are proposed trees along the adjacent right of way. This standard is met.

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

FINDING: The planting plan indicates that the planting areas will be irrigated. The landscaping plans do not indicate how the topsoil or subsoil preparation will be undertaken. This standard is not met, but can be met as conditioned below.

RECOMMENDED CONDITION: Prior to final site plan approval submit additional information on the proposed planting and maintenance plan to ensure that the landscaping will be appropriately maintained.

C. Non-Vegetative Features

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

FINDING: The proposed plans show a shrubs and low growing ground cover. It is likely that there is mulch or bark dust in addition to the proposed landscaping however it is not clear if there are any hardscapes being proposed.

RECOMMENDED CONDITION: Prior to final site plan approval submit additional information clarifying if there are any proposed hardscapes that are intended to be included in the approved landscaping.

D. Existing Vegetation - All developments subject to site plan review as per Section 16.90.020 and required to submit landscaping plans as per Section 16.92.020 shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Commission, in addition to complying with the provisions of Section 16.142.060.

FINDING: The applicant has noted that they are not proposing to remove any trees. They are planning to protect the two existing trees onsite, one of which is a chestnut tree. This standard is met

16.92.030 Landscaping Standards

A. Perimeter Screening and Buffering_- A minimum six (6) foot high sight-obscuring wooden fence, decorative masonry wall, or evergreen screen shall be required along property lines separating single and two-family uses from multi-family uses, and along property lines separating residential zones from commercial or industrial uses. In addition, plants and other landscaping features may be required by the Commission in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses.

FINDING: The applicant is proposing a six foot tall fence along the southern property line which will separate the parking area from the residential area. The applicant is also proposing trees and shrubs along the property line. The addition of the fence, trees and shrubs will provide privacy to neighboring residential properties. , the applicant intends to meet the standard but it has not been met at this time. The standard can be met as conditioned below.

RECOMMENDED CONDITION: Install a 6-foot tall fence, trees and shrubs along the southern property line prior to final occupancy.

B. Parking and Loading Areas

1. **Total Landscaped Area**
   A minimum of ten percent (10%) of the lot area used for the display or parking of vehicles shall be landscaped in accordance with Section 16.92. In addition, all areas not covered by buildings, required parking, and/or circulation drives shall be landscaped with plants native to the Pacific Northwest in accordance with Section 16.92.020.

FINDING: As proposed the total landscaping area can meet the minimum 10% landscaping requirement. The railroad parking lot is proposed with 17% landscaping. The Community Center lot can meet the requirement with either of the proposed parking layouts. The parking plan without the drive thru provides 23% landscaping and the drive-thru alternative provides 21% landscaping. This standard is met.

2. **Adjacent to Public Rights-of-Way**
   A landscaped strip at least ten (10) feet in width shall be provided between rights-of-way and any abutting off street parking, loading, or vehicle use areas. Landscaping shall include any combination of evergreen hedges, dense vegetation, earth berm, grade, and change in grade, wall or fence, forming a permanent year-round screen, excepting clear vision areas as per Section 16.58.030.

FINDING: The community center parking lot proposals provide ten feet of landscaping between the right of way and off-street parking. The railroad parking area provides ten feet of landscaping between the Washington Street right of way and the proposed off-street parking. On the Main Street side of the parking area there is approximately fourteen feet of landscaping on the southern side of the parking area. On the northern side of the parking area there is not ten feet of landscaping however the applicant has requested a variance for this standard which has been requested in section 16.84 of this report. This standard is not met however in the applicant has requested a variance which has been discussed in section 16.84 of this report.

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

FINDING: The community center site satisfies this requirement by providing a ten foot landscape buffer along SW Washington Street. A variance has been requested for the railroad parking lot. This has been discussion in further detail section 16.84 of this report. This standard is not met but it has been discussed in section 16.84 of this report.

4. Interior Landscaping

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

FINDING: The applicant has proposed interior landscaping in both parking lots including the drive-thru alternative for the community center parking lot. The interior island percentage is 50% of required in all cases.

The south side of the Railroad Parking lot has 18 consecutive spaces which exceeds the maximum of 15 spaces. This was done to shift and enlarge the landscaping island in order to protect the root zone of a chestnut tree that resides on the neighboring property. This shift and adjustment is allowed without variance under standard 16.92.030.B.6. In addition triangular planting areas were added between parking spaces to allow room for trees to be planted and to provide landscaping breaks between consecutive parking spaces. This standard is met.

5. Landscaping at Points of Access

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

FINDING: There is ground cover provided at each point of access which will ensure that the minimum sight distance is maintained. This standard is met.

<u>16.94. Off-Street Parking and Loading (relevant sections)</u>

16.94.010 Generally

A. Off-Street Parking Required.

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

C. Joint Use

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

D. Multiple/Mixed Uses

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

FINDING: The proposed parking, which is located on two separate parcels, and includes some on-street parking will be used for the community center, and the west phase building The parking area immediately adjacent to the community center (parking lot 1) was considered as a part of the planned unit development (PUD 09-01). The railroad parking lot (parking lot 2) is not a part of the original PUD. Parking lot 1 and 2 are located within the cannery portion of the old town overlay.

The applicant is required to provide 65% of the minimum parking for this development ot be consistent with the planned unit development approval. The development needs to provide a minimum of 128 spaces and a maximum of 134 spaces. The required number of spaces will depend on the tenant at the community center.

The minimum parking requirements are as follows;

- Community center requires 78 parking spaces,
- Community center tenant requires a minimum of 10 spaces and a maximum of 36 spaces, and
- The west phase retail space will require 10 space.

The total minimum parking spaces will range from 98-124 spaces depending on the community center tenant. (Exhibit J.)

In order to meet the required minimum parking requirements the applicant is proposing to provide the following parking spaces within 500 feet of the building entrance;

- 29 (option 1) or 23 (option 2) spaces at parking lot 1 (community center lot),
- 41 at parking lot 2 (railroad lot),
- 17 Columbia Street east,
- 29 Columbia Street west,
- 6 Washington Street, and
- 12 Pine Street.

The total number of provided parking spaces will be 128 or 134 depending on the option selected for parking lot 1. As shown above the proposal will provide more than is required by the code. This standard is met

F. Location

2. For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within 500 feet of the use. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-

site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.

G. Marking

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

J. Parking and Loading Plan

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

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

FINDING: The applicant has submitted plans which show the proposed off- street and on – street parking spaces to serve this development. The on-street parking is available within 500 feet of the front door. The proposed site plan shows the lines for the parking stalls and loading areas. There are sidewalks and crosswalks available in order for pedestrians to go from the parking area within the cannery PUD to future development sites on the opposite side of SW Pine Street. Circulation, parking dimensions, locations of streets and bike parking requirements are all discussed and met later in this report. This standard is met.

16.94.020 Off-street parking standards

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

FINDING: For all property and uses within the "Smockville Area" of the Old Town Overlay District off-street parking is not required. For all property and uses within the "Old Cannery Area" of the Old Town Overlay District, requirements for off-street automobile parking shall be no more than sixty-five percent (65%) of that normally required by Section 16.94.020. Shared or joint use parking agreements may be approved, subject to the standards of Section 16.94.010. The Community Center Building and West Phase are located within the Old Cannery Area. According to the applicant, and as discussed previously within this narrative, the 65% standard was used in calculating minimum required parking (see Section 16.94.020 above).

16.94.020.A – Dimensional Standards

For the purpose of Section 16.94, a "parking space" generally means a minimum stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five percent (25%) of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.

FINDING: All stalls within the project will be 90-degree head in spaces. Due to the dimensional constraints of the Railroad Parking Lot property the applicant has requested a variance to the parking stall width and depth. The applicant has proposed that the stalls within the Railroad Parking Lot be 8-foot 11-inches in width by 17 feet in depth. The drive aisle will be the required 23-foot width as shown in Appendix G of the SZCDC.

The Community Center Parking Lot is proposed with 9-foot wide by 18-foot deep stalls. This is consistent with the PUD preliminary development plan approval, Condition E.7 PUD (Ordinance 2010-0004, PUD 09-01, approved in March 2010) that allows 50% of the PUD parking to be 9X18 "modified" compact spaces. The preliminary PUD showed modified compact in this location with full size 9X20 in other phases of the PUD. This standard can be met as discussed and conditioned in section 16.84 of this report.

16.94.020. B – Parking layout

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

FINDING: The applicant has requested a variance to the minimum stall width and depth to allow for 8-foot 11-inch wide by 17-foot deep spaces. The proposal maximizes available space while allowing for sufficient width for vehicle turning and maneuvering. All spaces are accessed by a drive aisle. The West Phase/Community Center Parking Lot will comply with the PUD approval that allowed 9X18 foot parking stalls. There is an access aisle within the railroad and community center parking lots which will ensure that there is not backing onto a street. This standard is met as discussed above and in section 16.84 of this report.

1. **Wheel Stops**
   Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high, located three (3) feet back from the front of the parking stall as shown in Appendix G. Wheel stops adjacent to landscaping, bio-swales or water quality facilities shall be designed to allow storm water run off.

