City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
January 24, 2012 – 7PM

1. **Call to Order/Roll Call**
2. **Agenda Review**
3. **Consent Agenda:** Minutes – December 13, 2011
4. **Council Liaison Announcements**
5. **Staff Announcements**
6. **Community Comments**
7. **Old Business** –

a. Continued Public Hearing Denali PUD - The applicant proposes an eight-lot planned unit development (PUD) in the very low density residential zone (VLDR), just east of SW Murdock Road and north of Sherwood View Estates for the purpose of single family homes. The applicant proposes to extend SW Denali Street northward. The applicant proposes a limited amount of open space as required in the PUD. (staff contact – Michelle Miller)

NOTE: The public hearing is closed and the Commission will be deliberating only in order to make a recommendation to the City Council

8. **New Business**

a. Urban Renewal Plan Major Amendment – Consistent with requirements for a major amendment to an urban renewal plan, The Planning Commission will review the proposed substantial amendment to the Sherwood Urban Renewal Plan including its relationship to the Comprehensive Plan, and make a recommendation to the Sherwood City Council. (Staff contact - Tom Nelson)

b. Public Hearing PA 11-05 – Parking Lot Landscape and Configuration (Code Clean Up) – The proposed updates include increasing the amount of landscaping in parking area by categorizing trees in the landscaping and requiring a specific number of trees, shrubs, and ground cover based on number of parking spaces, and decreasing the number of parking spaces between landscape islands. Updates will further describe joint/shared parking requirements and internal pedestrian pathways, and recommend, rather than require covered bike parking. (Staff contact – Michelle Miller)

c. Public Hearing PA 11-06 – Trees on Private Property (Code Clean Up) – The Planning Commission will consider proposed revisions to the Sherwood Zoning and Community Development Code. The proposed changes will update the "Trees on Private Property" section (16.142.070). Specifically, the proposed language will update the standards to be consistent with community values, incentivize tree preservation and remove the mitigation standard. Instead of mitigating based on an inch for inch basis, developments will be required to satisfy minimum canopy coverage that would be measured based on a trees canopy size when mature. Additionally, housekeeping updates from the open space standards and this code update have been made. The Planning Commission will make a recommendation to the City Council who will make the ultimate decision. (Staff contact – Zoe Monahan)

9. Adjourn
Next Meeting: February 14, 2012 (tentative)

Meeting documents may be found on the City of Sherwood website or by contacting the staff contact under each agenda item at 503-925-2308.

City of Sherwood, Oregon
Draft Planning Commission Minutes
December 13, 2011

Commission Members Present:

Commissioner Copfer
Commissioner Griffin
Commissioner Albert
Commissioner Walker

Staff:

Julia Hajduk, Planning Manager
Michelle Miller, Associate Planner
Zoe Monahan, Assistant Planner

Commission Members Absent:
Chair Allen
Commissioner Carey
Commission Clifford

Council Liaison – none present

1. **Call to Order/Roll Call** – Commissioner Albert called the meeting to order.

2. **Agenda Review** – the agenda consisted of SWOT analysis discussion continued from previous meeting and the PUD 11-01, Denali PUD

3. **Consent Agenda** – July 12, 2011 and August 23, 2011. No comments or changes were made. A motion was made by Commissioner Walker to adopt the consent agenda. A vote was taken and all present were in favor. The motion passed.

4. **City Council Comments** – Councilor Clark had not yet arrived

5. **Staff Announcements** – Julia gave an update on the Cedar Creek Trail. There is preliminary approval of Metro regional flexible funds. The next step is Metro Council approval. Consultants are being evaluated now for the Town Center Plan and are projected to be complete by mid-January. Project kick off is tentatively scheduled for early March. There is an open house hosted by Washington County December 14th to talk about 124th Ave. extension, the Basalt Creek Master Plan and SW Boones Ferry Road project.

   Brad gave an update on the code clean-up open house that was held November 16th. He noted that 14 people attended. He has written a memo with information gathered to distribute to the Planning Commission.
   In response to the question asked about where the department is in the code clean-up process he has included a status update in his memo. Only 9 items lefts and only 2 or 3 of those are major issues. The rest are basically "housekeeping" items.

   Councilor Clark arrived.
   Commissioner Albert asked if she had any comments.
   She gave two quick updates: including an announcement from Mayor Mays that the City is close to being awarded 5.2 million dollars for the trails project.

She also discussed that "BOOTS" (Businesses of Old Town Sherwood) Main Street project was approved to move their Main Street Program from emerging to transitioning.

6. **Community Comments –** no community comments on items not on the agenda were made.

7. **Commissioner Albert** moved to old business which included the SWOT Analysis. Julia gave an update regard the SWOT Analysis. She consolidated comments made by the Commission to determine the top 3 priorities. After discussion, the Commission agreed that the following priorities should be forwarded to the Council for 2012:

   Improved use of technology to help share information
   Continue to improve public involvement
   Continue to work closely with other boards and commissions and to improve communication with other boards and councils
   Work to improve transportation issues, in, out and around Sherwood

   Julia will forward those recommendations to the City Council.

   A reminder that the Board and Commission recognition dinner will be held December 20, 2011.

8. **Commissioner Albert** called for a short recess until Chair Allen arrived to ensure they had quorum for the next agenda topic.

9. **Chair Allen** reconvened the meeting and opened the Public Hearing on the Denali PUD 11-01. Chair Allen opened the hearing by asking the Commissioners if there was any ex parte contact, bias or conflict of interest. Commissioner Walker has recused herself from this hearing due to a potential conflict of interest. Commissioner Albert and Commissioner Copfer both indicated that they have viewed the site.

   Michelle Miller presented the staff report including a power point presentation. She listed additional attachments that have been received including attachments F through L.

   The application is for a Planned Unit Development dividing a 3.71 acre lot into 8 new lots and proposed construction of a local street through the center of the site to connect to Ironwood Land and Denali Lane. The property is in VLDR (Very Low Density Residential) zoning. Topography and soil conditions are factors being review in this area.

   VLDR allows 1 unit per acre. There is a special density calculation for PUDs in the VLDR zone that allows doubling of that amount. The minimum lot size allowed differs from the lot size calculated by density calculations. The applicant is requesting they be allowed 8 lots, staff is recommending that the site be modified to allow 5 lots.

   Bob Galati, the City Engineer discussed public improvements and streets. What is being shown on the plans is at the most 18 feet road widths. There is a requirement of at least two 11 feet wide travel lanes. They are proposing that the overall width of the road be brought up to at least a 3/4 street standard to bring it into compliance with current standards.

   Staff is recommending that the applicants comply with the DEQ requirements.

Bruce Gillis a Clean-Up Manager for DEQ addressed the Commission. He has been working on the Frontier Leather and Ken Foster Farms sites since 2004. As part of the work that has been done the site has been studied by the Oregon Health Division to evaluate possible human health hazards posed by contamination of the soil. The main concern is Chromium contamination from the Tannery. Those studies concluded that there were no human health risks hazards. The remaining concerns were for threats to wildlife health.
DEQ initiated some work on the property through Ironwood Homes in 2007. There was a complete clean-up of 4 lots leading to "no further action" closure on those lots.
There have been legal actions taken to try to recoup some of the costs associated with the clean-up of these sites. DEQ would encourage coordination with property owners to facilitate developments like the one being proposed here.

Michelle summarized that the Staff is making a recommendation to: amend that Staff Report to reflect the changes found in exhibit K, to hold a public hearing and take testimony and ultimately recommend that the Planning Commission forward a recommendation of approval to the City Council.

Chair Allen opened the meeting for public testimony.

Kirsten VanLoo of Emerio Design, 6107 SW Murray, Beaverton OR gave testimony as the applicants representative. They clearly understand the requirements of clean-up and will work with DEQ to accomplish that task.

Their main concerns are the number of lots allowed in the VLDR in a PUD. Conditions that they see as significant design constraints include: the size and shape of the property, the fact that the TSP will require the placement of a public road through the middle of the development and contamination mitigation that must be performed to make the site safe. "The PUD is designed to allow creativity and flexibility in site design and review which cannot be achieved through strict adherence to existing zoning and subdivision standards. "

She argued that there is a precedent for calculating density based on the gross, versus net, density. She cited a Hearing Officer decision made in 2004 for Pat Huske's sitewhere they calculated the gross site area to be 3.71 acres and a net site of 3.11 acres, with 2 units per acre gives them 6.2 units as their basic density.

The applicant has designed their site with 8 lots based on SE Sherwood Master plan which shows 8 lots on the subject site, without any environmental constraints.. She suggested that based on the language in the PUD that gives the Planning Commission flexibility that the site could be approved with 7 – 8 lots because it is a very unique situation.

Patrick Huske 23352 SW Murdock Road, Sherwood, OR - Owns several properties near the Denali subdivision. He supports the PUD with changes. He is most concerned with contamination clean-up and suggests that ODEQ be the final approval agency of the clean-up. He supports the full 8 lots for development. He requests a new location for the storm water outfall.

Kurt Kristensen 22520 SW Fairoaks Ct., Sherwood OR, - referenced resolution 2006-001, stating that he feels it to be a miscarriage of the public's trust that the resolution was not

carried forward by the City Council. He is in support of the proposed 8 lot proposal with some caveats. Earlier proposals for this area show Denali as a gated road to ensure safety. He would like that to still be considered. He does not agree with capping the contamination but rather believes it needs to be removed.

Lisa Walker 23500 SW Murdock Road, Sherwood OR lives in property that adjoins the proposed development area. Had been told by the previous Planning Department manager that the proposed property would not be eligible to be developed as a PUD, so believed 3-4 new homes were the most that would be allowed. She requested that a view easement be required to help ensure the value of their property be maintained. She is concerned with the DEQ clean-up but does not feel it as much of an issue as it has been portrayed. Lisa asked that in light of new information that the record be held open.

Roger Walker 23500 SW Murdock Road, Sherwood OR , pointed out that if Tract A is developed it could "land lock" their property and would like to be sure provisions are made to cross tract A for access.

Susan Hart 14300 SW Whitney Lane, Sherwood OR is a neighbor of the proposed development area. Has no issue with the development of an extension of Denali Lane. She recalls that in previous years when this property was reviewed by the Planning Commission that it was approved for an extension off Denali, but not an actual road for fire access. She does not see the clean-up proposed as actual clean-up but rather "re-arrangement" of the contaminated soil as long as there is still contaminated soil on Tract D. She is not in favor of Tract D being a storage location for contaminated soil.

Rufauno Craigmiles 23500 SW Murdock, Sherwood OR, has been involved with the SE Sherwood Master-plan and has a history with this area. She has new concerns and would like the potential hazards of the contamination be clarified. Many tests were done on the soil around her home and was assured there was no threat to human safety. she also, would not like to see the storage piles of the soil allowed, but does not think it's right to haul it off to make it someone else's problem.

With no one else signed up to testify, Chair Allen closed the public testimony.

In light of the request that the record be held open and after conferring with the applicant who agreed to toll the 120 day clock for 28 days, Julia recommended continuing the hearing until January 10th and leaving the record open for two weeks for written comments.

Questions arose regarding DEQ's requirements. Chair Allen asked Bruce Gillis from DEQ to come back to the testimony table, and asked him if DEQ makes a finding that satisfies DEQ and the EPA's standards; is the Planning Commission preempted from making a finding requesting more be done to cleaning the site. Mr. Gillis responded by saying no they would not be preempted. There are City codes that could apply as well as exemptions that could be available under environmental clean-up statues, and other possible avenues put in place above and beyond DEQ standards. In response to a question from Commissioner Griffin Mr. Gillis explained that if the soil is piled then capped that there is no hazard of exposure. If people never come in contact with the contamination there is no risk. Their recommendation is typically 12 inches minimum of clean topsoil, but depending on activities like landscaping more may be desired.

Chair Allen asked the applicant to come forward to toll the 120 days.

Kirsten VanLoo as the applicant granted a 28 day extension to the 120 day clock.

Chair Allen suggested a motion be made to keep the written record open for 2 weeks and continue the public hearing to restart at the point of applicant rebuttal testimony on January 10th.

Commissioner Copfer made a motion to keep the written record open until December 27th, and continue the public hearing until January 10th. Commissioner Albert seconded the motion. All members present were in favor and the motion was carried. Julia clarified that any additional written testimony must be received by staff by December 27th at 5:00.

Chair Allen closed the meeting.

City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

City of Sherwood
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Mayor
Keith Mays

Council President
Dave Grant

Councilors
Linda Henderson
Robyn Folsom
Bill Butterfield
Matt Langer
Krisanna Clark

City Manager Pro Tem
Tom Pessemier

2009 Top Ten Selection

2007 18th Best Place to Live

Sherwood
2006
All-America City Finalist

DATE: January 17, 2012

TO: Planning Commission

FROM: Michelle Miller, AICP, Associate Planner

SUBJECT: Denali Planned Unit Development Follow Up from Public Hearing on January 10, 2012

At the January 10th hearing on Denali Planned Unit Development (PUD 11-01), the Planning Commission requested staff draft findings and a recommendation to the City Council based on the staff report, applicant's submittal, public testimony and Planning Commission deliberations. The Planning Commission determined that they would be forwarding a recommendation of approval to the City Council for a seven lot planned unit development for this site.

The attached document is the Draft Planning Commission recommendation to City Council in "track changes."

CITY OF SHERWOOD

Date: January 17, 2011

Planning Commission Recommendation to the City Council
Denali PUD (PUD 11-01, and SUB 11-01)

Pre App. Meeting: November 2, 2010
App. Submitted: February 9, 2011
App. Complete: October 12, 2011
120 Day Deadline: February 9, 2012
120 Day Deadline EXTENDED: March 9, 2012
Public Hearing: December 13, 2011

The Planning Commission held a public hearing, on December 13, 2011 to take testimony and consider the proposed planned unit development and subdivision. The record was left open for two weeks and the closing rebuttal and Commission deliberations were continued to January 10, 2012. After considering the staff report, applicant testimony and the public comments, the Commission recommends approval of the plan with conditions. The recommendation includes an interpretation in the density calculation to enable the project to develop seven lots based on the intention of the SE Sherwood Master Plan and the flexibility allowed through a Planned Unit Development. This recommendation will require the applicant to reduce the number of lots from eight to seven lots. The applicant is in agreement with this recommendation to the City Council.

Proposal: The applicant proposes to subdivide a 3.71 acre parcel into eight lots just east of SW Murdock Road and north of SW Denali Lane in the Very Low Density Residential (VLDR) zone. The lots range in size from 10,004 to 12,616 square feet. The applicant proposes a planned unit development (PUD) in this zone order to utilize the special density allowance of 10,000 square foot minimum lot size. The applicant proposes areas of open space in order to comply with the planned unit development requirements. The applicant proposes construction of a local street through the center of the site to connect SW Ironwood Lane to the north and SW Denali Lane to the south.

NOTE: The plan set that the applicant provided identifies Tracts A-E. However, the labeling of the tracts is inconsistently represented on the nine page plan set. In order to clarify which tract is identified in this staff report, please refer to the applicant's materials, sheet 1, "Preliminary Plat" to determine the tract being discussed in this report.

I. APPLICATION INFORMATION

Applicant and Owner	John Satterberg Community Financial PO Box 1969 Lake Oswego, OR 97035
Applicant's Representative	Emerio Design 6900 SW 105th Avenue

Beaverton OR 97008
Contact: Kirsten Van Loo 503-956-4180

Tax Lot: 2S133CB01000

Property Description: The parcel is 3.71 acres in size and rectangular in shape with the exception of a narrow strip that extends to SW Murdock at the northwest corner of the site approximately 710 feet long and 25 feet wide. There also is a narrow strip of land on the southeast corner of the site, approximately 210 feet long and 40 feet wide that is proposed to include the sanitary sewer easement.

Existing Development and Site Characteristics: The site slopes steeply upward from north to the south. There is no development on the site. There are eight fir trees approximately 8-10" in diameter on the site that will remain in the southwest corner of the site. There are blackberry bushes in several places on the site that will be removed. A l segment of the site, approximately 710 feet long and 25 feet wide follows along SW Ironwood Lane and has a line of trees bordering the street.

Comprehensive Plan Land Use Designation and Zoning Classification: Very Low Density Residential (VLDR) for residential use and single family homes.

Adjacent Zoning and Land Use: The surrounding properties to the north and south are zoned VLDR and the properties to west and across SW Murdock Road are zoned Low Density Residential. The land use is residential.

Land Use Review: The Planned Unit Development Conceptual Plan is a Type V decision with the City Council as the approval authority after recommendation by the Planning Commission. An eight-lot subdivision is generally a Type III review; however it is being processed concurrent with the PUD. An appeal of the City Council decision would go to the Land Use Board of Appeals (LUBA).

After PUD conceptual plan approval, the development or individual phases must receive detailed final development plan approval. The detailed final development plan requires Planning Commission review and approval and ensures compliance with any conditions of conceptual approval as well as applicable community design standards, etc. The code is not clear regarding the process and fee but it is determined that the final plan and site plan are processed concurrently and heard by the Planning Commission (regardless of development size) with no additional fee beyond the site plan fee.

Neighborhood Meeting: The applicant held two neighborhood meetings over the past year: one on November 23, 2010 and the other on September 19 2011 on the site. The second meeting was attended by approximately 12 people. Some of the issues concerned an increase in traffic, concern about privacy and character of the development. The comments are part of the applicant's materials. (Exhibit A)

Public Notice: Notice of this land use application was posted at two locations at the site and five public locations throughout the city. Notice was also mailed to property owners within 1000 feet of the site and any other party who expressed an interest in receiving mailed notice on November 22, 2011 in accordance with § 16.72.020 of the Sherwood Zoning and Community Development Code. Notice was also published in The Times and Sherwood Gazette newspaper on December 1, 2011.

Review Criteria: Zoning and Community Development Code Sections 16.12 (VLDR), 16.40 (PUD), 16.92 (Landscaping) 16.94 (Off-Street Parking), 16.96 (On-Site Circulation), Division VI (Public

Improvements), 16.122 (Subdivision Preliminary Plat), 16.126 (Subdivision Design Standards), 16.142 (Parks and Open Space), 16.144 (Wetland, habitat and natural areas)

For the Planned Unit Development - Upon receipt of the findings and recommendations of the Commission, the Council shall conduct a public hearing pursuant to Chapter 16.72. The Council may approve, conditionally approve, or deny the Preliminary Development Plan. A Council decision to approve the Preliminary Development Plan shall, by ordinance, establish a PUD overlay zoning district. The ordinance shall contain findings of fact per this Section, state all conditions of approval, and set an effective date subject to approval of the Final Development Plan per Section 16.40.030.