   FINDING: All proposed parking spaces will have wheel stops. The applicant has proposed room for planting trees within the dimensional-constrained Railroad Parking Lot, tree well triangles are proposed. These triangles will extend along shared parking lot striping and extend into the spaces acting as a shared wheel stop where located. Eight of these triangular planters/shared wheel stops are proposed within the Railroad Parking Lot. This standard can be met as conditioned below.

   RECOMMENDED CONDITION: Install wheel stops at least four (4) inches high, located three (3) feet back from the front of the parking stall and tree well triangles prior to final occupancy.

2. **Credit for On-Street Parking**

a. **On-Street Parking Credit. The amount of off-street parking required shall be reduced by one 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. The following constitutes an on-street parking space:**

   (1) Parallel parking, each 24 feet of uninterrupted curb;
   (2) 45/60 degree diagonal, each with 10 feet of curb;
   (3) 90 degree (perpendicular) parking, each with 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.

FINDING: The applicant has noted that the on-street parking was added with the public streets constructed within the Cannery Square PUD**.** Theses spaces were approved as required parking for developments within the Cannery Square PUD. Therefore these spaces were counted towards required parking for this proposal as shown on the attached parking exhibit (Exhibit K). This standard is met

16.94.020 C. Bicycle Parking Facilities

1. **Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). Bike parking may be located inside the main building or protected or otherwise covered near the main entrance. If the first two options are unavailable, a separate shelter provided on-site is appropriate as long as it is coordinated with other street furniture such as benches, street lights, planters and other pedestrian amenities. Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" design is appropriate. Alternative, creative designs are strongly encouraged.**
2. **Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.**
3. **Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.**
4. **Lighting. Bicycle parking shall be least as well lit as vehicle parking for security.**
5. **Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.**
6. **Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.**

FINDING: The code requires a minimum of 2 bike parking for community services, or 1 per 20 auto spaces, whichever is greater. The maximum amount of parking proposed is

134 spaces which will require 7 bike spaces. In order to meet this standard four, 2-bike racks are proposed for a total of 8 spaces. These bike parking spaces are proposed under the building canopy at the northeastern area of the building near the Community Center entrance. The location of the bike racks will be convenient, secure and well lit. This standard is met.

16.96 On-Site Circulation

16.96.010 – On-site pedestrian and bicycle circulation

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

FINDING: There is an existing sidewalk along SW Pine Street and an existing crosswalk which will allow pedestrians to walk from the community center to the rest of the PUD on the opposite side of Pine Street. There is a 6 foot sidewalk which connects the ADA parking in parking lot 1 to the community center building on the proposed option 1 (without a drive thru). There does not appear to be a clear pedestrian connection from option 2 to the community center. There is also a 12 foot sidewalk which extends from Washington Street, east, toward the community center. There appears to be adequate on-site circulation and a connection to the adjacent portion of the Cannery PUD.

There does not appear to be a connection from the railroad parking lot to the community center located on the opposite side of Washington Street. Although, the railroad site is not a part of the PUD, a pedestrian connection is required from parking lot 2 to the community center. This standard is not met but can be as conditioned below.

RECOMMENDED CONDITION: Prior to final site plan approval, submit plans showing a crosswalk from the parking lot 1 and 2 to the community center.

16.96.010.03 - Connection to Streets

A. Except for joint access as per 16.96.010, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.
B. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.

FINDING: The railroad parking lot (parking lot 2) has direct street access to Main Street and Washington Street which are both public streets. There is not a structure on this site therefore there is not a need to connect to the ground floor entrance. The community center site also has direct street access to Washington Street. As discussed above there is a pedestrian access to the community center site. There is not a pedestrian connection from the parking lot 2 as discussed in the previous section of this report. This standard is not met but can be met as conditioned in this report.

16.96.010.05 - Access to Major Roadways

Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Appendix C of the Community Development Plan, Part II, shall be limited as follows: C. all site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.

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

16.96.030.03. Sidewalks and Curbs

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

> **FINDING:** As proposed, there will be concrete sidewalks connecting the community center to the street and the ADA parking spaces in parking lot 1 if there is not a drive thru (option 1). If option 2 is selected (with a drive thru) there a crosswalk will be needed to provide a pedestrian access to the sidewalk extending from Washington Street to the community center. This sidewalk does extend from Washington Street to Main Street. There will also be granite paving at the entrance of the community center. The proposed plans show curbs and all of the sidewalks are a minimum of 5 feet wide. The proposed community center with the drive thru does not show a crosswalk from the parking area to the community center. This standard is not met as discussed above but it can be met as previously conditioned in this report.

16.98.020 - Solid Waste Storage

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

> **FINDING:** The applicant has proposed to locate a trash enclosure in the northwest corner of the site, and has provided dimensions for the enclosure, but did not address it within the narrative, or provide details of the enclosure on the plans. As a result, the service provider, Pride Disposal has indicated that they have concerns with the specific design of the enclosure and potential issues with how it is served given that cars parked within four parking spaces directly across from the enclosure could limit their ability to service the proposed enclosure. The proposal does not indicate how the enclosure will be screened as required by this criterion. Therefore, this criterion is not satisfied, and the following conditions of approval are warranted for the proposed development.

RECOMMENDED CONDITION: Prior to the issuance of any site permits for the development, the applicant shall provide City staff with a revised site plan that includes a detail of the trash enclosure that satisfies the requirements outlined in Exhibit 8 and demonstrates to staff how the proposed screening is consistent with the provisions of section 16.98.020.

16.98.040 – Outdoor Sales and Merchandise Display

A. Sales Permitted

Outdoor sales and merchandise display activities shall be permitted when such activities are deemed by the Commission to be a customary and integral part of a permitted commercial or industrial use. Outdoor sales and merchandise display will be reviewed as conditional uses in accordance with Chapter 16.82.

B. Standards

1. **Outdoor sales and merchandise display areas shall be kept free of debris. Merchandise shall be stacked or arranged, or within a display structure. Display structures shall be secured and stable.**
2. **Outdoor sales and merchandise display shall not be located within required yard, building, or landscape setbacks, except where there is intervening right-of-way of a width equal to or greater than the required setback; and shall not interfere with on-site or off-site pedestrian or vehicular circulation.**
3. **Outdoor retail sales and merchandise display areas for vehicles, boats, manufactured homes, farm equipment, and other similar uses shall be paved with asphalt surfacing, crushed rock, or other dust-free materials.**
4. **Additional standards may apply to outdoor sales and merchandise display in NC zones, as per Section 16.24.050**

FINDING: The applicant has not proposed any outdoor sales and merchandise display; however, outdoor seating for food and drink tenants, and temporary outdoor sales associated with Saturday market or City events are likely to occur along the proposed paseo. This criterion is not applicable to the proposed development.

C. <u>Division VI - Public Improvements</u>

16.108– Streets

16.108.030.01 – Required Improvements

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

FINDING: The proposed development abuts Pine Street, Columbia Street, Washington Street, and Main Street. With the exception of Washington Street, and according to the City Engineer, all improvements associated with the other streets have already been completed and are sufficient to serve the proposed development. It should be noted that

the applicant is required to repair or replace any improvements that are damaged in the course of construction. With regard to Washington Street, "The public improvements have been partially completed as part of the Cannery public infrastructure project, and includes construction of concrete curb and gutter, AC paving strip, sidewalks, tree planter strip, and street lighting. An unfinished section remains from the southern driveway entrance north to the railroad right-of-way. There are two power poles that are located in the middle of the sidewalk section. These power poles will need to be relocated outside the sidewalk section on new overhead lines or underground. The AC pavement section from a point 20-feet south of the first parking lot entrance to the mid-point of Washington Street, all the way to the railroad right-of-way is in poor condition and will need to be removed and replaced full depth."

These comments also coincide with the observations made by Raymond Lambert of PGE and included as Exhibit G of this report. Given these findings, the following conditions of approval are warranted to ensure that the required public improvements are provided with the proposed development.

RECOMMENDED CONDITION: Prior to final site plan approval, the applicant shall construct half-street improvement for the east side of Washington Street beginning at a point 20-feet south of the first parking lot access and continuing to the railroad right-of-way. These half-street improvements shall include full removal and replacement of the AC pavement surface, base rock (re)placement and compaction as needed, construction of sidewalks, planter strips, and relocation of utility poles outside of the sidewalk limits.

RECOMMENDED CONDITION: Prior to final site plan approval, the applicant shall construct right-of-way improvements across the railroad parking lot property frontage of Washington Street and shall include; concrete curb and gutter, sidewalk, planter strip, and commercial driveway access.

16.108.040.03 - Underground Utilities

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

FINDING: For the most part all public and private utilities are in place. As discussed previously, there are two power poles on Washington Street that are required to be removed or undergrounded. The comments provided in Exhibit 7 from Ray Lambert at PGE suggest that it may be possible to underground the power poles. If this is the case, then they should be placed underground and the following condition is warranted with approval of this development.

RECOMMENDED CONDITION: Prior to final site plan, the applicant shall underground the utilities from the two power poles that are located within the Washington Street right-of-way. If the power poles are bearing a power load that is not conducive to undergrounding, the applicant shall provide written evidence from PGE outlining their preference for keeping the utilities on poles, and the applicant may place the utilities back onto the power poles outside of the sidewalk within the public utility entrance.

16.108.050.11-Transit Facilities

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

1. **Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.**
2. **Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.**
3. **Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).**
4. **Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.**
5. **Provide lighting at a transit stop (if not already existing to transit agency standards).**

FINDING: There is an existing transit facility on SW Railroad Street on the north side of the railroad tracks, but not adjacent to this development. Tri-Met did not provide comments on the proposed development, and there is no evidence to suggest that any transit facilities are needed for the proposed development; therefore, this criterion is not applicable to the proposed development.

16.110 - Sanitary Sewers

Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Sanitary Sewers shall be constructed, located, sized and installed at standards consistent 16.110.

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

16.112– Water Supply

Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development in compliance with 16.112.

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

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

16.114 - Storm Water

Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage system consistent with the Comprehensive Plan, the requirements of the Clean Water Services water quality regulations and section 16.114.

FINDING: According to the City Engineer, the applicant has provided documentation and calculations that demonstrate that the stormwater from the proposed development can be treated and conveyed through the existing stormwater system. This criterion is satisfied.

16.116.010 - Fire Protection

When land is developed so that any commercial or industrial structure is further than 250 feet or any residential structure is further than 500 feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety. In addition capacity, fire flow, access to facilities and number of hydrants shall be consistent with 16.116.020 and fire district standards.

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

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

16.118.020 – Public and Private Utilities Standard

A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.
B. Public utility easements shall be a minimum of eight feet in width unless a reduced width is specifically exempted by the City Engineer.
C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property (ies).
D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.
E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.
F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.

FINDING: In this specific instance, the developer is only required to provide street improvements along a short distance on Washington Street from 20 feet south of the driveway to the railroad right-of-way. The property was recently subject to the review and approval of a subdivision plat that was approved in conjunction with PUD09-01. That plat indicates that all of the necessary public utility easements have been provided for the proposed development site. This criterion is satisfied.

16.142.050 Trees Along Public streets or on Other Public Property

16.142.050. Street Trees

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

FINDING: The applicant has not addressed this section of the Sherwood Community Development Code. The street trees associated with the community center have been installed or conditioned as a part of the Cannery PUD decision. The railroad parking area will require street trees. It is not clear at this time how many street trees will be required. Once the half street improvement is provided it will be possible to determine how many street trees are required per SZCDC 16.142.060. This standard is not met but it can be as conditioned below.

RECOMMENDED CONDITION: Prior to final site plan approval, submit plans showing the required street trees for the railroad parking lot along Washington Street and Main Street consistent with SZCD 16.142.060.

16.142.060 - Trees on Property Subject to Certain Land Use Applications

All site developments subject to Section 16.92.020 shall be required to preserve trees or woodlands to the maximum extent feasible within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, as determined by the City. Review and mitigation shall be consistent with 16.142.060 A, B, C and D.

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

The Railroad Parking Lot, which is not a part of the PUD, has two exiting trees. An updated tree report was prepared by Lango Hansen Landscape Architects dated November 2, 2011 which indicates that one tree will not be impacted by the proposal, the other tree will be protected by limiting grading around the drip line and installing a large planter island. Since the existing trees on site will be retained, no mitigation is required.

Additionally, the plan sets identify the ticket booth or raised planter with a new tree in front of the community center. Since the applicant's narrative discusses this as a ticket booth it will not be considered a tree. This standard is met.

16.146.020 - Noise Sensitive Uses

When proposed commercial and industrial uses do not adjoin land exclusively in commercial or industrial zones, or when said uses adjoin special care, institutional, or

parks and recreational facilities, or other uses that are, in the City's determination, sensitive to noise impacts, then:

A. The applicant shall submit to the City a noise level study prepared by a professional acoustical engineer. Said study shall define noise levels at the boundaries of the site in all directions.

B. The applicant shall show that the use will not exceed the noise standards contained in OAR 340-35-035, based on accepted noise modeling procedures and worst case assumptions when all noise sources on the site are operating simultaneously.

C. If the use exceeds applicable noise standards as per subsection B of this Section, then the applicant shall submit a noise mitigation program prepared by a professional acoustical engineer that shows how and when the use will come into compliance with said standards.

FINDING: It is not anticipated that there will be high levels of noise beyond what is expected in an urban area. Since the site has been used for a machine works building in the past it is possible that the noise level could decrease. As proposed, there will be no adverse impacts therefore this standard is met

16.148.010 - Vibrations

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

FINDING: It is not anticipated that there will be high levels of vibration beyond what is expected in an urban area. There are not any expected adverse impacts therefore this standard is met.

16.150.010 – Air Quality

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

A. All such uses shall comply with standards for dust emissions as per OAR 340-21-060.

B. Incinerators, if otherwise permitted by Section 16.140.020, shall comply with the standards set forth in OAR 340-25-850 through 340-25-905.

C. Uses for which a State Air Contaminant Discharge Permit is required as per OAR 340-20-140 through 340-20-160 shall comply with the standards of OAR 340-220 through 340-20-276.

FINDING: It is not anticipated that there will be high levels of air pollution beyond what is expected in an urban area. There are not any expected adverse impacts therefore this standard is met.

16.152.010 - Odors

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

> **FINDING:** It is not anticipated that there will be high levels of odor or unusual beyond what is expected in an urban area. There are not any expected adverse impacts therefore this standard is met.

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

> **FINDING:** The lighting plan shows that both the railroad parking lot (parking lot 2) and the community center parking lot (parking lot 1) have lighting which exceeds the 0.5 foot candle on site. The railroad parking lot is adjacent to residential properties to the south and west of the site. The proposed lighting from the parking lot 2 will create fugitive lighting to the western and southern properties. The community center lighting does not extend past the building or the water quality area therefore the lighting at the community center parking lot is not anticipated to impact the neighboring residential properties to the south of the site. The lighting from parking lot 2 will impact neighboring uses as shown on the applicant's proposed lighting plan but it can be met as conditioned below.
>
> **RECOMMENDED CONDITION:** Prior to final site plan approval submit a revised lighting plan showing that the lighting will not be more than 0.5 foot candle from the railroad parking lot.

16.162 – Old Town Overlay District

16.162.030.G Permitted Uses
Offices of architects, artists, attorneys, dentists, engineers, physicians, accountants, consultants and similar professional services are permitted outright in the Old Town Overlay, provided such uses meet the applicable environmental performance standards contained in Chapter 8.

> **FINDING:** The proposed development is for a mixed use community center and accessory parking. In this case, the uses are permitted conditionally, and the applicant has requested a conditional use permit. This criterion is not applicable to the proposed development.

Chapter 16.162.070 – Community Design

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

A. Off-Street Parking

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

FINDING: The Community Center Building and West Phase are located within the Old Cannery Area. According to the applicant, and as discussed previously within this narrative, the 65% standard was used in calculating the minimum required parking (see Section 16.94.020 above). As proposed, the development satisfies this criterion.

D. Off-Street Loading

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

2. **For all property and uses within the "Smockville Area" of the Old Town Overlay District, off-street loading is not required.**

FINDING: A 10 foot by 25 foot loading area is provided from the West Phase building, and an additional 10-foot wide loading area is provided behind the existing building. This criterion is satisfied.

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

FINDING: This criterion is not applicable to the proposed development, however a sign permit will be required when signage is proposed.

F. Non-conforming Uses - When a nonconforming lot, use, or structure within the OT overlay zone has been designated a landmark as per Chapter 16.166, or when a nonconforming lot within the OT overlay zone is vacant, and the proposed change will, in the City's determination, be fully consistent with the goals and standards of the OT overlay zone and other City guidelines to preserve, restore, and enhance historic resources, nonconforming use restrictions contained in Chapter 16.48 may be waived by the Commission.

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

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

FINDING: As previously discussed within this report, all of the existing streets, with the exception of a portion of Washington Street were recently reconstructed with the Cannery Square PUD 09-01 and meet the standards of this section. A condition of approval has been recommended to ensure that Washington Street satisfies this standard.

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

FINDING: The proposed development is subject to the pattern book that was approved as part of the PUD 09-01, revised, and finally approved with File No. SP10-02/CUP 10-01, the Plaza phase of the PUD. The applicant has indicated that all exterior materials will be consistent with the pattern book and this standard. This criterion is satisfied.

16.162.080.A Building Placement and the Street.

The purpose of this standard is to create an attractive area when commercial or mixed-use structures are set back from the property line. Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and the street.