Site History: The site was part of the "Ken Foster Farm" site, originally about 40 acres and was used for farming. It was subdivided approximately twenty years ago a portion of which is this 3.71 acre parcel. The site has remained vacant with no buildings. It is known that portions of the larger Ken Foster Farm site had been used for discarding animal hides and carcasses that were remnants from the local tannery operation in the city. As part of the Department of Environmental Quality (DEQ) investigation of the Tannery site on SW Oregon Street, it was discovered that the soil on the Ken Foster Farm site was contaminated. The property to the northeast, Ironwood Subdivision, was in development when the issue became known which required significant soil removal and oversight from the Department of Environmental Quality (DEQ).

An excerpt from the Department of Environmental Quality Technical Memorandum dated July 13, 2005 describes that from 1962 to 1971, tannery wastes from the Frontier Leather Company were applied by Mr. Foster to several areas of pasture land. Liquid sludge from tannery's primary wastewater settling tanks was also distributed on the site.

DEQ entered the Ken Foster Farm site into the Environmental Cleanup Site Information Database in 2000, and completed a Preliminary Assessment (PA) in 2004, funded by cooperative grant funds from the Environmental Protection Agency (EPA) Region 10. (DEQ Technical Memorandum) The results of the soil sampling completed for this site listed concentrations of antimony, chromium, lead and mercury above expected background concentrations. In addition sediment samples from the wetland areas on the site were found to contain elevated concentrations of chromium copper, mercury and zinc on a nearby parcel. They found that the human health risk based upon the soil results from the EPA Impervious Area results and data from property-owner site investigations on two of the properties within the former Farm acreage was relatively low, according to the report. Since valid soil sample tests of the subject site indicate that hexavalent chromium was not present in soils, and that the prevalent form of chromium in soils is trivalent chromium. The other concentrations do not present an unacceptable human health risk on an individual contaminant basis. The DEQ concluded that the chance of significant exposure to residents living around these areas is low under current conditions.

The applicant's representatives met with the DEQ on January 6, 2011 where Mark Pugh of DEQ indicated that the cleanup on this site would be based on the site specific ecological risk based concentration (RBC) s for exposure to chromium in soil. DEQ indicated that a site specific RBC was specifically developed to protect terrestrial birds due to the potential for bioaccumulation and because avian receptors are considered to be the most sensitive to the effects of chromium.

The soil samples that were collected by the applicant's representative on the subject site indicate that in five of the six samples taken, concentrations of chromium exceeded the "hot spot" criteria of 1,300 mg/kg, requiring removal. (Applicant's Materials Exhibit A, page 5 of BB &A Environmental report). The applicant proposed a method of how they will address the soil contamination in their in their application materials. They plan on capping the soil and adding clean soil on top of the capped soil. This will be subject to the approval of the DEQ and prior to development of the site.

The site is also part of the SE Sherwood Master Plan, which was approved in concept by the Planning Commission via resolution in 2006. Although not formally adopted and incorporated into the Comprehensive Plan nor adopted by the City Council, it does provide guidance for development and the intention of the community and surrounding property owners for the area. Had it been formally adopted, it would have required amendments to the SZDC regarding the density requirements in this particular zone as the density shown in the plan is much higher than the existing special density allowance currently allowed in the VLDR.

II. PUBLIC COMMENTS

Mrs. Beverly Baugus, 14092 SW Ironwood Lane, Sherwood submitted comments on December 1, 2011 and raised safety concerns about the increase in traffic of SW Ironwood Lane with the new subdivision. Ms. Baugus is concerned that vehicles traveling on SW Murdock Road will not see vehicles waiting to turn onto SW Ironwood Lane. The current conditions of SW Ironwood Lane make it difficult to pass oncoming traffic especially if emergency vehicles are needed in the area.

Staff Response: The existing design of SW Ironwood is not up to City standards and as part of the development approval, staff recommends that SW Ironwood Lane be improved on the applicant's portion of the roadway in order to make the street more accessible and safe for vehicular and pedestrian traffic. The speed limit on SW Murdock Road is 25 mph heading northward and site distances and visibility will be evaluated during the engineering approval process.

The Planning Commission received public comments orally as well as in writing. Exhibits H through P are written comments received by the Commission. The public provided comments at the hearing on the roadway connections, the required open space design, the SE Sherwood Master Plan, views and access, and the environmental cleanup of the contaminated soils by the applicant. The Planning Commission's recommendation reflects their review and consideration of the comments received.

III. AGENCY/DEPARTMENTAL COMMENTS

The City requested comments from affected agencies. All original documents are contained in the planning file and are a part of the official record on this case. The following information briefly summarizes those comments:

Sherwood Engineering Department has reviewed the proposal and provided comments which have been incorporated into this report and decision. The City Engineer provided a letter of concurrence with the proposed street design modifications which is included as Exhibit B.
The City Engineer wanted the applicant to be aware that the preliminary plat drawings were inadequate for the purposes of the Engineering submittal. The basic development plan layout does not meet the requirements of Section 115.2.1 of the Engineering Design and Standard Details Manual (Manual). The plans do not show topographic items a distance of 200 feet outside the site boundary. The existing topographic information ends at the site boundary. The applicant should read and conform to the requirements of the Manual when developing the project drawings.

RECOMENDED CONDITION: Prior to approval of the public improvement plans, comply with the requirements delineated in the City's Engineering Design and Standard Details Manual.

Clean Water Services provided comments and recommended conditions which are included as Exhibit C to this report.

Tualatin Valley Fire and Rescue (TVF&R) provided comments which are included as Exhibit D to this report.

Department of Environmental Quality
The applicant met with the Department of Environmental Quality (DEQ) in January 2011 as they prepared their land use application submittal. Mark Pugh of the DEQ provided the applicant with some preliminary guidance on possible alternatives for the soil cleanup on the site. Since the land use application was submitted, staff discussed the proposal with Mark Pugh who plans on providing specific written comments by the date of the hearing that will be available at the hearing. Preliminary comments include a requirement that the applicant follow DEQ recommendations for the cleanup of the site before issuance of any City permits for the development. This will be discussed further within this report. Staff provided a DEQ Fact Sheet on the Former Ken Foster Farm Site that is attached as Exhibit E.

IV. PLANNED UNIT DEVELOPMENT

The Commission shall review the application pursuant to Chapter 16.72 and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their recommendation based on the following criteria:

Chapter 16.40

PLANNED UNIT DEVELOPMENT (PUD)

16.40.010 Purpose

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

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

1. Encourage efficient use of land and resources that can result in savings to the community, consumers and developers.

This area of the City has remained relatively undeveloped for a lengthy period of time. The PUD development will preserve significant open space and connect two existing streets together in keeping with the intention of the SE Sherwood Master Plan. Additionally, the site will be easily accessible to infrastructure connections due to its proximity to existing development. Currently, there are under 40 vacant "shovel-ready" buildable lots remaining within the City and a limited number of lots at this particular size, thus providing a unique lot size for residential development within the City boundaries.

Additionally, this site has several constraints that have made it difficult to develop within the confines of the VLDR zone. A PUD will allow a limited increase in density that will make the project more feasible rather than the primary zoning.

FINDING: Based on the above discussion, the applicant meets this objective.

2. Preserve valuable landscape, terrain and other environmental features and amenities as described in the Comprehensive Plan or through site investigations.

The special density allowance within the VLDR provides for a limited amount of increased density and therefore helps preserve the unique landscape and environmental features and amenities of the site. The applicant was required to obtain a Clean Water Service Provider Letter. Clean Water Services (CWS) required a geotechnical report as part of the service provider letter (SPL). A geotechnical report has been submitted as part of the application. The buffer impact and mitigation areas delineated in the SPL exhibits and the related requirements noted in the SPL have not been incorporated into the planning submittal plan sheets. These items will need to be incorporated into the engineering plan sets prior to any approval being granted.

The landscaping plans shall incorporate the requirements of the SPL. Requirements 21 through 24 of the SPL specifically relate to the information that is required to be included in the plan set. The applicant will be required to meet several conditions. The applicant proposes to create Tract B and C to serve as part of the vegetative corridor buffer.

FINDING: Based on the above discussion, the applicant appears to meet the PUD objective but cannot fully comply without the following conditions in regard to the preservation of environmental features.

RECOMMENDED CONDITION: Prior to recording the final plat, comply with the conditions as set forth in the Service Provider Letter No. 10-002401, dated July 14, 2011.

RECOMMENDED CONDITION: Prior to recording the final plat, provide an easement over the vegetated corridor conveying storm and surface water management to CWS that would prevent the owner of the vegetated corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein.

RECOMMENDED CONDITION: Prior to recording the final plat, provide detailed plans showing the sensitive area and corridor delineated, along with restoration and enhancement of the corridor.

RECOMMENDED CONDITION: Prior to issuance of a grading or erosion control permit, provide DSL and Corps of Engineers permits for any work in the wetlands or creek.

RECOMMENDED CONDITION*:* Prior to approval of the public improvements, a note shall be added to the construction plan set that states that the project shall comply with the recommendations outlined in the geotechnical report prepared by GeoPacific Engineering, Inc., dated August 26, 2011.

RECOMMENDED CONDITION*:* Prior to approval of the public improvements, submit plans that identify the buffer and mitigation areas and related mitigation measures and notes delineated in the SPL shall be incorporated into the grading and ESC plan sheets of the planning and construction plans submittals.

3. Provide diversified and innovative living, working or neighborhood shopping environments that take into consideration community needs and activity patterns.

The proposed lots are similar to the surrounding lots within the VLDR zone. The site design connects with the other surrounding to both SW Denali Lane and SW Ironwood Lane, creating a more walkable neighborhood throughout. The development will have access to a usable open space that is somewhat limited in this area. Murdock Park is the nearest public park and Sherwood

View Estates subdivision does not have any usable open space. The area designated open space within this neighborhood can improve the other neighborhoods with improved connection to usable opens space and an improved street grid.

FINDING: Based on the above discussion the applicant meets this objective.

4. Achieve maximum energy efficiency in land uses.

The applicant proposes to connect with the existing main lines and utilize the existing services such as roadway infrastructure and water, sanitary and sewer lines. This promotes energy efficiency in land uses as it is nearby already developed properties.

FINDING: Based on the above discussion, the applicant meets this objective.

5. Promote innovative, pedestrian-friendly, and human scale design in architecture and/or other site features that enhance the community or natural environment. (Ord. 2001-1119 § 1)

The applicant has proposed a development that connects with the surrounding neighborhood. The applicant chose a type of architecture from the architectural pattern book that will be compatible with the existing neighborhood as the surrounding properties have Pacific Northwest style architecture and are all larger single family homes. The applicant shows that the neighborhood will connect on a human scale by connecting the sidewalk on SW Murdock Road and SW Denali Lane with the surrounding Sherwood View Estates neighborhood. Additionally, the applicant proposes that the area of open space be accessed with a pathway surrounding the open space area. This will enhance the neighborhood feel in the area, provided that the applicant identify amenities such as lighting, signage and street furniture such as park benches or tables that will make the open space inviting for pedestrians. This will allow the open space to serve as an outdoor gathering place for the area.

FINDING: Based on the above discussion, the applicant meets this objective.

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

The applicant proposes a PUD in order to capitalize on the special density allowance allocated for this zone. The site contains contaminated soils and is constrained due to the wetland nearby and the steep slope of the site. The developer will remediate the soil and provide the community with the added benefit of provide a connection to SW Denali Lane and improved connection on SW Ironwood Lane.

FINDING: Based on the above discussion, the applicant meets this criterion.

C. Commission Review

The Commission shall review the application pursuant to Chapter 16.72 and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their decision based on the following criteria:

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

The applicant proposes a development that is conformance with the Comprehensive Plan as it meets or can meet with conditions the criteria of the adopted SZDC. It is capable of consideration for a PUD as it is within the VLDR zone, which based on its zoning, is classified as an environmentally sensitive area.

The applicant contends and staff agrees that that in its present zoning category has limited development potential due to the cost of cleaning up the contaminated soils and topography of the site. Cleaning up the contaminated soils will satisfy the public benefit of making the site useable and safe for the surrounding area.

FINDING: Based on the above discussion the applicant can meet this criterion or is able to meet the criterion as conditioned further within this report based on the applicable code provisions.

2. **The preliminary development plans include dedication of at least 15 percent of the buildable portion of the site to the public in the form of usable open space, park or other public space, (subject to the review of the Parks & Recreation Board) or to a private entity managed by a homeowners association. Alternatively, if the project is located within close proximity to existing public spaces such as parks, libraries or plazas the development plan may propose no less than 5% on-site public space with a detailed explanation of how the proposed development and existing public spaces will together equally or better meet community needs.**

The buildable portion of the site is approximately 2.36 acres which includes the designated open space of Tract D and the eight proposed lots. Fifteen percent of the buildable portion is 15,420 square feet. The applicant proposes that Tract 'D', approximately 15,864 sq. feet would serve as the usable open space to meet this requirement. The applicant proposes a bark dust path to circumvent the tract and connect with the sidewalk at the northeastern corner of SW Ironwood Lane and at the southeastern corner of SW Denali Lane.

This open space area will be accessible to all of the surrounding area and preserve the views of the region. The applicant shows that the open space will be accessed via a 10 ft. wide pathway from SW Denali Lane onto the southern edge of the site along Lot 8 and the adjacent property, 23524 SW Denali Lane. The pathway from the street will be approximately 156 feet before reaching the larger open space and the applicant will need to have signage in order to make sure the area is available and welcoming to all properties, and not just used by Lots 7 and 8. Other amenities should be considered such as benches, tables, or other structures either for play or for exercise in order to make this a truly inviting and public space. The applicant has provided the square footage and pathway, but further details are in order to fully comply with this section.

The applicant proposes that the Home Owner's Association will maintain Tract D and this will be conditioned further within this report. This will provide a long term solution to the ongoing maintenance of the site.

Due to the proposed composition of the pathway and the steepness of the slope, the City Engineer determined that the alignment proposed and comprised of woodchips relative to the grades do not appear to make a walkable path because grades would approach 22%.

The applicant makes the argument that Tract 'A', consisting of a long strip approximately 25 feet wide and 710 feet long, is also considered open space because it will provide a meandering pathway from SW Murdock Road to the subject property along SW Ironwood Lane.

However, the City Engineer indicates that this strip is part of the public improvements required to provide SW Ironwood Lane with sidewalks and a planter strip, making it in compliance with a local street design. When the Ken Foster Farm site was divided, it created three large parcels with three 25 foot strips accessing SW Murdock Road. With the development of Ironwood Acres, the center portion of the road was dedicated and paved, but without curb or sidewalks. As part of this development, the City Engineer recommends improvement of this strip and dedication to the public for a sidewalk, curb, paved roadway portion and treatment of the storm water runoff. This will be discussed further under the public improvement section of this report. For the purpose of this criterion, it will not be considered as part of the open space requirement.

FINDING: Based on the above discussion, the applicant meets this criterion on the concept of open space. However, the following conditions are required to ensure that Tract D be a usable open space by all of the property owners within the development.

RECOMMENDED CONDITION: Prior to approval of the public improvements, provide a pathway alignment that does not exceed a 15% grade for the open space area known as Tract D.

RECOMMENDED CONDITION: Prior to final development plan approval, submit a detailed plan for Tract D, the open space area that describes a cross section detail and includes the type of materials that will be used for the pathway, landscaping, signage, street furniture and other pedestrian and neighborhood amenities on site to satisfy the open space requirements.

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

The VLDR is unique from the other residential zones in that it specifically identifies a special density allowance for a PUD because of distinctiveness of the area and the community's desire to preserve the natural resource and landscape with limited development. The applicant provides for the required open space and also connects the roadways of SW Ironwood and SW Denali Lane. Additionally, the applicant proposes to clean up the soil contamination that has been present for at least 30 years. These amenities and improvements unique to the site warrant consideration of a planned unit development. By creating a PUD in this area, it ensures that open space will be incorporated into the development rather than larger privately held lots. The amenities will be part of the PUD and unique to this development.

FINDING: Based on the above discussion the applicant meets this criterion.

4. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments, vernacular, and scale subject to review and approval in Subsection (B)(6).

The larger lot sizes are compatible with the surrounding developments as Sherwood View Estates are also zoned VLDR along with the properties to the west and north of the site that have not been

developed to their full potential. The applicant has identified in the architectural pattern book that they will use Pacific Northwest design that is compatible with the surrounding development.

FINDING: Based on the above discussion, the applicant meets this criterion.

5. **That the system of ownership and the means of developing, preserving and maintaining parks and open spaces are acceptable.**

The applicant proposes that the open space be monitored through a home owner's association and developed as conditions within the CC & R's. This is a suitable resolution, but a condition is required in order to fully comply.

FINDING: Based on the above discussion, the applicant does not meet this criterion, but can do so with the following criterion.

RECOMMENDED CONDITION: Prior to the final development plan approval, provide CC & Rs that document how the open space will be maintained by the neighborhood association.

6. **That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district.**

The underlying zoning district allows for a density of up to one unit per acre. Because development is very limited on the site coupled with the known soil contamination and environmental constraints, the site would likely continue to remain undeveloped for many years to come if the developer was required to adhere to the regular density standard of one dwelling unit per acre. The applicant argues that the special density allowance of the VLDR zone allows for the site to be developed in a more financially feasible manner in order to install the appropriate infrastructure and remediate the soil. The applicant believed that they could not recoup the cost of the cleanup if the larger lot size was required through the standard zoning.

The proposed development also will have a beneficial effect on the area by extending several stub streets that may not have been able to be connected if the site did not develop into a PUD. The idea for the street connection follows the intention of the SE Sherwood Master Plan.

The applicant submitted an environmental assessment report prepared by BB&A Environmental, January 13, 2011. The report is unsigned and does not document the authorship. The report does contain a statement regarding a discussion with DEQ about capping soils disturbed during overall site development and prior to residential individual site development; however the report provides no statements of recommended actions on which to hold the applicant accountable. In the applicant's materials, the applicant is considering that environmental cleanup of the site is adequate enough to call the site developed and not include construction of the public infrastructure. The City requires a standard Compliance Agreement that includes construction of the public infrastructure, not just the planning of it. Cleanup and remediation of the site should be viewed as a part of the construction process.

The City Engineer is also concerned that stormwater runoff from the site must be free of contamination during and post construction. The City Engineer recommends that a written protocol plan be developed and included as part of the engineering submittal and complied with by the contractor.

Additionally, as discussed above, the applicant proposes a large open space area that will be a beneficial amenity for the surrounding neighborhood.