Structures built to the street lot line are exempt from the requirements of this subsection. Where there is more than one street lot line, only those frontages where the structure is built to the street lot line are exempt from the requirements of this paragraph. All street-facing elevations must comply with one of the following options:

1. **Option 1: Foundation landscaping. All street-facing elevations must have landscaping along their foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrian or vehicles to the building. The foundation landscaping must meet the following standards:**
    a. **The landscaped area must be at least thirty (30%) of the linear street frontage.**
    b. **There must be at least one (1) three-gallon shrub for every 3 lineal feet of foundation in the landscaped area; and,**
    c. **Ground cover plants must fully cover the remainder of the landscaped area.**
2. **Option 2: Arcade. All street-facing elevations must have an arcade as a part of the primary structure, meeting the following requirements:**
    a. **The arcade must be at least four (4) feet deep between the front elevation and the parallel building wall.**
    b. **The arcade must consist of one or a series of arched openings that are at least six (6) feet wide. The arcade, or combination of them, should cover a minimum of sixty (60%) of the street facing elevation;**
    c. **The arcade elevation facing a street must be at least fourteen (14) feet in height and at least twenty-five percent (25%) solid, but no more than fifty percent (50%) solid; and,**
    d. **The arcade must be open to the air on 3 sides; none of the arcade's street facing or end openings may be blocked with walls, glass, lattice, glass block or any other material; and,**

e. Each dwelling that occupies space adjacent to the arcade must have its main entrance opening into the arcade.

3. Option 3: Hard-surface sidewalk extension. The area between the building and the street lot line must be hard-surfaced for use by pedestrians as an extension of the sidewalk:

a. The building walls may be set back no more than six (6) feet from the street lot line.

b. For each one-hundred (100) square feet of hard-surface area between the building and the street lot line at least one of the following amenities must be provided.

(1) A bench or other seating.

(2) A tree.

(3) A landscape planter.

(4) A drinking fountain.

(5) A kiosk.

FINDING: Although not technically on an intersection, the northeast corner of the building is a key corner for the Plaza or proposed paseo and this corner meets 3 of the 5 options above. This location was approved with the final PUD approval and reflected in the final approved architectural pattern book. This criterion is satisfied.

16.162.080.B. Reinforce the Corner.

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

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

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

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

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

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

FINDING: The proposed development includes remodeling an existing building. The placement of the building was determined at the time that it was originally constructed. As stated in the Architectural Pattern Book approved as part of the Cannery Square PUD 09-01, revised, and finally approved with File No. SP10-02/CUP 10-01, the Plaza phase of the PUD, the Community Center (formerly Machine Works building) will be designed to reinforce the northeast corner of the building by ensuring that the highest point on its street facing elevation will be within 25-feet of the corner, and that there will

be an entry within 25-feet of the corner. The architectural elevations illustrate that both of these conditions have been met. This criterion is satisfied.

16.162.080.C. Residential Buffer.

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

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

FINDING: The proposed development makes use of an existing building. There are residentially zoned properties to the west and south of the site. The applicant is proposing to maintain the existing landscape along both of those two frontages. This criterion is satisfied.

16.162.080.D. Main Entrance.

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

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

FINDING: As proposed and stated in the Architectural Pattern Book approved as part of the Cannery plaza, the Community Center (formerly Machine Works) will not comply precisely with this standard. The existing grading around this building is such that

entrances to the building will not be able to face SW Pine Street. This building will reinforce the Northeast corner and provide a main retail tenant entry within 25-feet of the corner consistent with the approved pattern book. In addition, the uses are required to have their primary entrance facing the hardscaped and landscaped area on the north side of the building (facing the adjacent West building). The architectural elevations illustrate this condition. The main Sherwood Community Center entry faces the paseo and is 83 feet west of Pine Street. This is consistent with the approved PUD and directs the majority of the foot traffic into Old Town which is the intent of this regulation. This criterion is satisfied.

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

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

1. **Access to off-street parking areas and adjacent residential zones - Access to off-street parking and loading areas must be located at least twenty (20) feet from any adjacent residential zone.**
2. **Parking lot coverage - No more than fifty percent (50%) of the site may be used for off-street parking and loading areas.**
3. **Vehicle screening - Where off-street parking and loading areas are across a local street from a residential zone, there must be a 6-foot wide landscaped area along the street lot line that meets the material requirements in Section 16.92.020B.**

FINDING: The proposed development provides access to the site utilizing the existing accesses, and the proposed parking was reviewed, considered, and approved as part of the original PUD approval with the exception of parking lot (2). The original PUD did not include parking lot 2, and is subject to a variance request that has been discussed previously in this report. The applicant is proposing screening of the parking areas and has requested variances to the dimensional requirements of the landscaped areas that have been discussed in greater detail previously in this report. As proposed, the development will satisfy this criterion.

16.162.080.F. Exterior Finish Materials.

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

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

does not extend for more than an average of three (3) feet above the finished grade level adjacent to the foundation wall.

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

FINDING: According to the applicant, "The Community Center building will generally comply with this standard. The north and east elevations will be clad with brick to evoke the overall character of the area. The brick will extend for 4 feet from the building corners on the south and west elevations to complete the corners of the building. Because the south and west elevations are not as visible from Pine Street, from the Plaza, and from Old Town, the remaining portions of the south and west elevations will be existing concrete walls, painted with a color complimentary to the new brick cladding. This building is an adaptive reuse of an existing concrete structure. Re-cladding the entire structure is not economically feasible or appropriate. The existing concrete walls can be treated such that they fit well within the character of Old Town and the Cannery Development." The standards that were approved in the Architectural Pattern Book indicate the following standards:

Where new walls are built: The exterior material shall be consistent with the requirement for the south, west, east and northeast phase buildings

Where existing walls are restored: Walls may be painted, covered in stucco, or by any other material consistent with paragraph F.1. above.

The existing exposed concrete foundations may remain as exposed concrete or be repainted even if more than 3-feet is currently exposed.

As illustrated on the plans and discussed within the narrative, the applicant has satisfied this condition with the proposed improvements.

16.162.080.G. Roof-Mounted Equipment.

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

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

FINDING: The applicant does not indicate that there will be any roof mounted equipment within the narrative, or on the plans. Screened ground equipment is proposed at the rear

(West end) of the building. The screening will complement the existing fencing at the water treatment area to provide a consistent 90% opaque screen element. Because new equipment is often times not considered in the initial application, and later required as part of a retrofit, or utility improvement, a condition is warranted to ensure that the project continues to comply with this criterion.

RECOMMENDED CONDITION: Prior to final site plan approval, the applicant shall ensure that any new roof mounted equipment is screened consistent with the provisions of Section 16.162.080.G.1-3.

16.162.080.H. Ground Floor Windows.

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

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

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

FINDING: As stated in the Architectural Pattern Book approved with the Cannery Square PUD 09-01, the Community Center (formerly Machine Works) will not fully comply with the standards listed above. The north and east elevations meet the percentage of glazing requirements. The south and west elevations face a parking lot and the loading and mechanical areas for the building so they do not have a large amount of glazing. The building is being partially remodeled and the lack of glazing on the south and west elevations are an existing condition. It is not the intent of the City to discourage redevelopment of existing buildings by applying new code standards where the applicant is not proposing significant alterations to the building. Since this is an existing condition, and the applicant has proposed to increase the amount of glazing on the sides of the building where significant modifications are occurring, they have meet the intent of the code language to the extent that they can. This is consistent with the standards listed within the approved pattern book; therefore, this criterion is satisfied.

16.162.080.I. Distinct Ground Floor.

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

1. **A cornice above the ground level.**
2. **An arcade.**

3. **Changes in material or texture; or**
4. **A row of clerestory windows on the building's street-facing elevation.**

FINDING: As stated in the approved Architectural Pattern Book, the machine works building is required to satisfy the condition by the provision of clerestory windows on the building's street facing façade. The architectural elevations illustrate that the clerestory windows are in fact provided along the prominent street facing facades. This criterion is satisfied.

J. Roof.

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

1. **A sloped roof with a pitch no flatter than 6/12; or**
2. **A roof with a pitch of less than 6/12 and a cornice or parapet that meets the following:**
   a. **There must be two parts to the cornice or parapet. The top part must project at least six (6) inches from the face of the building and be at least two (2) inches further from the face of the building than the bottom part of the cornice or parapet.**
   b. **The height of the cornice or parapet is based on the height of the building as follows:**
      (1) **Buildings sixteen (16) to twenty (20) feet in height must have a cornice or parapet at least twelve (12) inches high.**
      (2) **Buildings greater than twenty (20) feet and less than thirty (30) feet in height must have a cornice or parapet at least eighteen (18) inches high.**
      (3) **Buildings thirty (30) feet or greater in height must have a cornice or parapet at least twenty-four (24) inches high.**

FINDING: The approved architectural pattern book indicates that the Machine Works Building will not comply with this standard. Since it is a reuse of an existing structure, the existing roof is proposed to be repaired as necessary, but not rebuilt to be compliant with this standard. This criterion is not applicable to the proposed development.

K. Base of Buildings.

Buildings must have a base on all street-facing elevations. The base must be at least two (2) feet above grade and be distinguished from the rest of the building by a different color and material.

FINDING: The approved architectural pattern book indicates that the Machine Works Building will not comply with this standard. As indicated previously in this report, this is a pre-existing non-conforming condition. The walls are not proposed to be rebuilt to be compliant with this standard. This criterion is not applicable to the proposed development.