FINDING: Based on the above discussion, the applicant does not meet the criterion, but can do so with the following conditions.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, provide the appropriate recommendations from a registered professional civil/environmental engineer or geotechnical engineer regarding how the soils are to be handled to prevent contaminated material from leaving the site. These recommendations are to be complied with in the development of the construction drawings and may require full review and approval from DEQ as part of the City approval process.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, comply with the requirements of the DEQ pertaining to the cleanup of the contaminated soils on site.

RECOMMENDED CONDITION: Prior to approval of the final plat, construct all public improvements in the delineated timeline as required by the City's Compliance Agreement.

RECOMMENDED CONDITION: Prior to obtaining the Certificate of Final Occupancy, construct and install the pathway and other Tract D open space amenities described in the final development plan.

7. **That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year from date of approval.**

The applicant proposes to complete the development within one year and thus is able to satisfy this condition. In the alternative, if the applicant is unable to complete the project, safeguards are in place including creating a phasing plan or lapsing of the land use approval in order to meet this criterion.

FINDING: Based on the above discussion, the applicant meets this criterion.

8. **That adequate public facilities and services are available or are made available by the construction of the project.**

The City Engineer has reviewed the preliminary plat and determined that the site is serviceable or able to be served with conditions outlined further within this report.

FINDING: Based on the above discussion, the applicant meets this criterion or may be conditioned to meet this criterion further within this report.

9. **That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in this Chapter have been met. (Ord. 2001-1119 § 1; 98-1053; 86-851)**

FINDING: Based on the above discussion earlier within this report, the applicant meets this criterion.

10. **The minimum area for a Residential PUD shall be five (5) acres, unless the Commission finds that a specific property of lesser area is suitable as a PUD because it is unusually constrained by topography, landscape features, location, or surrounding development, or qualifies as "infill" as defined in Section 16.40.050(C)(3). (Ord. 2001-1119 § 1)**

The site is 3.71 gross acres which does not qualify it for a PUD outright. However, because the site is zoned VLDR zone, it is considered to be within "natural resource and environmentally sensitive areas warranting preservation, but otherwise deemed suitable for limited development," according to the purpose statement of this zone. The subject site in particular is steeply sloped and the surrounding development contains a wetland area as well as another planned unit development to the south of the property making it unusually constrained. The applicant is not able to add adjacent parcels to the proposal as the surrounding property is already developed and is under separate ownership. Even if the site was a bit larger and satisfied the five acre minimum of a PUD with this particular zoning, it would still only be a maximum of two units added to the proposal in order for it to comply with the special density allowance granted for VLDR PUDs.

FINDING: Based on the above discussion, the applicant meets this criterion.

E. Effect of Decision

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

FINDING: The applicant is aware that a final development plan will be required upon approval of the preliminary development plan. This criterion cannot be met at this time, but can be met with the final development phase submittal that is in substantial compliance with the approval of the PUD.

16.40.050 Residential PUD

A. Permitted Uses

The following uses are permitted outright in Residential PUD when approved as part of a Final Development Plan:

1. **Varied housing types, including but not limited to single-family attached dwellings, zero-lot line housing, row houses, duplexes, cluster units, and multi-family dwellings.**

2. **Related NC uses which are designed and located so as to serve the PUD district and neighborhood.**

3. **All other uses permitted within the underlying zoning district in which the PUD is located.**

FINDING: The applicant proposes residential uses and all lots will be for single family homes, the only permitted housing type within this zone.

B. Conditional Uses

A conditional use permitted in the underlying zone in which the PUD is located may be allowed as a part of the PUD upon payment of the required application fee and approval by the Commission as per Chapter 16.82. (Ord. 86-851 § 3)

FINDING: The applicant does not propose a conditional use, and thus this criterion is not applicable.

C. Development Standards

1. Density

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

The SZDC § 16.10 defines density as "(t)he intensity of residential land uses per acre, stated as the number of dwelling units per net buildable acre. Net acre means an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses." The VLDR zone is unique that there is a special density allowance permitting a greater density (two units) than what would be allowed in the underlying zoning designation (one unit) if the applicant requests a planned unit development. No other residential zoning has a special density zoning allowance within a PUD or other zoning classification. The effect of the special density allowance grants two units per acre rather than the underlying zoning density of up to one unit per acre.

In this case, there are approximately 1.99 net buildable acres because environmentally constrained lands, right of way, as well as the open space area are all excluded in the overall calculation of net buildable acreage. Calculating net density under the special density allowance of two units per acre provides for up to four units (1.99 net acres x 2 units). Tract A, B, C, D and E are not developable for a number of reasons either due to the irregular shape of the subject parcel, the steep slopes of the site, used for the public or the required vegetated corridor buffer, the requirement of the open space or the location of the utilities.

In order to make the site financially feasible, the applicant proposes to subdivide the site into eight lots. Contrary to the standard definition of density, the applicant proposes to use a gross density calculation rather than the net density described above because the site is unusually constrained. Additionally, the applicant contends that calculating gross density rather than net provides for better preservation of the natural resources in the area and allows for recoupment of the costs of cleanup of the contaminated soils. Calculating under the gross density calculation provides for 7.42 units and the applicant requests that the decision maker round up to get 8 units. The applicant proposes eight units because each lot meets the minimum lot size and the applicant satisfies the required 15 % of open space. According to the applicant, development at any lower density would not make the site financially viable and the site would remain undeveloped.

Staff ~~would~~ argued that the using net density has been the standard means of calculating density in subdivision projects within the City and based on the definition. However, this project is indeed unique with special environmental constraints and costly contaminated soils and the VLDR allows for a special density allowance of two. The provisions in that section do not specifically call out whether gross density could be used instead of net density as the applicant contends. However, common math practices would dictate that the number 7.42 is not able to be "rounded up" to 8 as it is below .5.

The Planning Commission found the applicant's argument persuasive that a seven-lot subdivision would follow the overall design and intention of the SE Sherwood Master Plan. The property is part of the SE Sherwood Master Plan, which was approved in concept by the Planning Commission via resolution in 2006. Although not formally adopted and incorporated

into the Comprehensive Plan nor adopted by the City Council, it does provide guidance for development and the intention of the community and surrounding property owners for the area. In this case, all of the design alternatives outlined in the Master Plan call for a "seven or eight" lot subdivision that closely aligns with existing property lines.

The Planning Commission found that there were multiple constraints on this site making development difficult. The Planning Commission determined that planned unit developments allowed a certain amount of flexibility and creativity in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards. In this case, the Planning Commission determined that the other dimensional standards concerning minimum lot size and amount of open space were met with a seven lot subdivision instead of fewer units. The site had several tracts that were not developable and decreased the amount of buildable land. The Planning Commission found compatibility with the surrounding neighborhoods and overall compliance with the Comprehensive Plan and more specifically the SE Sherwood Master Plan.

FINDING: Based on the above discussion the applicant does not meet this criterion, but can do so with the condition under the specific density transfer section.

2. Density Transfer

Where the proposed PUD site includes lands within the base floodplain, wetlands and buffers, or steeply sloped areas which are proposed for public dedication, and such dedication is approved as a part of the preliminary development plan, then a density transfer may be allowed adding a maximum of 20% to the overall density of the land to be developed.

The proposed special density for the site has been discussed above. The following table describes the five tracts and purpose for each tract to determine whether the density transfer allowance should be allowed in this circumstance.

Name	Size of Tract	Purpose of Tract
Tract A	17,932 sq. ft.-Roadway dedication 710 sq. ft.	Roadway extension adj. SW Ironwood
Tract B	2360 sq. ft.	Water quality bio-swale
Tract C	5148 sq. ft.	Steep slope and vegetated buffer
Tract D	15,864 sq. ft.	Open Space
Tract E	8365 sq. ft.	Sanitary sewer easement

This site in particular is constrained with steep slopes and wetland buffers. The applicant proposes to dedicate steeply sloped areas and wetland buffers in order to comply with Clean Water Services requirements. (Tract B and C). These tracts are available for a density transfer per this section.

The maximum special density allowed in the VLDR is 2 units per net buildable acre and thus an increase of 20 % would be 2.4 units per net buildable acre. Based on the net buildable acreage of 1.99 (total of the proposed eight buildable lots) multiplied by 2.4 units, would allow a total of five lots on the site. This allows for one additional unit with the density transfer.

As discussed earlier, the applicant proposes eight lots because the applicant uses gross density 3.72 acres x 2 units (Special Density Allowance) to calculate the density and number of lots available for this site. Based on that calculation the applicant gets 7.42 units and then rounds up a lot because of the special constraints on the site. While staff raised concerns that ~~Staff cannot agree that~~ gross acreage is not the appropriate multiplier to use because there is no precedent as to the methodology used in the VLDR zone, the Planning Commission did not concur. ~~The special density allowance gross acreage that the applicant proposes would exceed the density transfer allowance by a total of at least three lots.~~ The Planning Commission found that in this case because it was a Planned Unit Development and in the SE Sherwood Master plan area, it was appropriate to consider gross versus net density. In addition, the Commission felts that other elements and conditions of the site warranted increased density for the site. This was due in part to the constraints of the site, the intention of the SE Master Planning efforts and the benefits the development would bring to the area. The Commission did not support the applicant's argument that the 7.42 units should be rounded up to 8 units.

FINDING: Based on the above discussion, the applicant does not meet this criterion. This criterion could be met with the following condition.

RECOMMENDED CONDITION: Prior to final development approval, redesign the preliminary plat to identify ~~five~~ seven lots with a minimum lot size of 10,000 square feet.

3. Minimum Lot Size

The minimum lot size required for single-family, detached dwellings is 5,000 square feet, unless the subject property qualifies as infill, defined as: parent parcel of 1.5 acres or less proposed for land division, where a maximum 15% reduction in lot size may be allowed from the minimum lot size. (Ord. 2001-1119 § 3; 86-851)
(Ord. No. 2008-015, § 1, 10-7-2008)

FINDING: The applicant proposes lots sizes of over 10,000 square feet, thus satisfying this criterion.

V. PRELIMINARY PLAT – REQUIRED FINDINGS

16.122 Required Findings

No preliminary plat shall be approved unless:

A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.

The applicant proposes to construct a public street through the development to connect with the existing street to the north at SW Ironwood Lane and to the south at SW Denali Lane. The applicant requested a street modification in order to address the slope of the street and corresponding speed due to the lot configuration. This will be discussed under the relevant criterion.

FINDING: Based on the above discussion, the applicant meets this criterion or can be conditioned further within this report under the public improvement section.

B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.

FINDING: No private streets are proposed; therefore, this standard is not applicable.

C. The plat complies with Comprehensive Plan and applicable zoning district regulations.

FINDING: This standard is satisfied through compliance with the applicable criteria discussed throughout this report. If necessary, conditions are imposed to ensure compliance.

D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.

FINDING: As discussed further within this report, (Public Improvements), adequate water, sanitary sewer and other public facilities exist or will be constructed to support the lots proposed in this plat. In addition, the applicant will be required to come in for detailed PUD approval at which time additional review can and will be provided.

E. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.

FINDING: While there are no adjacent properties under the same ownership, the applicant proposes to connect with SW Ironwood Lane and SW Denali Lane, which allows development on adjoining properties. Thus, the applicant meets this criterion.

F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.

FINDING: All adjoining properties have existing access to public streets. Approval of this subdivision and PUD will not prohibit any adjoining properties from being developed. In fact, with the dedication of the 1 foot strip of land adjacent to Ironwood Lane, properties to the south of Ironwood Lane will have access to this public street.

G. Tree and Woodland inventories have been submitted and approved per Section 16.142.060.

A partial tree inventory has been submitted with this application that described the trees that will not be removed. The applicant did not identify the trees located within Tract A that will need to be removed. Compliance with this standard is discussed and conditioned as necessary further in this report.

FINDING: Based on the above discussion, the applicant meets this criterion or will be conditioned further within this report.

16.126 – Subdivision/Partition Design Standards

16.126 Design Standards- Blocks- Connectivity

A. Block Size. The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.

FINDING: According to the submitted preliminary plat and conceptual PUD plan, the sizes of the lots are adequate for building residential single family homes.

B. Block Length. Blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet.

FINDING: The site is irregularly shaped and the street network is a continuation of already designed and constructed roadways. The extension of Denali will complete a block by connecting Ironwood Lane to Denali Lane. While this results in a block length greater than 530 feet, the topography and existing site constraints and development to the east and west prohibits an additional east/west street connection in this area. Additionally, the applicant is also constrained by the large lot size and the limited density allowed in this zone.

C. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.

FINDING: There are no unusually long blocks or dead end streets that warrant the need for off-street pedestrian or bicycle accessways, therefore this standard is not applicable.

16.126.020 Easements-Utilities
Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.

The location of the existing sanitary sewer mainline at the southeast corner of the site, and the location of the related sanitary sewer easement is at issue on the plan set provided by the applicant, noted as Tract E. The sanitary sewer was not constructed within the easement, or the easement recorded was not adjusted to match the as-built sewer line alignment. The applicant has not provided an easement that extends over the actual sanitary sewer line. This must be resolved as part of the plat process.

FINDING: As discussed above, this standard has not been fully met but can be as conditioned below.

RECOMMENDED CONDITION: Prior to approval of the public improvements, provide a 15-foot wide sanitary sewer easement over the portion of the existing sanitary sewer alignment which falls outside the existing sanitary sewer easement or is otherwise located within Tract E.

16.126.030 Pedestrian and Bicycle Ways
Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.

FINDING: There are no cul-de-sacs provided and the applicant proposes to connect two roadways through the site, thus this criterion is not applicable.

16.126.040 Lots
16.126.040.1 - Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision, and shall comply with applicable zoning district requirement.

As discussed further in this report, the lot sizes are appropriate for the zoning district except as modified for the PUD. The shape and orientation are appropriate when considering the conceptual development and building locations and orientations.

FINDING: As discussed above, this standard is satisfied.

16.126.040.2 - Access - All lots in a subdivision shall abut a public street.

FINDING: All of the lots will take access onto SW Denali Lane, which extends through the center of the site, thus meeting this criterion.

16.126.040.05 Grading -Grading of building sites shall conform to the following standards, except when topography of physical conditions warrant special exceptions:

A. Cut slopes shall not exceed one and one-half (1 1/2) feet horizontally to one (1) foot vertically.

B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

The submitted Environmental Sediment Control (ESC) plan is inadequate for the proposed grading plan. The two fill sections identified on the plans show a measured distance of 45 and 54 feet respectively. CWS ESC requirements indicate the need for more than ESC fencing at the site boundary

FINDING: Based on the discussion the applicant has not met this criterion, but can do so with the following condition:

RECOMMENDED CONDITION: Prior to approval of the ESC plans, include the following ESC measures:

a. Sediment fencing at the project boundaries, filter fabric catch basin inserts, and rocked construction entrances.

b. Straw wattle ESC measures shall be provided across fill slopes faces, spaced at 25 foot intervals maximum down the face of fill slopes.

c. The street section grading shall include temporary drainage ditches with check dams until the finished street surface and related open space sidewalk improvements are installed.

VI. APPLICABLE ADDITIONAL CODE PROVISIONS

A. Division II - Land Use and Development

The subject site is zoned Very Low Density Residential (VLDR). Compliance with this section is discussed below.

16.12.010 Purpose

The VLDR zoning district provides for low density, larger of single-family housing and other related uses in natural resource and environmentally sensitive areas warranting preservation, but otherwise deemed suitable for limited development, with a density of .7 to 1 dwelling unit per acre. If developed through the PUD process, as per Chapter 16.40 and if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, a density not to exceed two dwelling units per acre and a density not less than 1.4 dwelling units per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirements.

The applicant proposes low density housing by subdividing the property into a maximum of eight lots. The applicant proposes to protect the environmentally sensitive areas with tracts. Tract A is the extension from SW Murdock Road to the subject site where the applicant proposes a meandering pathway. Tract B and C are considered within the wetland buffer that extends along the rear of the properties on the east side of SW Denali Lane. Tract D will be the open space and

Tract E will serve as the connection for the sanitary sewer line. As discussed in several sections, the applicant exceeds two dwelling units per net buildable acre, by over three lots.

FINDING: Based on the above discussion, the applicant does not meet this criterion due to the density; however this is addressed in other portions of this report.

16.12.040 Dimensional Standards

a. Lot dimensions

1.	**Lot areas:**	
	a. Single-Family Detached (conventional):	**40,000 sq. ft.**
	b. Single-Family Detached (PUD)	**10,000 sq. ft**
2.	**Lot width at front property line:**	**25 feet**
3.	**Lot width at building line:**	**No minimum**
4.	**Lot depth:**	**No minimum**

The applicant proposes lots for single family detached dwelling units ranging in size from 10,004 to 12,616 square feet meeting the requirements of the PUD standard.

FINDING: Based on the above discussion, the applicant meets this criterion.

b. Setbacks

1.	**Front yard:**	**20 feet**
2.	**Side yard:**	
	a. Single-Family Detached:	**5 feet**
	Corner Lot (street side):	**20 feet**
	b. Single-Family Attached (one side):	**5 feet**
	Corner Lot (street side):	**20 feet**
3.	**Rear yard:**	**20 feet**
4.	**Height**	**2 stories or thirty (30) feet**

FINDING: The applicant has shown that the building footprint can easily be placed within the required setbacks due to the large lot sizes. This will be confirmed at the time of the plot plan review for each specific house. Therefore the applicant meets this criterion.

16.12.070 Special Density Allowances
Housing Densities up to two (2) units per acre, and minimum lot sizes of 10,000 square feet, may be allowed in the VLDR zone when:

A. The housing development is approved as a PUD as per Chapter 16.40; and

B. The following areas are dedicated to the public or preserved as common open space: floodplains, as per § 16.134.020 (Special Resource Zones); natural resources areas, per the Natural Resources and Recreation Plan Map, attached as Appendix C. or as specified in Chapter 5 of the Community development Plan; and wetlands defined and regulated as per current Federal regulations and Division VIII of this Code; and

C. The Review Authority determines that the higher density development would better preserve natural resources as compared to a one (1) unit per acre design.

FINDING: The applicant does not meet this criterion; however this has been discussed earlier in this report.

B. <u>Division IV - Public Improvements</u>

16.108.030 Required improvements
16.108.030.1 states that 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.

SW Ironwood Lane is not fully developed to City standards because, while it includes pavement, neither side of Ironwood Lane includes curb, gutters and sidewalks to meet City Standards. In addition, the pavement width is approximately ~~25~~ 14 feet, whereas the Code requires at least 28 feet of pavement for a full residential street. The applicant will need to expand the existing Ironwood Lane street section ~~to provide a street section~~ that meets City standards. ~~along the south side of SW Ironwood Lane.~~ The expansion of the public infrastructure dedicated with this development should fit within this existing right-of-way with the exception of the one-foot dedication of Tract A.