L. Height Bonus

A five foot height bonus shall be granted if at least two of the following amenities are included in the overall design:

1. **Awnings or Marquees subject to Section 16.162.090 — Commercial Standard.**
2. **Public art installation subject to Cultural Arts Commission and City Council approval.**
3. **Additional public bike parking: 1 additional space per residential unit.**
4. **A courtyard or plaza facing the street open to the public subject to Commission approval.**

FINDING: The applicant is not requesting a height bonus as part of this proposal; therefore, this criterion is not applicable to the proposed development.

DECISION

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's revised submittal, staff finds that the requested approvals do not fully comply with the standards but can be conditioned to comply. Therefore, staff recommends **approval of File Nos: SP 12-01/ CUP 12-01/ VAR 12-01/ VAR 12-02 with the recommended conditions below**.

VI. CONDITIONS OF APPROVAL

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. This land use approval shall substantially comply with the submitted preliminary site plans dated January 17, 2012 prepared by HHPR Engineering except as indicated in the following conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.
3. The developer/owner/applicant is responsible for all costs associated with private/public facility improvements.
4. **This approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. An on-going condition of the approval is that the site be maintained in accordance with the approved site plan. In the event that landscaping is not maintained, in spite of the assurances provided, this would become a code compliance issue.
6. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
7. A temporary use permit must be obtained from the Planning Department prior to placing a construction trailer on-site.

8. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.

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

1. Obtain City of Sherwood Building Department approval of grading plans.

2. The Erosion and Sediment Control Plan shall include a plan to implement and maintain wet weather measures within 14 days of the final grading and between the months of October 1st and April 30th.

C. <u>Prior to Final Site Plan Approval:</u>

1. Submit the required final site plan review fee along with a brief narrative and supporting documents demonstrating how each of the final site plan conditions are met.

2. Submit additional information on the proposed planting and maintenance plan to ensure that the landscaping will be appropriately maintained.

3. Submit additional information clarifying if there are any proposed hardscapes that are intended to be included in the approved landscaping.

4. Submit plans showing a crosswalk from the parking lot 1 and 2 to the community center.

5. Provide City staff with a revised site plan that includes a detail of the trash enclosure that satisfies the requirements outlined in Exhibit 8 and demonstrates to staff how the proposed screening is consistent with the provisions of section 16.98.020.

6. The applicant shall construct half-street improvement for the east side of Washington Street beginning at a point 20-feet south of the first parking lot access and continuing to the railroad right-of-way. These half-street improvements shall include full removal and replacement of the AC pavement surface, base rock (re)placement and compaction as needed, construction of sidewalks, planter strips, and relocation of utility poles outside of the sidewalk limits.

7. The applicant shall construct right-of-way improvements across the railroad parking lot property frontage of Washington Street and shall include; concrete curb and gutter, sidewalk, planter strip, and commercial driveway access.

8. The applicant shall underground the utilities from the two power poles that are located within the Washington Street right-of-way. If the power poles are bearing a power load that is not conducive to undergrounding, the applicant shall provide written evidence from PGE outlining their preference for keeping the utilities on

poles, and the applicant may place the utilities back onto the power poles outside of the sidewalk within the public utility entrance.

9. Submit plans showing the required street trees for the railroad parking lot along Washington Street and Main Street consistent with SZCD 16.142.060.

10. Submit a revised lighting plan showing that the lighting will not be more than 0.5 foot candle from the railroad parking lot.

11. The applicant shall ensure that any new roof mounted equipment is screened consistent with the provisions of Section 16.162.080.G.1-3.

12. Submit a detailed landscape plan along with certification that the plants are native and/or are the most appropriate plants given the location and soils or modify the plant list to provide the required native plants.

D. <u>Prior to Issuance of a Building Permit:</u>

1. Receive Sherwood Engineering Department approval of engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets).

2. Obtain approval from the Engineering Department for storm water treatment.

3. Obtain a Storm Water Connection Permit from Clean Water Services.

4. Obtain final site plan approval from the Planning Department.

5. The applicant shall provide the fire marshal with evidence to suggest that the existing water lines will provide at least 20 psi of dedicated water service. The applicant shall provide evidence in writing from the fire marshal that this condition has been met.

6. The applicant shall provide evidence in writing from the fire marshal that the requirements within his comments have been satisfied by the proposed development.

E. <u>Prior to Final Inspection of the Building Official & Certificate of Occupancy:</u>

1. All public improvements shall be competed, inspected and approved, as applicable, by the City, CWS, TVF & R, TVWD and other applicable agencies.

2 All agreements required as conditions of this approval must be signed and recorded.

3. Install a 6-foot tall fence, trees and shrubs along the southern property line.

4. Install wheel stops at least four (4) inches high, located three (3) feet back from the front of the parking stall and tree well triangles.

5. All site improvements including but not limited to landscaping, parking and site

lighting shall be installed per the approved final site plan and inspected and approved by the Planning Department.

6. All other appropriate department and agency conditions have been met.

7. Plant the street tree in the location proposed in the final site plan.

F. <u>On-going Conditions:</u>

1. An on-going condition of the approval is that the site be maintained in accordance with the approved site plan. In the event that landscaping is not maintained, in spite of the assurances provided, this would become a code compliance issue.

2. Install all site improvements in accordance with the approved final site plan.

3. The applicant shall continue to comply with the conditions of approval which were established as a part of the PUD 09-01.

VII. EXHIBITS

A. Applicant's submitted materials dated January 17, 2012
B. Engineering comments dated March 5, 2012
C. DKS Associates comments dated February 27, 2012
D. Clean Water Services comments dated February 27, 2012
E. Tualatin Valley Fire & Rescue comments dated March 1, 2012
F. Metro comments dated
G. ODOT comments dated
H. PGE comments dated
I. Pride Disposal Company comments dated
J. Parking Allocation January 2012 (Applicant's Attachment 7)

Exhibit A is the applicant's materials including plans, narrative, and supporting documentation. Because of the size of the files, these items are not included on the website.

Exhibit A can be viewed at Sherwood City Hall at 22560 SW Pine Street.

Please contact Planning at (503)925-2308 should you have any questions.

City of Sherwood
Oregon

Home of the Tualatin River National Wildlife Refuge

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Keith Mays

Council President
Dave Grant

Councilors
Linda Henderson
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Bill Butterfield
Matt Langer
Krisanna Clark

City Manager Pro Tem
Tom Pessemier

FamilyCircle BEST TOWN FOR FAMILIES

2009 Top Ten Selection

MONEY MAGAZINE 2007 BEST PLACES TO LIVE GREAT AMERICAN TOWNS

2007 18th Best Place to Live

Sherwood 2006 All-America City Finalist

March 5, 2012

To: Planning Commission

From: Bob Galati PE, City Engineer

Re: Sherwood Community Center & Railroad Parking Lot Upgrade
SP 12-01, CUP 12-01, VAR 12-01, VAR 12-02
Engineering Review Comments

Project Description

The proposed project remodels the existing Machine Works Building and adjacent gravel parking lot area, into the Sherwood Community Center and associated paved parking lot. In addition, an existing gravel parking lot located west of Washington Street, and purchased by the City from the railroad company, is to be reconstructed into a paved parking lot.

The following comments are in relation to any proposed public infrastructure improvements, or impacts from private site development on existing public infrastructure.

Street Impacts

The proposed development improvements front Pine, Washington, Columbia, and Main Streets. An analysis of each street impact is described below.

- *Pine Street:* The public improvements have been completed as part of the Cannery public infrastructure project and include the construction of concrete streets, sidewalks, tree wells, and street lighting fixtures. No additional improvements along Pine Street will be required other than to replace any existing infrastructure damaged during renovation of the building and constructing site improvements.
- *Columbia Street:* The public improvements along Columbia Street have been completed as part of the Cannery public infrastructure project and include the construction of AC street pavement, parking stalls, and sidewalks. Due to the zero lot line of the building, access to the building along this portion of Columbia Street will require removal and replacement of existing concrete sidewalk.

Exhibit B

Additionally, any roof drains from the building will need to be rerouted to the building corners, or connected through the concrete sidewalk to below grade storm drains.

- *Washington Street:* The public improvements have been partially completed as part of the Cannery public infrastructure project, and include construction of concrete curb & gutter, AC paving strip, sidewalks, tree planter strip, and street lighting. An unfinished section remains from the southern driveway entrance north to the railroad right-of-way. There are two power poles that are located in the middle of the sidewalk section. These power poles will need to be relocated outside the sidewalk section on new overhead lines or underground. The AC pavement section from a point 20-feet south of the first parking lot entrance to the mid-point of Washington Street, all the way to the railroad right-of-way is in poor condition and will need to be removed and replaced full depth.

- *Main Street:* The public improvements along Main Street are already in existence and in good condition. The railroad parking lot driveway access is in good condition and does not need replacement.

Street Conditions of Approval

1. The Applicant shall construct half-street improvement for the east side of Washington Street beginning at a point 20-feet south of the first parking lot access and continuing to the railroad right-of-way. These half-street improvements shall include full removal and replace AC pavement surface, base rock (re)placement and compaction as needed, construction of sidewalks, planter strips, and relocation of utility poles outside of sidewalk limits.

2. The Applicant shall construct right-of-way improvements across the railroad parking lot property frontage of Washington Street and shall include; concrete curb and gutter, sidewalk, planter strip, and commercial driveway access.