The development abuts SW Denali to the south and the applicant proposes to extend the existing SW Denali Lane through the development to connect with SW Ironwood Lane. The applicant proposes a street modification due to the steep slopes on the site that will be discussed further within this report.

FINDING: It appears that the required improvement standards could be met, however the applicant must receive Engineering approval of the public improvement plans in order to ensure the streets will be improved as planned. If the applicant complies with the conditions below, this standard will be met.

RECOMMENDED CONDITION: Prior to the approval of the public improvement plans:

1. The applicant shall submit plans that include the expansion of the existing Ironwood Lane road section to meet current City road section standards for a residential street. This expansion shall include: additional asphalt pavement section to bring the pavement width to

22 feet, concrete curb and gutter, a five foot planter strip, and six foot wide concrete sidewalk along the southern portion of SW Ironwood Lane.

2. A storm drainage system will be required to provide adequate collection and conveyance of storm water runoff from SW Ironwood Lane to the water quality treatment facility.

3. ~~The area bounded by these improvements must be within a dedicated right-of-way. If the area is not already dedicated right-of-way, t~~The applicant shall dedicate on the plat the one foot of necessary right-of-way to conform to City requirements along the existing SW Ironwood Lane.

4. The applicant shall submit plans that include the extension SW Denali Lane to meet current City road section standards for a residential street.

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

The development abuts SW Ironwood Lane which has not been developed to City standards as discussed above. The applicant will be required to improve the portion of right of way to allow for twenty-two feet of pavement, curb, planter strip and sidewalks along the flag portion of the parcel, a portion of which is Tract A.

FINDING: The applicant has not met the standard with respect to the improvements to SW Ironwood Lane, on the plan set as Tract A, however this was conditioned previously in this report.

4. Extent of Improvements
Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the Transportation System Plan and applicable City standards and specifications included in the City of Sherwood Construction Standards, and shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map.

Catch basins shall be installed and connected to storm sewers and drainage ways. Upon completion of the improvements, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines. Street signs shall be installed at all street intersections and street lights shall be installed and served from an underground source of supply unless other electrical lines in the development are not underground.
(Ord. 2005-009 § 5; 91-922)

The subject parcel abuts SW Ironwood Lane, a partial street that is a paved hard surface, but not to full City street design standards. A portion of SW Ironwood Lane was installed with the development Ironwood Acres. As this road will be utilized by the Denali Lane development as a primary access to SW Murdock Road, street improvements are required. The street is partially complete with one lane of asphalt but there is no means currently to treat the storm runoff from the roadway. The applicant has called out this portion as Tract A to be used as a pedestrian connection to SW Murdock Road. However, based on street design standards the applicant will be

required to dedicate a foot of right of way that extends the length from SW Murdock Road to the development or a one-foot wide dedication approximately 710.72' feet long as public right of way.

This dedication is roughly proportional to the exaction as this will be the primary vehicular access to the development and will provide a critical pedestrian accessway. Also, it will serve an important mechanism of treating the impervious roadway surface. Thus, the applicant is required to ~~complete~~ dedicate the portion of the Ironwood Lane roadway located on their site for a total of 710 square feet. Because this roadway is partially completed to City standards, the applicant will be required to treat the stormwater, provide a sidewalk, planter strip, curb for the roadway on this portion, and bring the pavement width to 22 feet. The northern street segment of SW Ironwood Lane will be completed with the development of that property.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, provide a storm drainage system along SW Ironwood Lane to handle storm runoff from the expanded road section.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, expand the proposed water quality facility to handle the treatment of the additional runoff as necessary to meet the Clean Water Services treatment requirements.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, dedicate at least 710 feet of the right-of way, known on the plan set as Tract A to conform to the City's design for a local street.

5. Street Modifications

A. Modifications to standards contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted Sherwood Transportation System Plan (TSP), may be granted in accordance with the procedures and criteria set out in this section.

B. Types of Modifications. Requests fall within the following two categories:

1. Administrative Modifications. Administrative modification requests concern the construction of facilities, rather than their general design, and are limited to the following when deviating from standards in this Chapter, Section 16.58.010 City of Sherwood Construction Standards or Chapter 8 contained in the adopted Transportation System Plan:
d. Exceeding the maximum street grade.

The plans have two street design components that do not meet City design standards. A design variation request has been submitted to the City Engineer for each non-compliant design element. Both design variation requests have been submitted by a registered civil engineer. All supporting calculations must be submitted as part of the modification. The applicant requests a modification to allow a street grade of 12% for the entire length of the street alignment (approx. 340'). City standard (Section 210.4 of the Design Manual) is a maximum street grade of 10% for unlimited length, and up to 12% maximum for a distance of not more than 200'.

Approval of the modification will be based on two main considerations; 1) that the physical constraints of the site prevent the design from meeting the design requirements of the City; and 2) that the proposed street grade falls within the limitations established by TVF&R for requiring building sprinkler systems on streets with grades between 10% and 15%. Both constraints have been proved and satisfied.

FINDING: Based on the above discussion, the applicant meets the criterion for a street modification however; the applicant cannot fully comply without the following condition.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, receive approval from TVF&R to allow this modified street grade.

RECOMMENDED CONDITION: Prior to building permit approval, provide building plans that show the buildings having an adequate fire sprinkler system per Tualatin Valley Fire and Rescue standards.

2. Design Modifications. Design modifications deal with the vertical and horizontal geometrics and safety related issues and include the following when deviating from this Chapter, Section 16.58.010 or Chapter 8 cross sections in the adopted Transportation System Plan:

e. Design speed.

a. Variation Request #2 – Variation request to allow a reduction of the local speed limit from 25 mph to 20 mph due to horizontal curve restrictions.

The applicant needs to reduce the local speed limit in order to comply with the horizontal curve restrictions. The City's standard speed limit for residential streets is 25 mph. With this speed, the Engineering Design Manual delineates a minimum centerline radius requirement of 185' with a cross slope of 2.5%. The physical limitations of the site prevent the ability to provide a road design which meets both the vertical and horizontal design requirements based on street grade and horizontal curve requirements. As a result of these tight curves, the applicant proposes a reduction in the speed 20 mph in order to provide safe turning movements on the curves. To develop a usable road design, the horizontal centerline radius needed to be reduced to 100', which is based on a maximum speed limit of 20 mph. This will provide a means of achieving the grade and design of SW Denali Lane as it extends down the hill.

FINDING: Based on the above discussion, the City Engineer approves the street modification with the following condition.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, show that the speed limit signage of 20 mph is posted at either end of the street section where this speed limit is in effect.

D. Street modifications may be granted when criterion D.1 and any one of criteria
D.2 through D.6 are met:

1. A letter of concurrency is obtained from the City Engineer or designee.

2. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.

3. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.

4. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.

5. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.

6. In reviewing a modification request, consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors, such as to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact. (Ord. 2005-009 § 5)

FINDING: Based on the above discussion the City Engineer has reviewed the request with consideration of these criteria and the letter of concurrency demonstrates that this criteria are met. (See Exhibit B).

16.108.040 LOCATION AND DESIGN

1. GENERALLY

The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Chapter 16.156, and topographical considerations. (2005-009 § 5; 91-922)

2. Street Connectivity and Future Street Systems

A. Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 8-8).

B. Street Connectivity and Future Street Systems

1. Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 8-8).

2. Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP. A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints; it shall provide an alternate connection approved by the Review Authority. Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future. Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property line (i.e., by building more than 3/4 width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.

3. Block Length. For new streets except arterials, block length shall not exceed 530 feet. The length of blocks adjacent to arterials shall not exceed 1,800 feet.

FINDING: As discussed earlier in this report the applicant plans on connecting SW Denali Lane through the center of the site to SW Ironwood Lane in compliance with the adopted Transportation System Plan and therefore meets this criterion.

6. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways at least 8 feet wide, or consistent with cross section standards in Figure 8-6 of the TSP, shall be provided on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted Transportation System Plan.

The applicant proposes to connect the open space area (Tract D) with a pedestrian pathway to SW Denali Lane at the southern edge of the property, approximately 10 feet wide. This would allow for a foot wide landscaped area on each side of the paved access way. This will not allow enough of a buffer to the adjacent properties and would create a "tunnel" effect along the entire 155 ft. to the open space. Additionally, the fence standards require a 3 foot landscape buffer between pathways and the fence, if a six foot high fence is proposed. Otherwise the fence could only be 42 inches. (SZDC § 16.58.020.D. 2) The applicant has not provided a cross section or landscape to determine whether they have complied with this standard.

FINDING: Based on the above discussion, the applicant does not meet this standard, but could do so with the following condition.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, provide a pedestrian accessway for Tract D that shows the pavement, landscaped area and height of the fence along the southern portion of Lot 8 in compliance with the SZDC.

16.108.060 SIDEWALKS
1. Required Improvements

A. Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.

B. Local Streets

Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.

FINDING: As discussed and conditioned earlier within this report, the applicant will be required to provide sidewalks along both sides of the street on SW Denali Lane. as well as the sidewalk along one side of SW Ironwood Lane, approximately five feet in width.

16.110 Sanitary Sewers - Required Improvements
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 with the Code, applicable Clean Water Services standards and City standards to adequately serve the proposed development and allow for future extensions.

Sanitary sewer is proposed to extend throughout the site. The City Engineer has indicated that it appears the sanitary sewer proposal will be feasible. However the existing location of the sanitary sewer mainline at the southeast corner of the site does not provide for a related sanitary sewer easement. The sanitary sewer was not actually constructed within easement or the easement recorded was not adjusted to match the as-built sewer line alignment. This must be resolved prior to final subdivision plat.

FINDING: While it appears feasible to provide sanitary sewer service to all proposed lots, this cannot be confirmed until the public improvement plans are reviewed and approved and the final plat submitted. The following condition is needed.

RECOMMENDED CONDITION: The sanitary sewer system design and installation shall be in conformance with City design and construction standards, and must receive City Engineer review and approval to be accepted by the City.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, provide a 15-foot wide sanitary sewer easement on the plat over the portion of the existing sanitary sewer alignment which falls outside the existing sanitary sewer easement, and located within "Tract E."

16.112 <u>Water Supply - Required Improvements</u>
Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains.

The applicant proposes to provide a public water distribution system within the public right-of-way to service the development. This design is acceptable to the City, however full compliance will need to be reviewed and approved as part of the public improvement plan review process.

FINDING: The applicant proposes to install water lines; however, staff cannot confirm the proposed lines fully conform to the standards until public improvement plans are approved. This standard will be fully met when Engineering reviews and approves the public improvement plans, which has been conditioned previously in this report.

RECOMMENDED CONDITION: The public water distribution system design and installation shall be in conformance with City design and construction standards, and must receive City Engineer review and approval to be accepted by the City.

16.114 Storm Water - Required Improvements
Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of Clean Water Services water quality regulations contained in their Design and Construction Standards R&O 04-9 or its replacement.

Clean Water Services has reviewed this proposal and provided comments that include requiring a CWS Storm Water Connection Permit be obtained prior to plat approval and recordation. As part of that Permit the applicant will be required to submit the materials outlined in the CWS Memo dated November 14, 2011(Exhibit C). The memo outlines conditions that will need to be followed in order to fully comply with this criterion.

The CWS Service Provider Letter, provided in the applicant's materials indicates that Tract "C" have a "STORM SEWER, SURFACE WATER, DRAINAGE AND DETENTION EASEMENT OVER IT'S ENTIRETY" denoted on the plans.

FINDING: As discussed above, staff cannot confirm at this time that the standard has been met. If the applicant submits a revised plan that complies with the following conditions, this standard will be met.

RECOMMENDED CONDITION: Prior to approval of the final plat, receive a Clean Water Services Storm Water Connection Permit Authorization that meets the requirements of the CWS Memorandum dated November 14, 2011.

RECOMMENDED CONDITION: Prior to approval of the public improvements, Tract "C" shall show and denote that a "STORM SEWER, SURFACE WATER, DRAINAGE AND DETENTION EASEMENT OVER ITS ENTIRETY" be granted to the City or CWS in compliance with Item 19 of the SPL.

16.116 Fire Protection Required Improvements

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

John Wolff of Tualatin Valley Fire and Rescue provided general comments on November 18, 2001(Exhibit D). Compliance with TVF&R will be required at time of detailed development plan review. Because of the slope of the site, it is necessary to install sprinklers within all residences in the subdivision. The applicant concurs. This has been conditioned earlier within this report.

FINDING: This standard is satisfied for this stage of the development. However the applicant cannot fully comply without the following condition.

RECOMMENDED CONDITON: Prior to approval of the public improvement plans, submit revised plans that provide adequate turning radius, hydrant location, fire flow, and adherence in compliance with TVF&R standards as verified by an acceptance letter from TVF&R.

16.118 Public And Private Utilities

A. requires that installation of utilities 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. Requires that public utility easements shall be a minimum of eight feet in width unless a reduced width is specifically exempted by the City Engineer. An eight (8) foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.

C. Indicates that 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. Requires franchise utility conduits to be installed per the utility design and specification standards of the utility agency.

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

The City of Sherwood Broadband manager has submitted comments that conduit is not necessary as part of this development. As part of the public improvement plan review and approval, the applicant will be required to show conduits for all public and private utilities.

FINDING: As discussed above, this standard is not applicable.

16.118.030 Underground Facilities
Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground, unless specifically authorized for above ground installation, because the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the City.

FINDING: All existing and proposed utilities are underground therefore this standard is met.

16.142.030 Visual Corridors
New developments located outside of the Old Town Overlay with frontage on Highway 99W, or arterial or collector streets designated on the Transportation Plan Map, attached as Appendix C, or in Section VI of the Community Development Plan, shall be required to establish a landscaped visual corridor. The required width along a collector is 10 feet and 15 feet along an arterial. In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk.

The streets proposed with this development are local and thus no visual corridor is necessary.

FINDING: As discussed above, this standard is not applicable.

16.142.050 Trees Along Public Streets or on Other Public Property
Trees are required to be planted by the land use applicant to the specifications identified in 16.142.050 along public streets abutting or within any new development. Planting of such trees shall be a condition of development approval.

FINDING: As discussed above, the plans do not indicate the standard is met. If the applicant submits public improvement plans for review and approval that includes street trees in compliance with this provision.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, submit plans for review and approval that include the appropriate number of street trees along the frontage of SW Ironwood Lane and SW Denali Court.

16.142.060 Trees on Property Subject to Certain Land Use Applications
Required site grading necessary to construct the development as approved.

D. Mitigation
1. The City may require mitigation for the removal of any trees and woodlands identified as per Section 8.304.07C if, in the City's determination, retention is not feasible or practical within the context of the proposed land use plan or relative to other policies and standards of the City Comprehensive Plan. Such mitigation shall not be required of the applicant when

removal is necessitated by the installation of City utilities, streets and other infrastructure in accordance with adopted City standards and plans. Provided, however, that the City may grant exceptions to established City street utility and other infrastructure standards in order to retain trees or woodlands, if, in the City's determination, such exceptions will not significantly compromise the functioning of the street, utility or other infrastructure being considered. Mitigation shall be in the form of replacement by the planting of new trees.

There are eight inventoried trees on the property ranging in size from 8 inches to 10 inches diameter at breast height (DBH). The applicant has indicated that all will be retained. However the applicant has not shown street trees along SW Ironwood Lane that will need to removed or relocated in order to construct SW Ironwood Lane to City standards.

FINDING: Based on the above discussion the applicant meets this criterion.

RECOMMENDED CONDITION: Prior to final plat approval, submit a tree mitigation plan to the City Planning Department. Complete mitigation or bond for the completion of the mitigation prior to signature by the City of the Mylar.

RECOMMENDED CONDITION: Prior to any grading on site, submit a tree protection plan showing how the trees to be retained will be protected throughout the construction of the site.

RECOMMENDED CONDITION: Prior to any grading on site, install tree protection fencing around trees to be retained. The tree protection fencing shall be inspected and deemed appropriate by the arborist to be reviewed by the Planning Department.

VII. RECOMMENDATION

Based on a review of the applicable code provisions, agency comments and staff review, staff finds that the Planned Unit Development and Subdivision do not fully meet the applicable review criteria. However, the applicable criteria can be satisfied if specific conditions are met. Therefore, staff **recommends that the Planning Commission forward a recommendation of APPROVAL with conditions** of Denali PUD (PUD 11-01, and SUB 11-01). Required conditions are as follows:

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.

2. Approval of this Preliminary PUD does not constitute approval of a final development plan for the PUD or approved phases of the PUD.

3. Final Development plans for the PUD or phases of the PUD shall substantially comply with the preliminary plan dated September 13, 2011 and prepared by Emerio Design, and must comply with the conditions in this approval in addition to any other conditioned deemed necessary to ensure compliance with the development code and this approval.

4. Development and construction on the site shall conform substantially to the preliminary plat development plans submitted by Emerio Design and dated September 21, 2011 except as modified in the conditions below, (and shall conform specifically to final construction plans reviewed and approved by the City Engineer, the Building Official, Clean Water Services, Tualatin Valley Fire and Rescue, Tualatin Valley Water District and Washington County). All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Sherwood.

5. The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to the plat as required by these conditions of approval, to the plans, standards, and specifications of the City of Sherwood. The developer shall also provide to the City financial guarantees for construction of all public streets and utilities within and adjacent to the plat, as required by the engineering compliance agreement.

6. 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.

7. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.

8. Placement of construction trailers on the subject property shall require a Temporary Use Permit per Section 16.86 of the SZCDC.

9. 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.

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

11. Retaining walls great than four (4) feet in height shall have a geotechnical engineer provide stamped design calculations and details drawings required for retaining wall construction. The retaining wall details shall include at a minimum; wall profile, wall cross section at highest point of wall, wall reinforcing geotextile requirements, wall drainage system, and wall backfill requirements. Retaining wall drainage systems shall either discharge to a public storm drainage system, or discharge on-site in such a manner as to not negatively impact adjacent downslope properties.

B. General and Specific PUD Detailed Final Development Plan requirements:

1. A Detailed final development plan shall be submitted for review and approval within 1 year of the preliminary PUD approval.

2. Submit a detailed plan for Tract D, the open space area that describes a cross section detail and includes the type of materials that will be used for the pathway, landscaping, signage, street furniture and other pedestrian and neighborhood amenities on site to satisfy the open space requirements.

3. Provide the CC & Rs that document how the open space of Tract D will be maintained by the neighborhood association.

4. Redesign the preliminary plat to identify ~~five~~ seven lots with a minimum lot size of 10,000 square feet.

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

1. Obtain Building Department permits and approval for erosion control and grading on private property and Engineering Department permits and approval for all grading in the public right of way.