Site Impacts

The applicant has provided two parking lot configuration alternatives in which one configuration is assumed to be for future use in a commercial/retail setting (West Phase). The City's traffic engineer has performed an analysis of probable outcomes for different uses, and the review and comments letter is attached for reference. Basically, if the proposed use generates less than 400 additional daily trips, a traffic study would not be required. Under this scenario, only intense uses such as a drive-through fast food restaurant would generate high enough daily trip values to warrant a traffic study. The assumption that the parking lot is configured for a drive through bank does not meet the trip limit.

It would be preferable to show only one parking lot design option. Currently, it appears that approval of future non-associated development improvements are being presented with this project.

The proposed railroad parking lot improvements includes vehicle access to an adjacent private property. This access must be granted through an easement from the City. The easement language must be provided to the City Attorney for review and to receive a recommendation of approval before the easement is granted.

Site Conditions of Approval

1. The Applicant will receive approval for only one parking lot configuration option. Multiple configuration options will not be approved.
2. Provide an access easement across the railroad parking lot for the benefit of the adjacent private property. Provide an easement document to the City for review and recommended approval by the City Attorney. The applicant shall record the document after all signatures have been obtained.

Infrastructure Impacts

The Applicant has received a Service Provider Letter (File No.12-000099) for the site development plan. The SPL indicates that no additional site assessment is required.

The storm drainage water quality facilities located west of and adjacent to the building, have been designed and constructed to provide surface water quality treatment for the public streets and plaza development areas constructed earlier, in addition to the Community Center and associated parking lot surface areas. A storm water report prepared by HHPR, dated February 1, 2012, shows conformance to CWS treatment standards.

The site has a public sanitary sewer lateral and potable water supply stub-out to the site. The public systems have the capacity to provide the necessary services to the site.

Infrastructure Systems - Conditions of Approval

1. The Applicant shall conform to the requirements of the Service Provider Letter issued by CWS, File No. 12-000099, dated January 18, 2012.

DKS *Associates*

TRANSPORTATION SOLUTIONS

DRAFT MEMORANDUM

DATE: February 27, 2012

TO: Bob Galati, City of Sherwood

FROM: Chris Maciejewski, P.E., P.T.O.E.
Garth Appanaitis, EIT

SUBJECT: **Sherwood Transportation On-Call Task 4**
Cannery MWB Trip Generation Planning Review P11117-004

Per your request of February 16, 2011, we have summarized the land uses and vehicle trip generation that was assumed to develop west of Pine Street within the Cannery PUD. The Cannery PUD traffic analysis[1] included a conceptual site plan with 8,100 square-feet of retail space and an 8,700 square-feet community center west of Pine Street. The analysis did not identify a specific site plan with individual uses by building; however it was assumed that one-third of the total retail area of the Cannery PUD would be food-oriented (high turnover sit-down restaurant). While the remaining retail use was assumed to generally develop as "specialty retail" (which could include uses such as quality apparel, dance studios, and florists), for the purposes of providing development flexibility, the TIA assumed a higher trip generation rate (shopping center).

Table 1 summarizes the PM peak hour and daily trip generation that were estimated for the retail portion of the land uses assumed in the Cannery PUD traffic study as well as two potential additional uses (drive-in bank or fast-food) that may utilize drive-through aisles. While the average pass-by rates for individual retail uses would typically range from 34-50%[2], the total potential pass-by trips for the site were assumed to be limited to 15% of retail traffic due to the relatively low traffic volumes on Pine Street. As listed in Table 1, a drive-in bank would add approximately 50 PM peak hour and 140 daily trips, while a fast-food restaurant would add approximately 80 PM peak hour and 1,250 daily trips.

The City of Sherwood Development Code[3] states that non-residential uses that add 400 daily trips trigger the need for a traffic analysis. Therefore, a bank with drive-in window would not likely trigger a traffic study at this site, while a fast-food restaurant with drive-through window would add more than 400

---

[1] *Sherwood Cannery Site PUD Traffic Impact Study*, prepared by DKS Associates, March 2009.
[2] Average ITE PM peak period pass-by rates are as follows: shopping center 34%, high turnover sit-down restaurant 43%, drive-in bank 47%, fast food restaurant with drive-through window 50%
[3] Sherwood, Oregon – Code of Ordinances, Chapter 16.106 – Transportation Facilities, 16.106.040 K 1, http://library.municode.com/index.aspx?clientId=16625 accessed February 2012.

1400 SW Fifth Avenue
Suite 500
Portland, OR 97201

(503) 243-3500
((503) 243-1934 fax
www.dksassociates.com

Exhibit C

additional daily trips and would trigger a traffic study. The assumptions regarding reduced pass-by traffic for retail uses (due to low Pine Street volume)s do not change these findings.[4]

If you have any questions, please feel free to call.

Table 1 – Trip Generation Summary for Land Uses in Cannery PUD located West of Pine Street

Scenario		Size	PM Peak Hour Trips				Daily Trips	
Base	**Use (ITE Code)**	**Size (KSF)**	**Rate**	**In**	**Out**	**Total**	**Rate**	**Total**
Base	Shopping Center (820)	5.4	3.73	10	10	20	42.94	232
(Assumed PUD)	High Turnover Sit-down Restaurant (934)	2.7	11.15	18	12	30	127.15	343
	*Pass-by Trips (assumed 15% all retail)**		*15%*	*-4*	*-3*	*-7*	*15%*	***-86***
	Subtotal	***8.1***		***24***	***18***	***42***		***489***
Alternative 1	Drive in Bank (912)	3.75	25.82	49	48	97	148.15	556
(Bank w/ Window)	Shopping Center (820)	4.35	3.73	8	8	16	42.94	187
	*Pass-by Trips (assumed 15% all retail)**		*15%*	*-9*	*-8*	*-17*	*15%*	***-111***
	Subtotal	***8.1***		***48***	***48***	***96***		***632***
Alternative 2	Fast Food (934)	3.75	33.84	66	61	127	496.12	1,860
(Fast-Food w/	Shopping Center (820)	4.35	3.73	8	8	16	42.94	187
Window)	*Pass-by Trips (assumed 15% all retail)**		*15%*	*-11*	*-10*	*-21*	*15%*	***-307***
	Subtotal	***8.1***		***63***	***59***	***122***		***1,740***
Bank Increase	***(Additional net new trips)***			***24***	***30***	***54***		***143***
Fast Food Increase	***(Additional net new trips)***			***39***	***41***	***80***		***1,251***

Note:
Pass-by traffic for retail uses was assumed in the Cannery PUD Traffic Analysis to be limited to 15% of total retail traffic due to the relatively low volumes on Pine Street. Average ITE PM peak period pass-by rates are as follows: shopping center 34%, high turnover sit-down restaurant 43%, drive-in bank 47%, fast food restaurant with drive-through window 50%

[4] Applying a higher pass-by traffic rate to the bank use would further decrease the net new trips and the use would not add 400 daily trips or more than the Base (assumed PUD) use. Applying a 50% pass-by trip rate to the fast food restaurant (an additional 35% from what was assumed) would further decrease the daily trips by 651 trips, and would result in a net increase of 600 daily trips, which would still trigger the traffic study threshold of a 400 daily trip increase.

Clean Water Services

MEMORANDUM

Date: February 27, 2012

To: Brad Kilby, Senior Planner, City of Sherwood

From: Jackie Sue Humphreys, Clean Water Services (the District)

Subject: Sherwood Community Center, SP 12-01, 2S132BD07700, 07800

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 2.04.2.b-l.

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. If site area and any offsite improvements required for this development exceed one-acre of disturbance, project will require a 1200-CN Erosion Control Permit.

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 D

2550 SW Hillsboro Highway • Hillsboro, Oregon 97123
Phone: (503) 681-3600 • Fax: (503) 681-3603 • cleanwaterservices.org

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.

Tualatin Valley Fire & Rescue

March 1, 2012

Capstone Partners LLC
Attn: Jeff Sackett
1015 NW 11th Ave #243
Portland ,OR 97209

Re: Sherwood Community Center SP 12-01, CUP 12-01, VAR 12-01, and VAR 12-02

To whom it may concern,

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. Tualatin Valley Fire & Rescue endorses this proposal predicated on the following criteria and conditions of approval:

1) **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDING AND TURNAROUNDS:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1)

2) **FIRE APPARATUS ACCESS ROAD EXCEPTION FOR AUTOMATIC SPRINKLER PROTECTION:** When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access may be modified as approved by the fire code official. (OFC 503.1.1)

3) **ADDITIONAL ACCESS ROADS – COMMERCIAL:** Where buildings exceed 30 feet in height or three stories in height shall have at least two separate means of fire apparatus access. Buildings or facilities having a gross area of more than 62,000 square feet shall be provided with at least two separate means of fire apparatus access. Buildings up to 124,000 square feet provided with fire sprinklers may have a single access. (OFC D104)

4) **AERIAL FIRE APPARATUS ACCESS:** Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. (OFC D105)

5) **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (12 feet for up to two dwelling units and accessory buildings), and an unobstructed vertical clearance of not less than 13 feet 6 inches. Where fire apparatus roadways are less than 26 feet wide, "NO PARKING" signs shall be installed on both sides of the roadway and in turnarounds as needed. Where fire apparatus roadways are more than 28 feet wide but less than 32 feet wide, "NO PARKING" signs shall be installed on one side of the roadway and in turnarounds as needed. Where fire apparatus roadways are 32 feet wide or more, parking is not restricted. (OFC 503.2.) ***The fire district does not endorse the design concept wherein twenty feet of unobstructed roadway width is not provided.***

6) **FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS:** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet. (OFC D103.1)

7) **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both

Exhibit E

sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)

8) **TURNING RADIUS:** The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & 103.3)

9) **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at approved intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background. (OFC 503.3)

10) **COMMERCIAL BUILDINGS - REQUIRED FIRE FLOW:** The required fire flow for the building shall not exceed 3,000 gallons per minute (GPM) or the available GPM in the water delivery system at 20 psi, whichever is less as calculated using IFC, Appendix B. A worksheet for calculating the required fire flow is available from the Fire Marshal's Office. (OFC B105.3) ***Please provide a current fire flow test of the nearest fire hydrant demonstrating available flow at 20 psi residual pressure as well as fire flow calculation worksheets. Please forward copies to both TVF&R as well as ~~Washington County Building Services~~. Fire flow calculation worksheets as well as instructions are available on our web site at www.tvfr.com.***

11) **FIRE HYDRANTS – COMMERCIAL BUILDINGS:** Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system. (OFC 507.5.1)

12) **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Appendix C, Table C 105.1.

Considerations for placing fire hydrants may be as follows:

- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants.
- Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the fire code official.
- Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets only as approved by the fire code official.
- Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the fire code official.

13) **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway. (OFC C102.1)

14) **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (OFC 510.1)

15) **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6)

16) **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)

17) **FIRE HYDRANT/FIRE DEPARTMENT CONNECTION:** A fire hydrant shall be located within 100 feet of a fire department connection (FDC). Fire hydrants and FDCs shall be located on the same side of the fire apparatus access roadway and or drive aisle. FDCs shall normally be remote except when approved by the fire code official. Fire sprinkler FDCs shall be plumbed to the fire sprinkler riser downstream of all control valves. Each FDC shall be equipped with a metal sign with 1 inch raised letters and shall read, "AUTOMATIC SPRINKLERS OR STANDPIPES" or a combination there of as applicable. (OFC 912.2)

18) **ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION:** Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 1410.1 & 1412.1)

19) **KNOX BOX:** A Knox Box for building access is required for this building. Please contact the Fire Marshal's Office for an order form and instructions regarding installation and placement. (OFC 506.1)

20) **PREMISES IDENTIFICATION:** Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet numbers. Numbers shall be a minimum of 4 inches high with a ½ inch stroke. (OFC 505.1)

21) **FIRE DEPARTMENT ACCESS TO EQUIPMENT:** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for HVAC, fire sprinklers risers and valves or other fire detection, suppression or control features shall be identified with approved signs. (OFC 509.1)

If you have questions or need further clarification, please feel free to contact me at 503-259-1500

Sincerely,

John Wolff

John Wolff
Deputy Fire Marshal II

Copy:
City of Sherwood
Brad Kilby, AICP, Senior Planner

NOTICE OF APPLICATION AND REQUEST FOR COMMENTS

City of Sherwood Oregon

Notice Date: February 14, 2012
Please submit comments by: February 28, 2012

Notice is hereby given that a hearing is tentatively scheduled with the City of Sherwood Planning Commission on March 27, 2012 to consider the following application. Known as SP 12-01, CUP 12-01, VAR 12-01, and VAR 12-02, the application is a proposal to convert the existing Sherwood Machine Works Building across from City Hall in Old Town Sherwood to a mixed-use community center. This project will be known as the Sherwood Community Center proposal for the purposes of commenting.

Case File No.:	SP 12-01, CUP 12-01, VAR 12-01, and VAR 12-02	**Tax Map/Lot:**	2S132BD tax lots 151, 800, and 900
Address:	22832 SW Washington Street and an unaddressed railroad property west of the location above.	**Property Location:**	North side of SW Washington Street west of SW Pine Street
Applicant:	Capstone Partners LLC Attn: Jeff Sackett 1015 NW 11th Ave. #243 Portland, OR 97209	**Property Owner:**	City of Sherwood Attn: Tom Nelson 22560 SW Pine Street Sherwood, OR 97140
		Property Owner:	Union Pacific Railroad Attn: Austin Fearnow 1400 Douglas St. Stop 1690 Omaha, NE 68179

Staff Contact: **Brad Kilby, AICP, Senior Planner** 503-625-4206
kilbyb@sherwoodoregon.gov

Proposal: The applicant proposes to remodel the existing 13,050 square foot industrial building into the Sherwood Community Center with commercial tenant space. The project was preliminarily considered as a component of the Sherwood Cannery Square PUD (PUD 09-01). This proposal also includes a request to improve two parking areas with pavement, lighting and landscaping to provide parking for the proposed community center. The properties are zoned PUD-RC and Medium Density Residential High.

Applicable Code Criteria: Sherwood Zoning and Community Development Code, 16.06 (Planning Commission); 16.12 (Residential Land Use Districts – MDRH); 16.28 (Retail Commercial – RC); 16.40 (Planned Unit Development); 16.58.010 (Clear Vision), 16.82 (Conditional Uses), 16.84 (Variances); 16.90 (Site Planning), 16.92 (Landscaping), 16.94 (Off-Street Parking and Loading), 16.96 (On-Site Circulation); 16.98 (On-site Storage), All of Division VI - 16.104-16.118 (Public Improvements), 16.146 (Noise), 16.48 (Vibrations), 16.150 (Air Quality), 16.52 (Odors), 16.154 (Heat and Glare); 16.156 (Energy Conservation); 16.162 (Old Town Overlay District), and where applicable 16.168 (Landmark Alteration).

COMMENTS – Sherwood Community Center

x No comment.

☐ We encourage approval of this request.

Exhibit F

☐ Please address the following concerns should this application be approved:

_____

_____

☐ We encourage denial of this request for the following reasons:

_____

_____

Please feel free to attach additional sheets as needed to complete your comments.

Comments by:	Sherry Oeser	Date:	Feb. 24, 2012
Address:	Metro	Tel.:	_____ (optional)
	600 NE Grand Ave	Email:	_____ (optional)
	Portland, OR 97232		

Bradley Kilby

From: MOHS Kurt A <Kurt.A.MOHS@odot.state.or.us>
Sent: Wednesday, February 22, 2012 8:16 AM
To: Bradley Kilby
Subject: RE: Sherwood Community Center

Very good. Thank you.

Kurt

From: Bradley Kilby [mailto:KilbyB@SherwoodOregon.gov]
Sent: Wednesday, February 22, 2012 8:12 AM
To: MOHS Kurt A
Subject: RE: Sherwood Community Center

Kurt,

They signed the application, and are selling the URA some property for the ancillary parking.

Brad Kilby, AICP, Senior Planner
22560 SW Pine Street
Sherwood, Oregon 97140
503-625-4206

Please consider the environment before printing this e-mail.

From: MOHS Kurt A [mailto:Kurt.A.MOHS@odot.state.or.us]
Sent: Wednesday, February 22, 2012 7:01 AM
To: Bradley Kilby
Subject: RE: Sherwood Community Center

Brad,

Was this sent to the railroad?

Kurt

Kurt Mohs

Rail Crossing Compliance Specialist

Exhibit G

ODOT Rail Division

(503) 986 3132

From: Bradley Kilby [mailto:KilbyB@SherwoodOregon.gov]
Sent: Wednesday, February 15, 2012 8:00 AM
To: kristinl@pridedisposal.com; Naomi_Vogel-Beattie@co.washington.or.us; stephen_roberts@co.washington.or.us; BRUMLEY Seth A; Region 1 DEVREV Applications; SCHALK Steven B; MOHS Kurt A; ELSTUN Wendy S *ODOT
Subject: Sherwood Community Center

Good morning all,

We have received an application for a development at 22832 SW Washington Street and the adjacent railroad right-of-way in Sherwood. Please review and provide comments no later than February 28, 2012 so that they can be included in the staff report. Since your agency cannot accept this file size, I have arranged to have the materials posted to the City's FTP site so that you can retrieve them. The web link, the sign in, and the password are located at the end of this e-mail. Please let me know if you do not want to receive these development review applications, or if someone else in your organization should be receiving them instead of you. Finally, please contact me if you have any questions, or need any additional information. Thank you. Have a great day.

ftp://70.97.122.66/sherwoodcommunitycenter

Username: ftpuser
Password: co$ftp1 (this password is case sensitive)

Brad Kilby, AICP, Senior Planner
22560 SW Pine Street
Sherwood, Oregon 97140
503-625-4206

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This email may contain confidential information or privileged material and is intended for use solely by the above referenced recipient. Any review, copying, printing, disclosure, distribution, or other use by any other person or entity is strictly prohibited and may be illegal. If you are not the named recipient, or believe you have received this email in error, please immediately notify the City of Sherwood at (503) 625-5522 and delete the copy you received.