2. The Developer's engineer is required to provide a site specific drainage plan to temporarily collect, route, and treat surface water and ground water during each construction phase. The construction plans shall specifically identify how the storm drainage system and erosion sediment control measures will be phased during construction, such that at any time during construction the approved plans shall be capable of providing full erosion and sediment control, collection, routing and treatment of storm water runoff and ground water. No site construction will be allowed to take place if the storm drainage system and erosion sediment control measures are not installed per plan and functioning properly.

3. Obtain a 1200C Erosion Control Permit through the Building Department for all the disturbed ground, both on and off site that is in excess of one acre in addition to meeting all CWS Design and Construction Standards. The applicant shall follow the latest requirements from DEQ and CWS for NPDES 1200-C Permit submittals. A copy of the approved and signed permit shall be provided to the City prior to holding a pre-construction meeting or commencing any construction activity.

4. Provide DSL and Corps of Engineers permits for any work in the wetlands or creek.

5. Include the following ESC measures in the submitted plans:
   a. Sediment fencing at the project boundaries, filter fabric catch basin inserts, and rocked construction entrances.
   b. Straw wattle ESC measures shall be provided across fill slopes faces, spaced at 25 foot intervals maximum down the face of fill slopes.

   c. The street section grading shall include temporary drainage ditches with check dams until the finished street surface and related open space sidewalk improvements are installed.

6. Submit a tree protection plan showing how the trees to be retained will be protected throughout the construction of the site.

7. Install tree protection fencing around trees to be retained on site. The tree protection fencing shall be inspected and deemed appropriate by the arborist to be reviewed by the Planning Department.

8. Any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by the City Plumbing Inspector and provide verification of such to the City Engineer.

9. A demolition permit shall be obtained from the Sherwood Building Department prior to demolishing or moving any structures.

10. The applicant shall comply with Geotechnical Engineering Report prepared by GeoPacific Engineering, Inc. dated August 26, 2011, which outlines the specific conditions within the right-of-way limits with the exception that the minimum asphalt concrete pavement thickness shall be 4" per Section 210.2.2. of the Engineering Design Manual. Along with the general construction recommendations, delineating the extent of spring and groundwater activity shall be researched and reported. The report shall detail a plan for dewatering these areas and shall further identify those lots which require specific foundation design.

11. In the event there is engineered fill on any public roads or lots, the applicants' soils engineer and testing lab shall obtain and record compaction tests and submit results for the review and approval of the City Engineer.

D. Prior to approval of the public improvement plans:

1. Submit engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets) to the Sherwood Engineering Department. The engineering plans shall conform to the design standards of the City of Sherwood's Engineering Department, Clean Water Services, Tualatin Valley Water District, Tualatin Valley Fire & Rescue and other applicable requirements and standards. The plans shall be in substantial conformance with the utility plans dated September 21, 2011 and prepared by Emerio Design with the following modifications:

a. The applicant shall submit plans that include the expansion of the existing Ironwood Lane road section to meet current City road section standards for a residential street. This expansion shall include: additional asphalt pavement section to bring the pavement width to 22 feet, concrete curb and gutter, a five foot planter strip, and six foot wide concrete sidewalk along the southern portion of SW Ironwood Lane.

b. A storm drainage system will be required to provide adequate collection and conveyance of storm water runoff from SW Ironwood Lane to the water quality treatment facility.

c. The applicant shall dedicate on the plat the one foot of necessary right-of-way to conform to City requirements along the existing SW Ironwood Lane.

~~a. The applicant shall submit plans that include the expansion of the existing Ironwood Lane road section to meet current City road section standards for a residential street. This expansion shall include: additional asphalt pavement section, concrete curb and gutter, planter strip, and concrete sidewalk.~~

~~b. A storm drainage system will be required to provide adequate collection and conveyance of storm water runoff from SW Ironwood Lane to the water quality treatment facility.~~

~~c. The area bounded by these improvements must be within a dedicated right-of-way. If the area is not already dedicated right-of-way, the applicant shall dedicate on the plat the necessary right-of-way to conform to City requirements.~~

d. The applicant shall submit plans that include the extension and dedication of SW Denali Lane to meet current City road section standards for a residential street. This expansion shall include: additional asphalt pavement section, concrete curb and gutter, planter strip, and concrete sidewalk.

e. Provide a pathway alignment that does not exceed a 15% grade for the open space area known as Tract D.

f. Provide a pedestrian accessway for Tract D that shows the pavement, landscaped area and height of the fence along the southern portion of Lot 8 in compliance with the SZDC.

g. Tract "C" shall show and denote that a "STORM SEWER, SURFACE WATER, DRAINAGE AND DETENTION EASEMENT OVER ITS ENTIRETY" be granted to the City or CWS in compliance with Item 19 of the SPL.

h. Submit plans for review and approval that include the appropriate number of street trees along the frontage of SW Ironwood Lane and SW Denali Court.

2. Submit to the Engineering Department for review and approval a stormwater report meeting design standards of both the City of Sherwood and Clean Water Services and the Clean Water Service Provider letter dated July 14, 2011 and the following condition found therein:

   a. Provide a note to the construction plan set that states that the project shall comply with the recommendations outlined in the geotechnical report prepared by GeoPacific Engineering, Inc. dated August 26, 2011.

   b. Submit plans that identify the buffer and mitigation areas and related mitigation measures and notes delineated in the SPL shall be incorporated into the grading and ESC plan sheets of the planning and construction plan submittal.

3. Private site developments incorporating Low Impact Development (LID) storm systems must submit technical design data and calculations showing how the system complies with City and CWS standards. Approval of such LID systems by City is on a case by case basis. The Developer shall sign an "Access and Maintenance Agreement" authorizing the City rights to access the site and to maintain the LID storm system should the Developer fail to do so. If enforced the Developer will be responsible for all City costs associated with this maintenance.

4. Typical street sections shall conform to the City's *"Engineering Design and Standard Details Manual"* and the City's Transportation System Plan, and shall include an 8-foot wide public utility easement.

5. A cross section for each type of street improvement shall be prepared that illustrates utility locations, street improvements including grade and elevation, and sidewalk location including grade and elevation per current construction standards. Cross sections shall be included in the plan set and submitted to the City Engineer for review and approval.

6. Submit public improvement plans that demonstrate the placement of all existing and proposed utilities underground.

7. Submit public improvement plans to the Engineering Department, with a copy of the landscaping plan to the Planning Department, for review and approval.

8. All public easement dedication documents must be submitted to the City for review, signed by the City and the applicant, and recorded by the applicant with the original or a certified copy of the recorded easements on file at the City prior to release of the public improvement plans.

9. Submit the final plat for review to the Planning Department.

10. Provide the appropriate recommendations from a registered professional civil/environmental engineer or geotechnical engineer regarding how the soils are to be handled to prevent contaminated material from leaving the site. These recommendations are to be complied with in the development of the construction drawings and may require full review and approval from DEQ as part of the City approval process.

11. Comply with the DEQ requirements pertaining to the cleanup of the contaminated soils onsite.

12. Receive approval from TVF&R to allow this modified street grade.

13. Show on the plan set that the speed limit signage of 20 mph is posted at either end of the street section where this speed limit is in effect.

14. Provide a 15-foot wide sanitary sewer easement on the plat over the portion of the existing sanitary sewer alignment which falls outside the existing sanitary sewer easement, and located within "Tract E."

15. Submit revised plans that provide adequate turning radius, hydrant location, fire flow, and adherence in compliance with TVF&R standards as verified by an acceptance letter from TVF&R.

E. **Prior to Approval of the Final Plat:**

1. The submittal by the applicant for final plat review and approval shall include but not be limited to the following: a final plat application; final plat review fee; narrative identifying how the required conditions of approval have or will be met; three copies of the final plat; and any other materials required to demonstrate compliance with the conditions of approval.

2. Approval of the public improvement plans by the Engineering Department, and signature of a compliance agreement must be complete prior to release of the plat to the County for review. In addition, prior to final plat approval, either all on-site work must be complete or the improvements bonded or guaranteed with a cash deposit.

3. Comply with the conditions as set forth in the Service Provider Letter No. 10-002401, dated July 14, 2011.

4. Provide an easement over the vegetated corridor conveying storm and surface water management to CWS that would prevent the owner of the vegetated corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein.

5. Provide detailed plans showing the sensitive area and corridor delineated, along with restoration and enhancement of the corridor.

6. Receive a Clean Water Connection Permit Authorization that meets the requirements of the CWS Memorandum dated November 14, 2011.

7. The final plat shall show the following:
   a. The Community Development Director as the City's approving authority within the signature block of the final plat.

   b. A 15-foot wide public utility easement for any areas where a single public utility line is located outside a public right-of-way with an increase of five (5) feet for each additional utility line.

   c. Private access easements, utility easements and/or special use easements as required for the development of the site. A plat note shall reference an easement and maintenance agreement or similar document, to be recorded with the plat, for the joint maintenance of any common private utility lines, common driveway improvements, or other common amenity or perimeter fencing. The language of such plat note and associated document shall be reviewed and approved by the Planning Department.

8. Submit revised plans that provide adequate turning radius, hydrant location, fire flow, and adherence in compliance with TVF&R standards as verified by an acceptance letter from TVF&R.

9. The public improvement plans must be approved and bonded for prior to the City's approval of the final plat.

10. Design the public street intersections to meet sight distance requirements. Provide certification by a registered Oregon Professional Engineer that the constructed public street intersections meet sight distance requirements.

11. Submit a tree mitigation plan to the City Planning Department. Complete mitigation or bond for the completion of the mitigation prior to signature by the City of the Mylar.

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

1. Prior to issuance of any building permits, the public improvements must be complete and accepted by the City Engineer, and the final plat(s) must be recorded. An approval letter from the Engineering Department, accepting all public improvements, shall be issued prior to issuance of building permits.

2. Prior to issuance of any building permits, the developer shall provide a geotechnical investigation report if required by the Building Official.

3. Prior to issuance of building permits, an electronic version of the final plat must be submitted to the Planning Department.

4. Submit a recorded copy of the CC & Rs.

G. <u>Prior to Final Occupancy of the Subdivision:</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. Plant the required street trees for each lot prior to a certificate of occupancy for the home on the lot.

4. Install the landscaping according to the landscape plan prior to the issuance of the occupancy permits or pay a security bond for 125% of the cost of the landscaping payable to the City. If the landscaping is not completed within six months, the security may be used by the City to complete the installation.

5. Construct and install the pathway and other Tract D open space amenities described in the final development plan.

H. <u>On-going Conditions</u>

1. All homes exceeding 3,600 square feet of living space must have available hydrant flow approved.

2. All rain, storm, and other surface water runoff from roofs, exposed stairways, light wells, courts, courtyards, and exterior paved areas shall be disposed of in compliance with local ordinances and state rules and regulations, in a manner that will not increase runoff to adjacent properties. The approved points of disposal include storm sewer laterals to a public system or other storm sewer system as approved by the City Engineer.

3. Joint mailbox facilities shall be installed prior to the City signing the Letter of Acceptance for the development. Joint mailbox facilities must be installed per U.S. Postal Service's "*Developers' Guide to Centralized Box Units*". The Developer shall provide a signed copy of the U.S. Postal Services "*Mode of Delivery Agreement*". Submittal of this agreement shall be required prior to a pre-construction meeting taking place.

4. The developer shall coordinate location of garbage and recycling receptacles with Pride Disposal.

5. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code.

6. Decks, fences, sheds, building additions and other site improvements shall not be located within any easement unless otherwise authorized in writing by the City Engineer.

7. Fences separating lots from adjacent pedestrian access way may not exceed 42" in height unless the fences are setback with at least three (3) feet of landscaping from the pedestrian easement.

8. Comply with the Clean Water Services Service Provider Letter throughout the development of the site.

9. Restrict and maintain on-site landscaping, utilities, and any other obstructions in the sight distance triangles to provide adequate sight distance at access locations to SW Denali Lane and SW Ironwood Lane.

10. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.

11. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working in the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.

12. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through proper disposal containers or construction fencing enclosures. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the Community Development

VIII. EXHIBITS

A. Applicant's submittal materials submitted October 13,011
B. City of Sherwood Engineering Comments dated November 2, 2011
C. Clean Water Services letter submitted November 14, 2011
D. Tualatin Valley Fire and Rescue letter submitted November 18, 2011
E. DEQ Fact Sheet Ken Foster Farm

End of Report

To: Sherwood Planning Commission From: Tom Nelson, URA/Economic Development Manager Re: Sherwood Substantial Amendment, Amendment No. 15 Date: January 24, 2012	City of Sherwood Oregon Home of the Tualatin River National Wildlife Refuge

I. **PURPOSE**

This is a Sherwood Urban Renewal Plan Amendment (Amendment) to the Urban Renewal Plan (Plan) to increase the financial capacity of the Plan (maximum indebtedness[1]). Because it is increasing the maximum indebtedness, it is termed a substantial amendment. The Amendment also makes changes to sections of the Plan to update it to be in conformance with present statutory provisions, comprehensive plan and zoning changes and urban renewal best practices.

The Sherwood Planning Commission is being asked to make a recommendation to the City Council regarding the Council's consideration and adoption of the Amendment. The statute governing urban renewal does not precisely stipulate the role of the Planning Commission, but the generally accepted practice is that the focus of the Planning Commission's review is the conformance of the Plan with the Sherwood Comprehensive Plan. This action does not require a public hearing, and the Planning Commission is not being asked to approve the Plan, but rather make a recommendation to the Sherwood City Council.

II. **BACKGROUND**

The Sherwood Urban Renewal Plan was adopted on August 29, 2000 and has been amended fourteen times. The present amendment will increase the maximum indebtedness by $9,785,869 from $35,347,600 to $45,133,469. The increase in maximum indebtedness is for the addition of projects to the plan which will improve the transportation systems, both street and trail, within the Area. It will also add to the capacity to provide additional funds to existing projects within the Plan as identified in Table 12 in the Report to the Fifteenth Amendment.

The URA has accomplished a significant amount of work since its inception in August/2000. The following table accounts for Maximum Indebtedness to date:

[1] Maximum indebtedness is the limit on an urban renewal plan dictating how much can be spent on projects and programs throughout the life of the plan. In accordance with state law, every urban renewal district has a maximum indebtedness

Table 1 – Sherwood Urban Renewal Projects August/2000 to date

URA Projects	Expenditure
Sherwood City Hall	$ 9,197,507
Downtown Streets Phase I	8,225,079
Cannery Project (Partially Completed)	9,020,043
Oregon Street/Langer Farms Pky. Intersection	1,000,000
Sherwood Forest Senior Affordable Housing Project	365,038
Old School Property	619,627
SW 1st Street Properties	264,000
Robin Hood Properties	250,000
SW Main Street Property (WQ Facility)	240,585
Sherwood School Fields and Grandstands	380,000
Façade Grants	181,071
Administration (August/2000 to date)	2,186,214
Total	**$ 31,929,164**

Included in the projects to date are purchases of blighted properties that will eventually be either publically or privately developed, restoring revenue to the URA which can either be spent on qualified URA projects or to defease debt. The plan's initial Maximum Indebtedness is $35,347,600 which leaves a balance of $3,418,436. Most of this remainder will be needed to complete the Cannery Project.

The projects which are being added to the Plan are mainly infrastructure projects to improve the transportation network within the Sherwood Urban Renewal Area (Area), allowing for the development of underutilized parcels in the Area. Of primary significance are the first two projects. The Downtown Streets Phase II project is needed to complete the redevelopment of Old Town Sherwood. The Oregon Street Improvement Project will complete redevelopment of a primary entrance to Sherwood and a connector to the planned Tonquin Industrial Area. Other projects receiving additional funding are ongoing improvement projects within the Area, such as façade grants and sidewalk improvements. The future projected projects are identified in Table 2, below.

Table 2 – Projected Future Projects for Sherwood Urban Renewal Area

Project	Estimated Cost
Infrastructure	
Downtown Streetscapes Phase 2	$2,950,000
Oregon Street Improvements	3,290,000
Lincoln Street Improvements - Willamette to Division Street	734,000
Century Drive Extension	500,000
Cedar Creek Trail	200,000 - 300,000
Sub-Total Infrastructure	$7,674,000 - 7,774,000
Property Acquisition	$500,000
Façade Grants	200,000
Main Street Program	100,000
Parking Study	50,000
Alley Improvements in Old Town	500,000
Sidewalk Improvements in Old Town	100,000
URA Administration	1,200,000
Traffic Re-routing Study and Plans for Old Town	175,000
Redevelopment of Public Land into Parking Lots	371,000
Sub-total Other Projects	$3,196,000
Total	$10,870,000 - 10,970,000

One of the changes made by the 2009 Oregon legislature was instituting revenue sharing with impacted taxing jurisdictions as a result of increases in maximum indebtedness of existing urban renewal plans. These impacts are instituted at certain specified trigger points as specific in ORS 457.470.

The financial projections, completed by ECONorthwest, estimate that the Sherwood Urban Renewal Area (Area) will begin revenue sharing in FY 2014 when the Area is projected to meet the 10 percent of initial maximum indebtedness trigger stated in the statutes (10% of $35,347,600 is $3,534,760). At that 10 percent limit, the affected taxing jurisdictions will begin receiving a portion of the increased tax revenue as a result of the projected increased assessed value within the Area.

The Area is projected to meet the 12.5 percent of the initial maximum indebtedness trigger in FY 2016, at which time the tax increment revenues to the Agency from the Area are held stable at that number, $4,418,450, and the impacted taxing jurisdictions receive a proportionate share of the increase in tax increment revenues for the remaining life of the district. These revenue sharing requirements only minimally impact

the length of time the district will be in operation. An analysis of the tax increment revenues without revenue sharing indicates the Area would be able to defease the debt in the same fiscal year with revenue sharing as without. These impacts are shown in tables 17 and 18 of the attached Report.

III. **AMENDMENT**

The Amendment is considered to be a substantial amendment, which requires the same procedure for adoption as a new Urban Renewal Plan, because it proposes increasing the maximum indebtedness of the district by $9,785,869, bringing the total maximum indebtedness from $35,347,600 up to $45,133,469. There are also other changes to the Plan to bring it up to date with current best practices. The significant changes in the Plan are:

- Updating Section 100 The Urban Renewal Plan to list all previous amendments.
- Updating Section 200 Citizen Participation to add information about Citizen Participation in this Amendment.
- Updating Section 400 Proposed Land Use to bring it in conformance with present zoning and comprehensive plan designations.
- Updating Section 700 Amendments to the Urban Renewal Plan to bring it in conformance with state statutes.
- Increasing the Maximum Indebtedness in Section 800 Maximum Indebtedness.
- Updating the Plan's Attachment B – Comprehensive Plan Goals and Objectives to bring it up to date with the City's Comprehensive Plan, Vision for Old Town Sherwood and the City of Sherwood Economic Development Strategy.
- Adding funding to projects within the Plan as shown in Table 12 in the Report to the Fifteenth Amendment. (Projects are identified in the table above)

The Amendment is shown in Attachment 1.

An updated Report (Attachment 2) accompanies the Amendment. It follows the requirements of ORS 457 and analyzes, among other things, the continued existence of blight in the Area and the financial feasibility of increasing the maximum indebtedness.

IV. **PROCESS FOR SHERWOOD AMENDMENT**

The process of adopting a substantial amendment to the Urban Renewal Plan consists of the following steps:

- Preparation of an Amendment, including the opportunity for citizen involvement.
- Forwarding a copy of the Amendment and the Report to the governing body of each taxing district. (The taxing districts letters were sent out on January 6, 2011.)
- Urban Renewal Agency review of the Amendment and accompanying Report and recommendation to forward the Amendment to City Council for adoption. (January 17, 2012)
- Review and recommendation by the Planning Commission. (The Sherwood Planning Commission review is scheduled for January 24, 2012.)
- Notice to all citizens of Sherwood of a hearing before the City Council. (Notice will be provided by an article in the February 2012 edition of the Sherwood Archer, which reaches all postal patrons as specified in ORS 457.120.)
- Hearing by City Council and adoption of the Amendment and accompanying Report by a non-emergency ordinance. The hearing and date set for vote by City Council is scheduled for February 21, 2012. The ordinance must be a non-emergency ordinance, which means that the ordinance does not take effect until 30 days after its approval and during that period of time may be referred to Sherwood voters if a sufficient number of signatures are obtained on a referral petition.
- Presentation to the Washington County Commission on January 24, 2012.

V. **FINDINGS ON CONFORMANCE WITH SHERWOOD LOCAL PLANS**

COMPREHENSIVE PLAN

As part of the consideration of a substantial amendment to the Sherwood Urban Renewal Plan (Plan), the section in the existing Plan, which addresses the Comprehensive Plan, is being updated to reflect current best practices. The following section will replace the existing Attachment B in its entirety.

ATTACHMENT B-COMPREHENSIVE PLAN GOALS AND OBJECTIVES

ORS 457.085 requires that an Urban Renewal Plan relate to definite local objectives. This section reviews the City Comprehensive Plan, The Vision for Old Town Sherwood and the Economic Development Strategy Plan.

A. **CITY OF SHERWOOD COMPREHENSIVE PLAN**

The City's Comprehensive Plan considers a wide range of goals and policies relating to land uses, traffic, transportation, public utilities, recreation and community facilities, economic development, housing and environmental protection. The goals of City of Sherwood Comprehensive Plan document are shown below in *italics*. The way the urban renewal plan in its entirety (both existing elements and proposed amendments) conforms to these components is shown in regular type. Specific goals and policies found in the Sherwood Comprehensive Plan which relate to this Plan are:

LAND USE POLICIES OF THE COMPREHENSIVE PLAN

The Land Use Chapter forms the backbone of the Comprehensive Plan. It expresses and applies City policy governing the allocation of land resources in the Planning Area. It specifies the kind, location and distribution of land use that the community intends to see developed. The development of land use policy has been the result of a carefully defined planning process that encouraged the involvement of all persons and agencies with an interest in the use of land within the Urban Growth Area of Sherwood.

An existing land use inventory and analysis was conducted in 1977 and again in 1989 to determine factors contributing to the existing pattern of development and the possible effects of the existing land use pattern on future development. A buildable land survey was taken to determine the nature and extent of vacant and developable land that was available and suitable for future urban growth. Then, standards were developed and applied to make a determination of future space needs for each major category of land use. These studies are to be periodically updated to provide the most reliable basis for plan policy.

1. EXISTING DEVELOPMENT PATTERN

Existing development in the Sherwood Planning Area is located in and around the original town center along the Southern Pacific Railroad line. The development pattern clearly indicates the historic reliance of the first community of Sherwood on the railroad for transportation of person and goods.

The development pattern indicates historic growth outward from the original town center grid to the hillside south of the railroad tracks and along major radial streets.

The existing 1990 distribution of developed land by major category in the Urban Growth Boundary is residential 54%; commercial 6%; industrial 17%; and public and semi-public 23%. About 205 acres, or almost 9% of all land within the urban area, is non-buildable due primarily to flood plains, creek bank slopes, and power line easements.

2. APPLICABLE LAND USE POLICIES AND IMPLEMENTING STRATEGIES

Policy 1 *Residential areas will be developed in a manner that will insure that the integrity of the community is preserved and strengthened.*

Strategy:

- *New housing will be located so as to be compatible with existing housing.*
- *Buffering techniques shall be used to prevent the adverse effects of one use upon another. These techniques may include varying densities and types of residential use, design features and special construction standards.*

New apartment units are planned as a project in the Area to help strengthen the downtown core and to provide housing opportunities to Sherwood residents. They will be integrated into the downtown public square area, with close access to the library and other city facilities.

Policy 2 *The City will insure that an adequate distribution of housing styles and tenures are available.*

Strategy:

- *New developments will be encouraged to provide an adequate distribution of owner-occupied and renter-occupied units of all types and densities.*

The development of apartments will provide much needed apartment choices in the downtown core for those who wish to be in proximity of the downtown but are unable to afford homeownership in the Area. The Agency has also purchased property intended for the future development of Senior Affordable Housing.

Policy 3 *The City will insure the availability of affordable housing and locational choice for all income groups.*

Strategy:

- *Housing shall be of a design and quality compatible with the neighborhood in which it is located.*

The development of apartments will provide much needed apartment choices in the downtown core for those who wish to be in proximity of the downtown but are unable to afford homeownership in the Area. The Agency has also purchased property intended for the future development of Senior Affordable Housing.

3. <u>APPLICABLE ECONOMIC DEVELOPMENT POLICIES AND STRATEGIES</u>

Policy 1 *The City will coordinate on-going economic development planning with involved public and private agencies at the state, regional, county and local level.*

Strategy:

- *The City will develop and update an economic database through a two-way sharing of information between public and private agencies involved in economic planning.*

The City and Agency staff are actively engaged with the development planning with public and private agencies at the state, regional, county and local level. The ability to use tax increment financing allows the City to implement economic development plans for the Area. Many of the projects involve coordinating with other entities to enable full project funding.

Policy 2 *The City will encourage economic growth that is consistent with the management and use of its environmental resources.*

Strategy:

- *The City will adopt and implement environmental quality performance and design standards for all industrial, commercial and institutional uses.*
- *The City will seek to attract non-polluting industries to the urban area.*
- *The City will provide bikeway and pedestrian linkages between residential and non-residential areas*.

Projects in the Plan assist in the development of bikeway and pedestrian linkages in the Area, providing substantial pedestrian improvements in the downtown core and trail linkages to the Cedar Creek Trail. Street improvements to Oregon Street and Century Drive include sidewalks, and Oregon Street will have a bike lane and is part of the planned Tonquin Trail (which the Cedar Creek trail is part of). Projects also provide for infrastructure development that will allow the City to attract non-polluting industries to the Area.

Policy 3 *The City will direct public expenditures toward the realization of community development goals by assuring the adequacy of community services and facilities for existing and future economic development.*

Strategy:

- *The City will coordinate planning with special districts providing services to the urban area to assure the adequacy of those services to support economic development.*
- *The City will continue to develop plans and improvement programs for parks, libraries and other "soft" services, recognizing that adequate facilities in these areas are an important component in business attraction and retention.*

The Agency has assisted, through projects in the Plan, in the development of the Sherwood Library, Sherwood City Hall, the Cultural Arts Strategy, Old Town Police storefront, and the Community Center. The City meets regularly with the Sherwood School District, Tualatin Valley Fire and Rescue, Washington County and other special districts to coordinate special services as part of the implementation of projects in the Plan. In support of the policy, the Lincoln Street Improvements will help upgrade the road so that it provides adequate service to the neighborhood. The Parking Study and Redevelopment of Public Land into Parking Lots project will both help add appropriate parking facilities to adequately service the downtown core to support existing and future economic development.

Policy 4 *The City will seek to improve regional access to the urban area as a means to encourage local economic development.*

Strategy:

- *The City will encourage the maximum use of the railroad corridor, encourage the development of spur service lines where needed and evaluate the feasibility of passenger service.*

Regional access will be improved with the improvements along Oregon Street and Century Drive, both transportation improvements in the Plan.

Policy 5 *The City will seek to diversify and expand commercial and industrial development in order to provide nearby job opportunities, and expand the tax base.*

Strategy:

- *The City will encourage the revitalization of the Old Town Commercial area by implementation of 1983's "Old Town Revitalization Plan" and the Old Town Overlay Zone.*

The Plan provides projects that are intended to strengthen the downtown core, including street and streetscape improvements in the Sherwood Old Town Commercial Area. The Old Town Façade Grant Program also supports the downtown core.

The infrastructure improvements in the Plan along Oregon Street and Century Drive will assist in the future development of commercial and industrial uses that will provide job opportunities and expand the tax base.

Policy 6 *The City will seek funding through EDA or HUD for the rehabilitation of the Old Town and Washington Hill neighborhoods.*

Strategy:

- *The City will seek implementation of new and rehabilitated housing goals set in the Regional Housing Opportunity Plan.*
- *The City will encourage the provision of affordable housing by designating areas within the City for medium density and high density developments, and by participating in State and Federal housing subsidy programs*.

A property purchased through the Plan is intended to be used for Senior Affordable Housing, which conforms to this policy.

4. APPLICABLE COMMERCIAL LAND USE POLICIES AND STRATEGIES

Policy 1 *Commercial activities will be located so as to most conveniently service customers.*

Strategy:

- *Community wide and neighborhood scale commercial centers will be established.*
- *Commercial centers will be located so that they are easily accessible on major roadways by pedestrians, auto and mass transit.*
- *Neighborhood commercial centers will be designated in or near residential areas upon application when need and compatibility to the neighborhood can be shown.*

The Plan provides projects that are intended to strengthen the downtown core including street and streetscape improvements in the Sherwood Old Town Commercial Area. The Old Town Façade Grant Program also supports the downtown core.

The Plan includes a project to provide infrastructure improvements along Oregon Street and Century Drive, which will provide opportunities for the development of community-wide commercial centers.

Policy 2 *Commercial uses will be developed so as to complement rather than detract from adjoining uses.*

Strategy:

- *Commercial developments will be subject to special site and architectural design*

requirements.

- *The older downtown commercial area will be preserved as a business district and unique shopping area.*

The Plan provides projects that are intended to strengthen the downtown core including street and streetscape improvements in the Sherwood Old Town Commercial Area. The Old Town Façade Grant Program also supports the downtown core. The Cannery development will complement Old Town Sherwood and help preserve the business district.

Policy 4 *The 1983 "Sherwood Old Town Revitalization Plan" and its guidelines and strategies are adopted as a part of the Sherwood Comprehensive Plan.*

Strategy:

- *The City will continue to encourage implementation of the goals, objectives, strategies and improvement projects outlined in the "Old Town Revitalization Plan."*

The Plan provides projects that are intended to strengthen the downtown core including the Downtown Streetscapes Phase 2 project in the Sherwood Old Town Commercial Area. The Old Town Façade Grant Program also supports the downtown core. The Cannery Project will complement Old Town Sherwood and help preserve the business district. The Oregon Street Improvements will help turn the Street into an appropriate gateway to Sherwood and will support the downtown core. Additionally, Alley Improvements and Sidewalk Improvements to Old Town, the Parking Study, the Traffic Re-routing Study and Plans for Old Town, and the Main Street Program will all help support the downtown core, and thus conform with the above strategy and policy.

5. <u>APPLICABLE INDUSTRIAL USE OBJECTIVES</u>

Policy 1 *Industrial uses will be located in areas where they will be compatible with adjoining uses, and where necessary services and natural amenities are favorable.*

Strategy:

- *Industrial development will be restricted to those areas where adequate major roads, and/or rail, and public services can be made available.*

The Plan includes a project to provide infrastructure improvements along Oregon Street and Century Drive that will provide opportunities for the development of industrial uses to provide job opportunities and services for the residents of Sherwood.

Policy 2 *The City will encourage sound industrial development by all suitable means to provide employment and economic stability to the community.*

Strategy:

- *The City will allocate land to meet current and future industrial space needs that will provide an appropriate balance to residential and commercial activities.*
- *The City will encourage clean capital and labor-intensive industries to locate in Sherwood.*

The Plan includes a project to provide infrastructure improvements along Oregon Street and Century Drive that will provide opportunities for the development of industrial uses to provide job opportunities and services for the residents of Sherwood.

6. <u>COMMUNITY DESIGN</u>

Policy 1 *The City will seek to enhance community identity, foster civic pride, encourage community spirit, and stimulate social interaction through regulation of the physical design and visual appearance of new development.*

Strategy:

- *Develop a civic/cultural center and plaza park as a community focus.*
- *Develop a system of streets, bikeways, sidewalks, malls, and trails linking schools, shopping, work, recreation and living areas.*
- *Promote the preservation of historically or architecturally significant structures and sites.*

The Plan contains projects which help to foster community identity by installing street and streetscape improvements in the Old Town Area, providing civic improvements in the Old Town Area, developing the Cannery Area with a public plaza, community center, retail and commercial uses in addition to new housing which will support the Old Town Area. The Plan also contains a project to assist in the development of the Cedar Creek Trail system.

Policy 2 *The formation of identifiable residential neighborhoods will be encouraged.*

Strategy:

- *Neighborhood scale facilities such as retail convenience centers, parks and elementary schools will be provided in or near residential areas.*
- *Natural and manmade features shall be used to define neighborhoods and protect them from undesirable encroachment by incompatible uses.*

The projects in the Plan that provide assistance to businesses support the formation of identifiable residential neighborhoods by supporting businesses that provide neighborhood services.

Policy 3 *The natural beauty and unique visual character of Sherwood will be conserved.*

Strategy:

- *Eliminate the visual presence of public utilities where possible.*
- *Adopt a sign ordinance that regulates the number, size and quality of signs and graphics. Standardize and improve the quality of public signs and traffic signalization.*
- *Develop and apply special site and structural design review criteria for multi-family, and manufactured housing parks, commercial and industrial developments.*
- *Develop and maintain landscaped conservation easements along major roadways and parkway strips along minor streets.*
- *Implement the Old Town design guidelines in the 1983 "Sherwood Old Town Revitalization Plan".*

The streetscape project in the Plan has helped to underground utilities throughout the Old Town Area. The Plan has also assisted in providing way-finding signage in the Old Town Area.

Policy 4 *Promote creativity, innovation and flexibility in structural and site design.*

Strategy:

- *Encourage visual variety in structural design.*

The ability to partner with private developers, as allowed through projects in the Plan, provides opportunities to become involved in the design component of new development.

Policy 5 *Stabilize and improve property values and increase tax revenues by the prevention of blighting influences including those resulting from noise, heat, glare, air, water and land pollution, traffic congestion, improper site and structure maintenance and incompatible land uses.*

Strategy:

- *Through traffic will be minimized in residential areas.*
- *Local site access will be discouraged along arterial and collector streets.*
- *Use a variety of buffering techniques to minimize the effects of incompatible uses.*

Projects in the Plan including street and streetscape improvements (Downtown Streetscapes Phase 2, Oregon Street Improvements, Lincoln Street Improvements, Century Drive Extension, Alley Improvements, Sidewalk Improvements) and redevelopment assistance (Property Acquisition, Façade Grants, Main Street Program) support the City's efforts to improve property values and increase tax revenues by the prevention of blighting influences.

7. <u>RECREATIONAL RESOURCES</u>

The City of Sherwood has substantial open space and recreation opportunities within both the City limits and the urban growth boundary. Adjacent recreational opportunities for the region are associated with a potential greenway along the Tualatin River, the Tonquin Geological Area, Hedges Creek Wetlands and the proposed Rock Creek National Urban Wildlife Refuge in the northeast sector of the Sherwood UGB.

Policy 1 Open Space will be linked to provide greenway areas.

The Plan has a project to assist in the development of the Cedar Creek Greenway Expansion Trail and Redevelopment.

Policy 2 The City will maximize shared use of recreational facilities to avoid cost duplication.

A project in the Plan assisted in the renovation of the Sherwood High School Field and Stadium, a shared use facility in the Area.

Policy 4 The City will encourage and support the private sector in the provision of needed recreational opportunities.

Strategy:

- *The City will adopt and implement standards for the provision of on-site open space and recreation areas and facilities in private development.*
- *The responsibility of new developments in meeting standards may, where appropriate be met by the provision of privately owned and maintained areas and facilities.*
- *The City will encourage the provision of private commercial recreation areas and facilities which address community recreational needs.*

The Cannery Project will provide open space surrounded by mixed-use development meeting the policy for open space and recreation development.

8. <u>TRANSPORTATION</u>

The purpose of the Transportation element of the Comprehensive Plan is to describe a multi-modal system which will serve the future transportation needs of Sherwood. The plan for the future transportation system should be capable of effective implementation, responsive to changing conditions and be consistent with plans of adjoining

jurisdictions. The Plan seeks to foresee specific transportation needs and to respond to those needs as growth occurs.

Goal 1: *Provide a supportive transportation network to the land use plan that provides opportunities for transportation choices and the use of alternative modes serving all neighborhoods and businesses.*

Policy 1 *The City will ensure that public roads and streets are planned to provide safe, convenient, efficient and economic movement of persons, goods and services between and within the major land use activities. Existing rights of way shall be classified and improved and new streets built based on the type, origin, destination and volume of current and future traffic.*

Projects in the Plan provide for the improvement of public roads and streets in the Area, including streetscape improvements.

Policy 2 *Through traffic shall be provided with routes that do not congest local streets and impact residential areas. Outside traffic destined for Sherwood business and industrial areas shall have convenient and efficient access to commercial and industrial areas without the need to use residential streets.*

The project in the Plan for improvements to Oregon Street will assist in providing routes that do not congest local streets.

Policy 4 *The City shall encourage the use of more energy-efficient and environmentally sound alternatives to the automobile by:*

• The designation and construction of bike paths and pedestrian ways;

The projects in the Plan that assist in the construction of sidewalks, paths and bikeways and trails encourage more energy-efficient and environmentally sound alternative to the automobile.

Policy 6 *The City shall work to ensure the transportation system is developed in a manner consistent with state and federal standards for the protection of air, land and water quality, including the State Implementation Plan for complying with the Clean Air Act and the Clean Water Act.*

All new construction of the transportation system in the Plan will be in compliance with these policies.

Goal 2: *Develop a transportation system that is consistent with the City's adopted comprehensive land use plan and with the adopted plans of state, local, and regional jurisdictions.*

All new construction of the transportation system in the Plan will be in compliance with these policies.