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Bradley Kilby

From: Raymond Lambert <Raymond.Lambert@pgn.com>
Sent: Tuesday, February 14, 2012 3:37 PM
To: Bradley Kilby
Subject: RE: Sherwood Community Center

Brad,

PGE has significant facilities in the area of the proposed development. It looks like the plans only call for relocation of one PGE pole, but there are a couple of poles on the same side of Washington Street that may need to move or be converted underground. Space considerations will need to be made for this.

Also, there doesn't seem to be much space to locate a power transformer adjacent to the location of the electric point of connection. This will need to be addressed.

Thanks,
Ray Lambert
Project Manager
Service Design & Construction
PGE - Wilsonville
503-570-4413

-----Original Message-----
From: Bradley Kilby [mailto:KilbyB@SherwoodOregon.gov]
Sent: Tuesday, February 14, 2012 1:29 PM
To: 'Wendy.S.ELSTUN@odot.state.or.us'; 'baldwinb@trimet.org'; 'rmk@nwnatural.com'; Brad Crawford; 'Charles.redon@state.or.us'; 'crbelt@bpa.gov'; Craig Sheldon; 'dmdostert@bpa.gov'; 'paulette.Copperstone@oregonmetro.gov'; 'ehays@sherwood.k12.or.us'; 'karen.mohling@tvfr.com'; 'kristinl@pridedisposal.com'; 'kurt.A.MOHS@odot.state.or.us'; 'd5b@nwnatural.com'; Bob Galati; 'raindrops2refuge@gmail.com'; 'mwerner@gwrr.com'; Raymond Lambert; 'Naomi_Vogel-Beattie@co.washington.or.us'; 'Kevin_Rolph@kindermorgan.com'; 'rsv@nwnatural.com'; 'Seth.A.BRUMLEY@odot.state.or.us'; 'oesers@metro.dst.or.us'; 'stephen_roberts@co.washington.or.us'; 'steven.b.schalk@odot.state.or.us'; 'john.wolff@tvfr.com'; Andrew Stirling; 'humphreysj@CleanWaterServices.org'; 'tumpj@trimet.org'; 'spieringm@CleanWaterServices.org'; Tom Nelson; 'Region1DEVREVApplications@odot.state.or.us'
Subject: Sherwood Community Center

Good Afternoon,

We have received an application for a development at 22832 SW Washington Street and the adjacent railroad right-of-way in Sherwood. Please review and provide comments no later than February 28, 2012 so that they can be included in the staff report. Also, please contact me if you have any questions, or need any additional information. Thank you. Have a great day.

Brad Kilby, AICP, Senior Planner
22560 SW Pine Street
Sherwood, Oregon 97140
503-625-4206

Exhibit H

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P★R★I★D★E
DISPOSAL COMPANY
P.O. Box 820 Sherwood, OR 97140
Phone: (503) 625-6177 Fax: (503) 625-6179

February 20, 2012

Brad Kilby, AICP, Senior Planner
22560 SW Pine St
Sherwood, OR 97140

Re: Sherwood Community Center

We have reviewed the site plan for the Sherwood Community Center at 22832 SW Washington St in Sherwood.

The enclosure is shown on pages A101 and C1.0 to be in the NW corner of the property. Page C1.0 shows the opening of the enclosure to be 20' wide. No other details on the enclosure are shown. The following requirements also need to be met:

- The inside measurements of the enclosure must be 20' wide and 10' deep.
- No center post at the access point for the gates
- Gates hinged in front of (and not inside) the walls allowing for the full 20' opening
- Gate drop pins to allow the gates to be held in the open position with at least 120 degrees of an opening angle.
    - There is a curb to the Left of the enclosure and a parking space to the Right. The gate to the Left must be able to open the full 120 degrees, so the corner portion of the curb may need to be removed or modified to allow for this. The gate to the Right must be able to open the full 120 degrees also, which means into the parking space to the right of the enclosure.

Typically we ask for 75' of clearance from the opening of the enclosure before any obstructions are met. This site plan shows approximately 30' from the opening of the enclosure to the end of the nearest parking space. The site map does show that the 4 spots directly across from the enclosure do not have curbing between them. This lack of curbing would allow our trucks to pull through these spots in order to access the enclosure (assuming there are no cars parked there at the time we arrive).

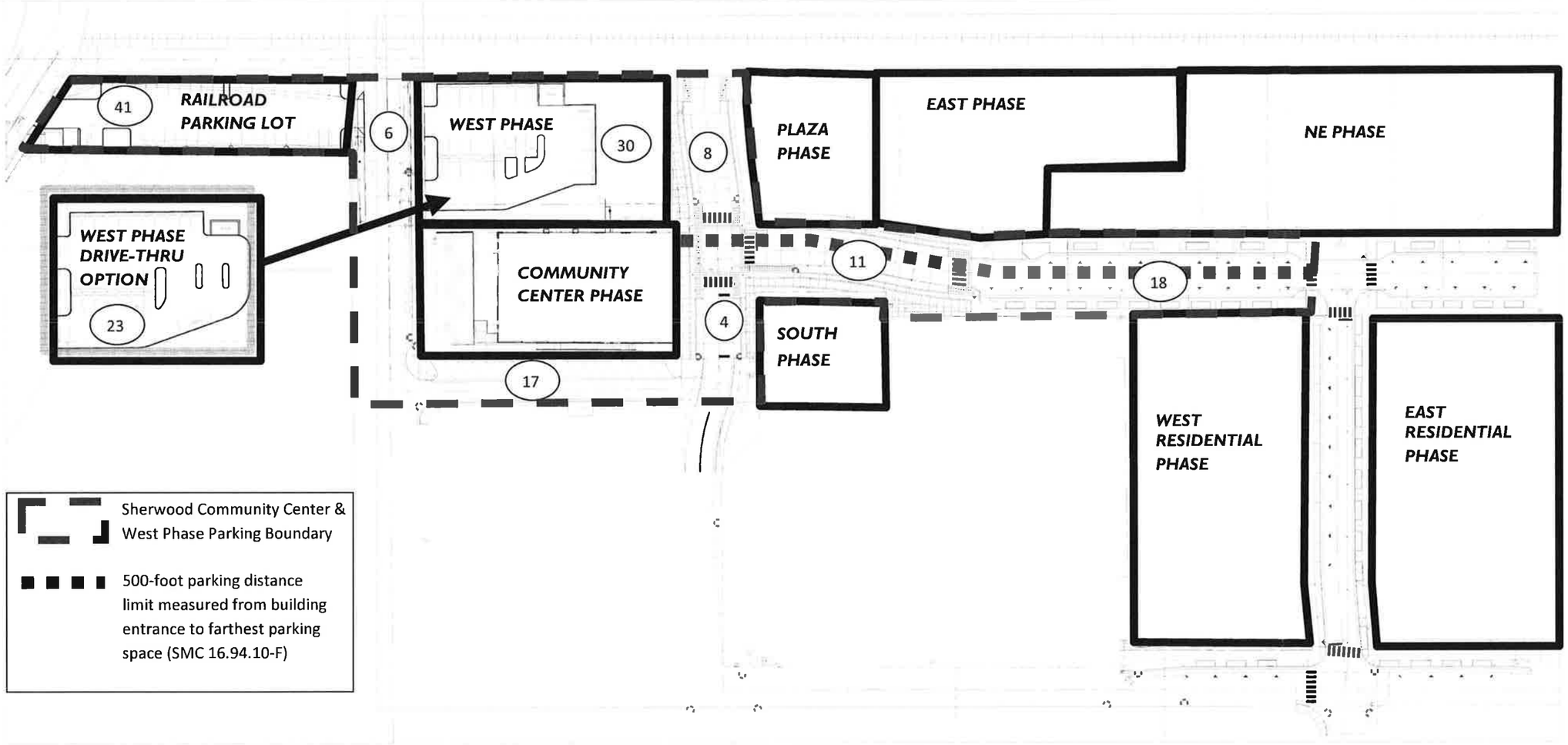
If you have any questions, feel free to contact me.

Sincerely,

Kristin Leichner
Pride Disposal Co.
(503) 625-6177 ext: 124
kristinl@pridedisposal.com

Exhibit I

SHERWOOD COMMUNITY CENTER & WEST PHASE – PARKING ALLOCATION JANUARY 2012



Minimum Required Parking		
	Spaces	**Ratio**
Community Center	78	400 seats at 0.3 spaces per seat at 65%
Community Center Tenant	10 min / 36 max	3,678 SF at (4.1 spaces per 1,000 SF for retail minimum / 15.3 for resturant maximum) at 65%
West Phase	10	3,750 SF at 4.1 spaces per 1,000 SF for retail at 65%
Total Required	**98 - min / 124 max**	

Parking Provided	
West Phase Lot	min - 23 / max - 29
RR Parking Lot	41
Columbia Street East	17
Columbia Street West	29
Washington Street	6
Pine Street	12
Total	**128 - min / 134 - max**

Exhibit J