Goal 4: *Develop complementary infrastructure for bicycles and pedestrian facilities to provide a diverse range of transportation choices for city residents.*

Policy 1 *The City of Sherwood shall provide a supportive transportation network to the land use plan that provides opportunities for transportation choice and the use of alternative modes.*

The improvements to the sidewalks, streetscape and Cedar Creek Greenway Trail help encourage alternative modes of transportation.

Policy 2 *Sidewalks and bikeways shall be provided on all arterial and collector streets for the safe and efficient movement of pedestrians and bicyclists between residential areas, schools, employment, commercial and recreational areas.*

The construction of Oregon Street, a project in the Plan, provides sidewalks and bikeways.

Policy 5 *The City of Sherwood shall include requirements for the provision of bicycle parking on large commercial, industrial, and multi-family residential projects.*

Bicycle parking will be provided in the Cannery Project and will be required on any new development, as required in the Area.

Policy 6 *The City of Sherwood will coordinate the bikeway system with adjacent jurisdictions, especially Tualatin, Wilsonville, Clackamas and Washington County.*

Goal 6: *Provide a convenient and safe transportation network within and between the Sherwood Old Town (Town Center) and Six Corners area that enables mixed use development and provides multi-modal access to area businesses and residents.*

Policy 1 *The City of Sherwood shall continue to refine and develop existing and new design guidelines and special standards for the Old Town and Six Corners areas to facilitate more pedestrian and transit friendly development.*

Policy 2 *The City of Sherwood shall work to provide connectivity, via the off-street trail system and public right-of-way acquisitions and dedications, to better achieve street spacing and connectivity standards.*

Projects in the Plan including street improvements support the City's efforts to provide a convenient and safe transportation network within and between Sherwood Old Town and Six Corners.

As described in the findings above, the Sherwood Urban Renewal Plan continues to conform with the Sherwood Comprehensive Plan with the amendments proposed.

B. VISION FOR OLD TOWN SHERWOOD

The final draft of the Vision for Old Town Sherwood was completed in January of 2000 and adopted by the Sherwood City Council on February 8, 2000. The Action Plan is presented in five chapters, which represent the key components of the Vision. The chapter summaries, which relate to the urban renewal plan, taken directly from the Vision for Old Town document, are shown below in *italics*. The way the urban renewal plan conforms to these components is shown in regular type.

Land Use and Design
This chapter recommends expansion and clarification of the Old Town District boundaries. It also recommends mixed-use zoning, with clear historic design standards. And, it recommends a new civic center complex to house city hall and other public and private activities.

The Plan has completed projects and has future projects that conform with this recommendation. The City Hall/Library complex was a project in the Plan. In addition, a new Community Center will be redeveloped as a project in the Plan. Part of this development will incorporate a new mixed-use development.

Transportation
This chapter recommends careful evaluation of the draft Transportation Systems Plan (TSP) to ensure that the access, circulation and parking needs of Old Town are appropriately incorporated into the final TSP. It also includes recommendations for street, sidewalk, and parking improvements.

The Plan has completed projects and has future projects that conform with this recommendation. Transportation projects within the Plan include street, sidewalk, streetscape improvements and parking improvements in the Old Town Area.

Business Development
This chapter recommends actions related to business retention, revitalization, recruitment, and an overall promotional and marketing strategy.

The Plan has completed projects and has future projects that address this recommendation. Façade loans and redevelopment assistance are projects in the Plan that conform with this recommendation.

Funding
This chapter recommends creation of an urban renewal district together with other public and private funding mechanisms. The intent is to provide a focused financial strategy that leverages private investments through targeted public expenditures to ensure that the essential assets of the vision are realized.

The creation of the urban renewal district implements this recommendation. Many of the projects in the Plan have been funded through the combination of funding mechanisms, including private development expected in the Cannery Project.

As described in the findings above, the Sherwood Urban Renewal Plan conforms with the Vision for Old Town Sherwood.

C. CITY OF SHERWOOD ECONOMIC DEVELOPMENT STRATEGY

The City of Sherwood Economic Development Strategy was adopted by the Sherwood City Council in 2007. The Vision Statement is "*The City of Sherwood will drive economic development and support businesses that provide jobs for our residents by building on our assets and developing the necessary infrastructure to retain existing businesses and support new businesses. Economic development also will be supported by maintaining our livability and character as a clean, healthy, and vibrant suburban community where one can work, play, live, shop and do business."*

The goals of City of Sherwood Economic Development Strategy document are shown below in *italics*. The way the urban renewal plan conforms to these components is shown in regular type.

Goal: Support existing businesses and recruit additional businesses that provide local family-wage jobs. Replace any employment land rezoned for other uses with other employment land.

Objective: Capture existing workers in Sherwood who now work elsewhere.

Objective: Provide locations and support for local jobs for local residents.

Objective: Support and build upon manufacturing and other industries likely to produce family wage jobs.

Projects within the Plan conform to this Goal and these Objectives. The projects provide for infrastructure improvements to support development of vacant and underutilized parcels.

Goal: Support tourism as an economic engine.

Objective: Promote the cultural arts and historical attractions as tourism generators.

Objective: Continue to promote sporting events (i.e., Sports Town USA) as a tourism engine for Sherwood.

Objective: Leverage the presence of the Tualatin River National Wildlife Refuge, and its anticipated 50 to 60 visitors per day, to increase tourism in Sherwood.

Projects within the Plan conform to this Goal and these Objectives. The projects provide for the development of the library and the Community Center both of which provide cultural activities for the community. Projects have provided assistance with the field and stadium renovation at Sherwood High School support sporting events. The Cedar Creek Trail will be an asset to the trail and natural wildlife system.

Goal: Develop the infrastructure and services necessary to support economic development in Sherwood.

Objective: Identify and protect strategic industrial and other employment sites.

Objective: Prioritize infrastructure improvement projects according to their anticipated economic benefit.

Objective: Calculate the employment land mix necessary to help the city be self-sustaining in terms of the provision of adequate utilities and services.

Objective: Encourage the growth of a variety of restaurants and retail establishments that would cater to business people.

Objective: Improve transportation access to support tourism and other economic development strategies.

Projects within the Plan conform to this Goal and these Objectives. The projects provide for infrastructure improvements to support development of vacant and underutilized parcels. The façade loan program and redevelopment loans will also encourage the growth of restaurants and retail establishments that would cater to business people.

As described in the findings above, the Sherwood Urban Renewal Plan conforms with the Sherwood Economic Development Strategy.

PLANNING COMMISSION RECOMMENDATION AND VOTE

Staff recommends that the Planning Commission:

Review and discuss the Substantial Amendment to the Sherwood Urban Renewal Plan and recommend:

"Approval of the attached findings supporting the Substantial Amendment (Amendment No. 15) to the Sherwood Urban Renewal Plan conforming with the Sherwood Comprehensive Plan and further recommends that the Sherwood City Council adopt Amendment No. 15 to the Sherwood Urban Renewal Plan."

Attachments:

A. Sherwood Urban Renewal Plan Amendment No. 15
B. Report on the Sherwood Urban Renewal Plan Amendment No. 15

Attachment A – Sherwood City Council – January 24, 2012

Sherwood Substantial Amendment 2011 Amendment No. 15

The following amendments are made to the Sherwood Urban Renewal Plan. Additions are in italics and deletions are shown in ~~cross-out.~~

Section 100. The Urban Renewal Plan
The following amendments have been made to the Sherwood Urban Renewal Plan.

Amendment 1: Resolution No. 2003-002 February 11, 2003

1) inserting properties proposed to be acquired,

(2) inserting a section providing information on the benefit to the renewal area provided by public buildings

(3) inserting a corrected boundary map to rectify an error in the map attached to the plan adopted by Council Ordinance 2000-1098

(4) revising the description of project activities to clarify the Agency's intent to participate in funding a multi-use public facility

(5) revising the definition of substantial amendments to the plan to be consistent with ORS 457.085(i).

Amendment 2: Resolution No. 2004-004 March 23, 2004

(1) revising the Cost of Project Activities Table to more accurately reflect the Agency's estimate of the cost of the projects

(2) revising the Agency's Performing Arts Goal to reflect a wider range of activities

(3) revising the Agency's Promote Private Development goal to include an objective relative to Tournament Town Northwest

(4) more accurately reflect the current view of the description of project activities to clarify the Agency's intent to participate in funding an indoor soccer facility

(5) that the new activity, addition of a public soccer facility, is consistent with Plan Objectives A and F.

Amendment 3: Resolution No. 2004-11 June 8, 2004

(1) inserting properties proposed to be acquired in Section 503, Item C. Tax Map 2S132BD TL 800 Corner of Washington and Railroad

Amendment 4: Resolution No. 2005-005 May 17, 2005

(1) amends boundary to include Sherwood High School Field

Amendment 5: Resolution No. 2008-001 February 19, 2008

(1) inserting properties proposed to be acquired in Section 503, Item C. (Old Cannery Site)

Amendment 6: Resolution No. 2008-005 March 18, 2008

(1) inserting properties proposed to be acquired in Section 503, Item C. (Machine Shop, 120 SW Washington Street also known as 22832 SW Washington Street)

Amendment 7: Resolution No. 2008-003 March 18, 2008

(1) inserting properties proposed to be acquired in Section 503, Item C. (Old Schoolhouse, 16023 SW 3rd Street)

Amendment 8: Resolution No. 2008-017 June 17, 2008

(1) amends boundary to include Sherwood High School Stadium

Amendment 9: Resolution No. 2008-019 August 5, 2008

(1) amends boundary to include area at 21305 SW Pacific Highway, 21655 Pacific Highway, and Tax Map 2 S130D001101

Amendment 10: Resolution No. 2008-024 October 7, 2008

(1) inserting properties proposed to be acquired in Section 503, Item C. 15804 SW 1st Street (R554563) and 15824 SW 1st Street (RR554572)

Amendment 11: Resolution No. 2009-011 September 15, 2009

(1) inserting properties proposed to be acquired in Section 503, Item C. 16020 SW 1st Street (R555269 and RR555250)

Amendment 12: Resolution No. 2009-014 November 3, 2009

(1) inserting properties proposed to be acquired in Section 503, Item C. 21949 SW Sherwood Blvd.

Amendment 13: Resolution No. 2011-015 September 20, 2011

(1) inserting properties proposed to be acquired in Section 503, Item C.

22939 SW Main Street

Amendment 14: Resolution No. 2011-019 November 11, 2011

(1) inserting properties proposed to be acquired in Section 503, Item C. Railroad Parking Lot

Amendment 15: Ordinance No.

(1) Updates Section 100 The Urban Renewal Plan
(2) Updates Section 200 Citizen Participation to include Substantial Amendments
(3) Updates Section 300 Relationship to Local Objectives to bring it into present day best practices
(4) Updates Section 400 Proposed Land Uses
(5) Increases maximum indebtedness in Section 800

Section 200. Citizen Participation

A Substantial Amendment was undertaken in 2011. This amendment was adopted in the same process as an original adoption of an urban renewal plan in accordance with ORS 457.085, including the following process:

- *reviewed by the Urban Renewal Agency on January 3, 2012,*
- *forwarded to the Planning Commission for their review at a public meeting on January 24, 2012,*
- *heard before the City Council at a hearing on February 21, 2012 which was noticed to all citizens in Sherwood in accordance with ORS 457.120.*
- *All taxing jurisdictions were consulted and conferred on the amendment through a letter to them on January 6, 2012 which offered to meet with them at their request,*
- *The Agency met with the Washington County Commission on January 24, 2012.*

Section 400. Proposed Land Uses

This Section, starting with the descriptions of the comprehensive Plan and Zoning applying to the Renewal Area, is replaced in its entirety to reflect current language in Title 16- Zoning and Community Development Code.

Residential Zones

The Low Density Residential (LDR) zoning district provides for single-family housing and other related uses with a density of 3.5 to 5 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirement.

The Medium Density Residential, Low (MDRL) zoning district provides for

single-family and two-family housing, manufactured housing and other related uses with a density of 5.6 to 8 dwelling units per acre.

The Medium Density Residential, High (MDRH) district provides for a variety of medium density housing, including single-family, two-family housing, manufactured housing multi-family housing, and other related uses, with a density of 5.5 to 11 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirement.

The High Density Residential (HDR) zoning district provides for higher density multi-family housing and other related uses with density of 16.8 to 24 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirement.

Commercial Zones:

The Neighborhood Commercial (NC) zoning district provides for small scale, retail and service uses, located in or near residential areas and enhancing the residential character of those neighborhoods.

The Retail Commercial (RC) zoning district provides areas for general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts.

The General Commercial (GC) zoning district provides for commercial uses that require larger parcels of land, and/or uses which involve products and activities that require special attention to environmental impacts.

The Office Commercial (OC) zoning district provides areas for business and professional offices and related uses in locations where they can be closely associated with residential areas and adequate major streets.

Industrial Zones

The Light Industrial (LI) zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission.

Institutional / Public Zone

The Institutional/Public (IP) zoning district provides for major institutional and governmental activities such as schools, public parks, churches, government offices, utility structures, hospitals, correctional facilities and other similar public and quasi-public uses.

Planned Unit Development

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

Section 700. Amendments to the Urban Renewal Plan

C. Other Minor Amendments

3. Addition of a project substantially different from those identified in Sections 501 through 506 of the Plan. ~~or substantial modification of a project identified in Section 501 through 506 if the addition or modification of the project costs less than $500,000 in 1999 dollars.~~

~~D. Amendments requiring approval per ORS 457.095~~
~~1. The addition of improvements or activities which represent a substantial change in the purpose and objectives of this Plan, and which cost more than $500,000, shall be an amendment requiring approval per ORS 457.095, but not requiring notice as provided in ORS 457.120. The $500,000 amount will be adjusted annually from the year 2000 a according to the "Engineering News Record" construction cost index for the Northwest area.~~

Section 800. Maximum Indebtedness
The maximum indebtedness authorized under this plan *is* $~~35,347,600 (Thirty-five million, three hundred forty-seven thousand, and six hundred dollars)~~. *$45,133,469 (Forty-five million, one hundred thirty three thousand four hundred sixty nine thousand dollars).*

Attachment B – Comprehensive Plan Goals and Objectives
This section is replaced in its entirety with the following section.

Attachment B

As part of the consideration of a substantial amendment to the Sherwood Urban Renewal Plan (Plan), the section in the existing Plan, which addresses the Comprehensive Plan, is being updated to reflect current best practices. The following section will replace the existing Attachment B in its entirety.

ATTACHMENT B-COMPREHENSIVE PLAN GOALS AND OBJECTIVES

ORS 457.085 requires that an Urban Renewal Plan relate to definite local objectives. This section reviews the City Comprehensive Plan, The Vision for Old Town Sherwood and the Economic Development Strategy Plan.

A. CITY OF SHERWOOD COMPREHENSIVE PLAN

The City's Comprehensive Plan considers a wide range of goals and policies relating to land uses, traffic, transportation, public utilities, recreation and community facilities, economic development, housing and environmental protection. The goals of City of Sherwood Comprehensive Plan document are shown below in *italics*. The way the urban renewal plan in its entirety (both existing elements and proposed amendments) conforms to these components is shown in regular type. Specific goals and policies found in the Sherwood Comprehensive Plan which relate to this Plan are:

LAND USE POLICIES OF THE COMPREHENSIVE PLAN

The Land Use Chapter forms the backbone of the Comprehensive Plan. It expresses and applies City policy governing the allocation of land resources in the Planning Area. It specifies the kind, location and distribution of land use that the community intends to see developed. The development of land use policy has been the result of a carefully defined planning process that encouraged the involvement of all persons and agencies with an interest in the use of land within the Urban Growth Area of Sherwood.

An existing land use inventory and analysis was conducted in 1977 and again in 1989 to determine factors contributing to the existing pattern of development and the possible effects of the existing land use pattern on future development. A buildable land survey was taken to determine the nature and extent of vacant and developable land that was available and suitable for future urban growth. Then, standards were developed and applied to make a determination of future space needs for each major category of land use. These studies are to be periodically updated to provide the most reliable basis for plan policy.

1. EXISTING DEVELOPMENT PATTERN

Existing development in the Sherwood Planning Area is located in and around the original town center along the Southern Pacific Railroad line. The development pattern clearly indicates the historic reliance of the first community of Sherwood on the railroad for transportation of person and goods.

The development pattern indicates historic growth outward from the original town center grid to the hillside south of the railroad tracks and along major radial streets.

The existing 1990 distribution of developed land by major category in the Urban Growth Boundary is residential 54%; commercial 6%; industrial 17%; and public and semi-public 23%. About 205 acres, or almost 9% of all land within the urban area, is non-buildable due primarily to flood plains, creek bank slopes, and power line easements.

2. APPLICABLE LAND USE POLICIES AND IMPLEMENTING STRATEGIES

Policy 1 Residential areas will be developed in a manner that will insure that the integrity of the community is preserved and strengthened.

Strategy:

- New housing will be located so as to be compatible with existing housing.
- Buffering techniques shall be used to prevent the adverse effects of one use upon another. These techniques may include varying densities and types of residential use, design features and special construction standards.

New apartment units are planned as a project in the Area to help strengthen the downtown core and to provide housing opportunities to Sherwood residents. They will be integrated into the downtown public square area, with close access to the library and other city facilities.

Policy 2 The City will insure that an adequate distribution of housing styles and tenures are available.

Strategy:

- New developments will be encouraged to provide an adequate distribution of owner-occupied and renter-occupied units of all types and densities.

The development of apartments will provide much needed apartment choices in the downtown core for those who wish to be in proximity of the downtown but are unable to afford homeownership in the Area. The Agency has also purchased property intended for the future development of Senior Affordable Housing.

Policy 3 The City will insure the availability of affordable housing and locational choice for all income groups.

Strategy:

- Housing shall be of a design and quality compatible with the neighborhood in which it is located.

The development of apartments will provide much needed apartment choices in the downtown core for those who wish to be in proximity of the downtown but are unable to afford homeownership in the Area. The Agency has also purchased property intended for the future development of Senior Affordable Housing.

3. APPLICABLE ECONOMIC DEVELOPMENT POLICIES AND STRATEGIES

Policy 1 The City will coordinate on-going economic development planning with involved public and private agencies at the state, regional, county and local level.

Strategy:

- The City will develop and update an economic database through a two-way sharing of information between public and private agencies involved in economic planning.

The City and Agency staff are actively engaged with the development planning with public and private agencies at the state, regional, county and local level. The ability to use tax increment financing allows the City to implement economic development plans for the Area. Many of the projects involve coordinating with other entities to enable full project funding.

Policy 2 The City will encourage economic growth that is consistent with the management and use of its environmental resources.

Strategy:

- The City will adopt and implement environmental quality performance and design standards for all industrial, commercial and institutional uses.
- The City will seek to attract non-polluting industries to the urban area.
- The City will provide bikeway and pedestrian linkages between residential and non-residential areas.

Projects in the Plan assist in the development of bikeway and pedestrian linkages in the Area, providing substantial pedestrian improvements in the downtown core and trail linkages to the Cedar Creek Trail. Street improvements to Oregon Street and Century Drive include sidewalks, and Oregon Street will have a bike lane and is part of the planned Tonquin Trail (which the Cedar Creek trail is part of). Projects also provide for infrastructure development that will allow the City to attract non-polluting industries to the Area.

Policy 3 The City will direct public expenditures toward the realization of community development goals by assuring the adequacy of community services and facilities

for existing and future economic development.

Strategy:

- The City will coordinate planning with special districts providing services to the urban area to assure the adequacy of those services to support economic development.
- The City will continue to develop plans and improvement programs for parks, libraries and other "soft" services, recognizing that adequate facilities in these areas are an important component in business attraction and retention.

The Agency has assisted, through projects in the Plan, in the development of the Sherwood Library, Sherwood City Hall, the Cultural Arts Strategy, and the Community Center. The City meets regularly with the Sherwood School District, Tualatin Valley Fire and Rescue, Washington County and other special districts to coordinate special services as part of the implementation of projects in the Plan. In support of the policy, the Lincoln Street Improvements will help upgrade the road so that it provides adequate service to the neighborhood. The Parking Study and Redevelopment of Public Land into Parking Lots project will both help add appropriate parking facilities to adequately service the downtown core to support existing and future economic development.

Policy 4 The City will seek to improve regional access to the urban area as a means to encourage local economic development.

Strategy:

- The City will encourage the maximum use of the railroad corridor, encourage the development of spur service lines where needed and evaluate the feasibility of passenger service.

Regional access will be improved with the improvements along Oregon Street and Century Drive, both transportation improvements in the Plan.

Policy 5 The City will seek to diversify and expand commercial and industrial development in order to provide nearby job opportunities, and expand the tax base.

Strategy:

- The City will encourage the revitalization of the Old Town Commercial area by implementation of 1983's "Old Town Revitalization Plan" and the Old Town Overlay Zone.

The Plan provides projects that are intended to strengthen the downtown core, including street and streetscape improvements in the Sherwood Old Town Commercial Area. The Old Town Façade Grant Program also supports the downtown core.

The infrastructure improvements in the Plan along Oregon Street and Century Drive will assist in the future development of commercial and industrial uses that will provide job opportunities and expand the tax base.

Policy 6 The City will seek funding through EDA or HUD for the rehabilitation of the Old Town and Washington Hill neighborhoods.

Strategy:

- The City will seek implementation of new and rehabilitated housing goals set in the Regional Housing Opportunity Plan.
- The City will encourage the provision of affordable housing by designating areas within the City for medium density and high density developments, and by participating in State and Federal housing subsidy programs.

A property purchased through the Plan is intended to be used for Senior Affordable Housing, which conforms to this policy.

4. APPLICABLE COMMERCIAL LAND USE POLICIES AND STRATEGIES

Policy 1 Commercial activities will be located so as to most conveniently service customers.

Strategy:

- Community wide and neighborhood scale commercial centers will be established.
- Commercial centers will be located so that they are easily accessible on major roadways by pedestrians, auto and mass transit.
- Neighborhood commercial centers will be designated in or near residential areas upon application when need and compatibility to the neighborhood can be shown.

The Plan provides projects that are intended to strengthen the downtown core including street and streetscape improvements in the Sherwood Old Town Commercial Area. The Old Town Façade Grant Program also supports the downtown core.

The Plan includes a project to provide infrastructure improvements along Oregon Street and Century Drive which will provide opportunities for the development of community-wide commercial centers.

Policy 2 Commercial uses will be developed so as to complement rather than detract from adjoining uses.

Strategy:

- Commercial developments will be subject to special site and architectural design requirements.
- The older downtown commercial area will be preserved as a business district and unique shopping area.

The Plan provides projects that are intended to strengthen the downtown core including street and streetscape improvements in the Sherwood Old Town Commercial Area. The Old Town Façade Grant Program also supports the downtown core. The Cannery development will complement Old Town Sherwood and help preserve the business district.

Policy 4 The 1983 "Sherwood Old Town Revitalization Plan" and its guidelines and strategies are adopted as a part of the Sherwood Comprehensive Plan.

Strategy:

- The City will continue to encourage implementation of the goals, objectives, strategies and improvement projects outlined in the "Old Town Revitalization Plan."

The Plan provides projects that are intended to strengthen the downtown core including the Downtown Streetscapes Phase 2 project in the Sherwood Old Town Commercial Area. The Old Town Façade Grant Program also supports the downtown core. The Cannery Project will complement Old Town Sherwood and help preserve the business district. The Oregon Street Improvements will help turn the Street into an appropriate gateway to Sherwood and will support the downtown core. Additionally, Alley Improvements and Sidewalk Improvements to Old Town, the Parking Study, the Traffic Re-routing Study and Plans for Old Town, and the Main Street Program will all help support the downtown core, and thus conform with the above strategy and policy.

5. APPLICABLE INDUSTRIAL USE OBJECTIVES

Policy 1 Industrial uses will be located in areas where they will be compatible with adjoining uses, and where necessary services and natural amenities are favorable.

Strategy:

- Industrial development will be restricted to those areas where adequate major roads, and/or rail, and public services can be made available.

The Plan includes a project to provide infrastructure improvements along Oregon Street and Century Drive that will provide opportunities for the development of industrial uses to provide job opportunities and services for the residents of Sherwood.

Policy 2 The City will encourage sound industrial development by all suitable means to provide employment and economic stability to the community.

Strategy:

- The City will allocate land to meet current and future industrial space needs that will provide an appropriate balance to residential and commercial activities.
- The City will encourage clean capital and labor-intensive industries to locate in Sherwood.

The Plan includes a project to provide infrastructure improvements along Oregon Street and Century Drive that will provide opportunities for the development of industrial uses to provide job opportunities and services for the residents of Sherwood.

6. COMMUNITY DESIGN

Policy 1 The City will seek to enhance community identity, foster civic pride, encourage community spirit, and stimulate social interaction through regulation of the physical design and visual appearance of new development.

Strategy:

- Develop a civic/cultural center and plaza park as a community focus.
- Develop a system of streets, bikeways, sidewalks, malls, and trails linking schools, shopping, work, recreation and living areas.
- Promote the preservation of historically or architecturally significant structures and sites.

The Plan contains projects which help to foster community identity by installing street and streetscape improvements in the Old Town Area, providing civic improvements in the Old Town Area, developing the Cannery Area with a public plaza, community center, retail and commercial uses in addition to new housing which will support the Old Town Area. The Plan also contains a project to assist in the development of the Cedar Creek Trail system.

Policy 2 The formation of identifiable residential neighborhoods will be encouraged.

Strategy:

- Neighborhood scale facilities such as retail convenience centers, parks and elementary schools will be provided in or near residential areas.
- Natural and manmade features shall be used to define neighborhoods and protect them from undesirable encroachment by incompatible uses.

The projects in the Plan that provide assistance to businesses support the formation of identifiable residential neighborhoods by supporting businesses that provide neighborhood services.

Policy 3 The natural beauty and unique visual character of Sherwood will be conserved.

Strategy:

- Eliminate the visual presence of public utilities where possible.
- Adopt a sign ordinance that regulates the number, size and quality of signs and graphics. Standardize and improve the quality of public signs and traffic signalization.
- Develop and apply special site and structural design review criteria for multi-family, and manufactured housing parks, commercial and industrial developments.
- Develop and maintain landscaped conservation easements along major roadways and parkway strips along minor streets.

- Implement the Old Town design guidelines in the 1983 "Sherwood Old Town Revitalization Plan".

The streetscape project in the Plan has helped to underground utilities throughout the Old Town Area. The Plan has also assisted in providing way-finding signage in the Old Town Area.

Policy 4 Promote creativity, innovation and flexibility in structural and site design.

Strategy:

- Encourage visual variety in structural design.

The ability to partner with private developers, as allowed through projects in the Plan, provides opportunities to become involved in the design component of new development.

Policy 5 Stabilize and improve property values and increase tax revenues by the prevention of blighting influences including those resulting from noise, heat, glare, air, water and land pollution, traffic congestion, improper site and structure maintenance and incompatible land uses.

Strategy:

- Through traffic will be minimized in residential areas.
- Local site access will be discouraged along arterial and collector streets.
- Use a variety of buffering techniques to minimize the effects of incompatible uses.

Projects in the Plan including street and streetscape improvements (Downtown Streetscapes Phase 2, Oregon Street Improvements, Lincoln Street Improvements, Century Drive Extension, Alley Improvements, Sidewalk Improvements) and redevelopment assistance (Property Acquisition, Façade Grants, Main Street Program) support the City's efforts to improve property values and increase tax revenues by the prevention of blighting influences.

7. RECREATIONAL RESOURCES

The City of Sherwood has substantial open space and recreation opportunities within both the City limits and the urban growth boundary. Adjacent recreational opportunities for the region are associated with a potential greenway along the Tualatin River, the Tonquin Geological Area, Hedges Creek Wetlands and the proposed Rock Creek National Urban Wildlife Refuge in the northeast sector of the Sherwood UGB.

Policy 1 Open Space will be linked to provide greenway areas.

The Plan has a project to assist in the development of the Cedar Creek Greenway Expansion Trail and Redevelopment.

Policy 2 The City will maximize shared use of recreational facilities to avoid cost duplication.

A project in the Plan assisted in the renovation of the Sherwood High School Field and Stadium, a shared use facility in the Area.

Policy 4 The City will encourage and support the private sector in the provision of needed recreational opportunities.

Strategy:

- The City will adopt and implement standards for the provision of on-site open space and recreation areas and facilities in private development.
- The responsibility of new developments in meeting standards may, where appropriate be met by the provision of privately owned and maintained areas and facilities.
- The City will encourage the provision of private commercial recreation areas and facilities which address community recreational needs.

The Cannery Project will provide open space surrounded by mixed-use development meeting the policy for open space and recreation development.

8. TRANSPORTATION

The purpose of the Transportation element of the Comprehensive Plan is to describe a multi-modal system which will serve the future transportation needs of Sherwood. The plan for the future transportation system should be capable of effective implementation, responsive to changing conditions and be consistent with plans of adjoining jurisdictions. The Plan seeks to foresee specific transportation needs and to respond to those needs as growth occurs.

Goal 1: Provide a supportive transportation network to the land use plan that provides opportunities for transportation choices and the use of alternative modes serving all neighborhoods and businesses.

Policy 1 The City will ensure that public roads and streets are planned to provide safe, convenient, efficient and economic movement of persons, goods and services between and within the major land use activities. Existing rights of way shall be classified and improved and new streets built based on the type, origin, destination and volume of current and future traffic.

Projects in the Plan provide for the improvement of public roads and streets in the Area, including streetscape improvements.

Policy 2 Through traffic shall be provided with routes that do not congest local streets and

impact residential areas. Outside traffic destined for Sherwood business and industrial areas shall have convenient and efficient access to commercial and industrial areas without the need to use residential streets.

The project in the Plan for improvements to Oregon Street and Century Drive will assist in providing routes that do not congest local streets.

Policy 4 The City shall encourage the use of more energy-efficient and environmentally sound alternatives to the automobile by:

• The designation and construction of bike paths and pedestrian ways;

The projects in the Plan that assist in the construction of sidewalks, paths and bikeways and trails encourage more energy-efficient and environmentally sound alternative to the automobile.

Policy 6 The City shall work to ensure the transportation system is developed in a manner consistent with state and federal standards for the protection of air, land and water quality, including the State Implementation Plan for complying with the Clean Air Act and the Clean Water Act.

All new construction of the transportation system in the Plan will be in compliance with these policies.

Goal 2: Develop a transportation system that is consistent with the City's adopted comprehensive land use plan and with the adopted plans of state, local, and regional jurisdictions.

All new construction of the transportation system in the Plan will be in compliance with these policies.

Goal 4: Develop complementary infrastructure for bicycles and pedestrian facilities to provide a diverse range of transportation choices for city residents.

Policy 1 The City of Sherwood shall provide a supportive transportation network to the land use plan that provides opportunities for transportation choices and the use of alternative modes.

The improvements to the sidewalks, streetscape and Cedar Creek Greenway help encourage alternative modes of transportation.

Policy 2 Sidewalks and bikeways shall be provided on all arterial and collector streets for the safe and efficient movement of pedestrians and bicyclists between residential areas, schools, employment, commercial and recreational areas.

The construction of Oregon Street and Century Drive, a project in the Plan, provides sidewalks and bikeways.

Policy 5 The City of Sherwood shall include requirements for the provision of bicycle parking on large commercial, industrial, and multi-family residential projects.

Bicycle parking will be provided in the Cannery Project and will be required on any new development, as required in the Area.

Policy 6 The City of Sherwood will coordinate the bikeway system with adjacent jurisdictions, especially Tualatin, Wilsonville, Clackamas and Washington County.

Goal 6: Provide a convenient and safe transportation network within and between the Sherwood Old Town (Town Center) and Six Corners area that enables mixed use development and provides multi-modal access to area businesses and residents.

Policy 1 The City of Sherwood shall continue to refine and develop existing and new design guidelines and special standards for the Old Town and Six Corners areas to facilitate more pedestrian and transit friendly development.

Policy 2 The City of Sherwood shall work to provide connectivity, via the off-street trail system and public right-of-way acquisitions and dedications, to better achieve street spacing and connectivity standards.

Projects in the Plan including street improvements support the City's efforts to provide a convenient and save transportation network within and between Sherwood Old Town and Six Corners.

As described in the findings above, the Sherwood Urban Renewal Plan continues to conform with the Sherwood Comprehensive Plan with the amendments proposed.

B. VISION FOR OLD TOWN SHERWOOD

The final draft of the Vision for Old Town Sherwood was completed in January of 2000 and adopted by the Sherwood City Council on February 8, 2000. The Action Plan is presented in five chapters, which represent the key components of the Vision. The chapter summaries, which relate to the urban renewal plan, taken directly from the Vision for Old Town document, are shown below in *italics*. The way the urban renewal plan conforms to these components is shown in regular type.

Land Use and Design

This chapter recommends expansion and clarification of the Old Town District boundaries. It also recommends mixed-use zoning, with clear historic design standards. And, it recommends a new civic center complex to house city hall and other public and private activities.

The Plan has completed projects and has future projects that conform with this recommendation. The City Hall/Library complex was a project in the Plan. In addition, a new Community Center will be redeveloped as a project in the Plan. Part of this development will incorporate a new mixed-use development.

Transportation
This chapter recommends careful evaluation of the draft Transportation Systems Plan (TSP) to ensure that the access, circulation and parking needs of Old Town are appropriately incorporated into the final TSP. It also includes recommendations for street, sidewalk, and parking improvements.

The Plan has completed projects and has future projects that conform with this recommendation. Transportation projects within the Plan include street, sidewalk, streetscape improvements and parking improvements in the Old Town Area.

Business Development
This chapter recommends actions related to business retention, revitalization, recruitment, and an overall promotional and marketing strategy.

The Plan has completed projects and has future projects that address this recommendation. Façade loans and redevelopment assistance are projects in the Plan that conform with this recommendation.

Funding
This chapter recommends creation of an urban renewal district together with other public and private funding mechanisms. The intent is to provide a focused financial strategy that leverages private investments through targeted public expenditures to ensure that the essential assets of the vision are realized.

The creation of the urban renewal district implements this recommendation. Many of the projects in the Plan have been funded through the combination of funding mechanisms, including private development expected in the Cannery Project.

As described in the findings above, the Sherwood Urban Renewal Plan conforms with the Vision for Old Town Sherwood.

C. CITY OF SHERWOOD ECONOMIC DEVELOPMENT STRATEGY

The City of Sherwood Economic Development Strategy was adopted by the Sherwood City Council in 2007. The Vision Statement is "*The City of Sherwood will drive economic development and support businesses that provide jobs for our residents by building on our assets and developing the necessary infrastructure to retain existing businesses and support new*

businesses. Economic development also will be supported by maintaining our livability and character as a clean, healthy, and vibrant suburban community where one can work, play, live, shop and do business."

The goals of City of Sherwood Economic Development Strategy document are shown below in *italics*. The way the urban renewal plan conforms to these components is shown in regular type.

Goal: Support existing businesses and recruit additional businesses that provide local family-wage jobs. Replace any employment land rezoned for other uses with other employment land.

Objective: Capture existing workers in Sherwood who now work elsewhere.
Objective: Provide locations and support for local jobs for local residents.
Objective: Support and build upon manufacturing and other industries likely to produce family wage jobs.

Projects within the Plan conform to this Goal and these Objectives. The projects provide for infrastructure improvements to support development of vacant and underutilized parcels.

Goal: Support tourism as an economic engine.

Objective: Promote the cultural arts and historical attractions as tourism generators.
Objective: Continue to promote sporting events (i.e., Sports Town USA) as a tourism engine for Sherwood.
Objective: Leverage the presence of the Tualatin River National Wildlife Refuge, and its anticipated 50 to 60 visitors per day, to increase tourism in Sherwood.

Projects within the Plan conform to this Goal and these Objectives. The projects provide for the development of the library and the Community Center both of which provide cultural activities for the community. Projects have provided assistance with the field and stadium renovation at Sherwood High School support sporting events. The Cedar Creek Trail will be an asset to the trial and natural wildlife system.

Goal: Develop the infrastructure and services necessary to support economic development in Sherwood.

Objective: Identify and protect strategic industrial and other employment sites.
Objective: Prioritize infrastructure improvement projects according to their anticipated economic benefit.
Objective: Calculate the employment land mix necessary to help the city be self-sustaining in terms of the provision of adequate utilities and services.
Objective: Encourage the growth of a variety of restaurants and retail establishments that would cater to business people.
Objective: Improve transportation access to support tourism and other economic development strategies.

Projects within the Plan conform to this Goal and these Objectives. The projects provide for infrastructure improvements to support development of vacant and underutilized parcels. The façade loan program and redevelopment loans will also encourage the growth of restaurants and retail establishments that would cater to business people.

As described in the findings above, the Sherwood Urban Renewal Plan conforms with the Sherwood Economic Development Strategy.

Attachment B – Sherwood Planning Commission – January 24, 2012

REPORT ACCOMPANYING SHERWOOD URBAN RENEWAL PLAN AMENDMENT NO. 15

Prepared for the City of Sherwood

December 7, 2011

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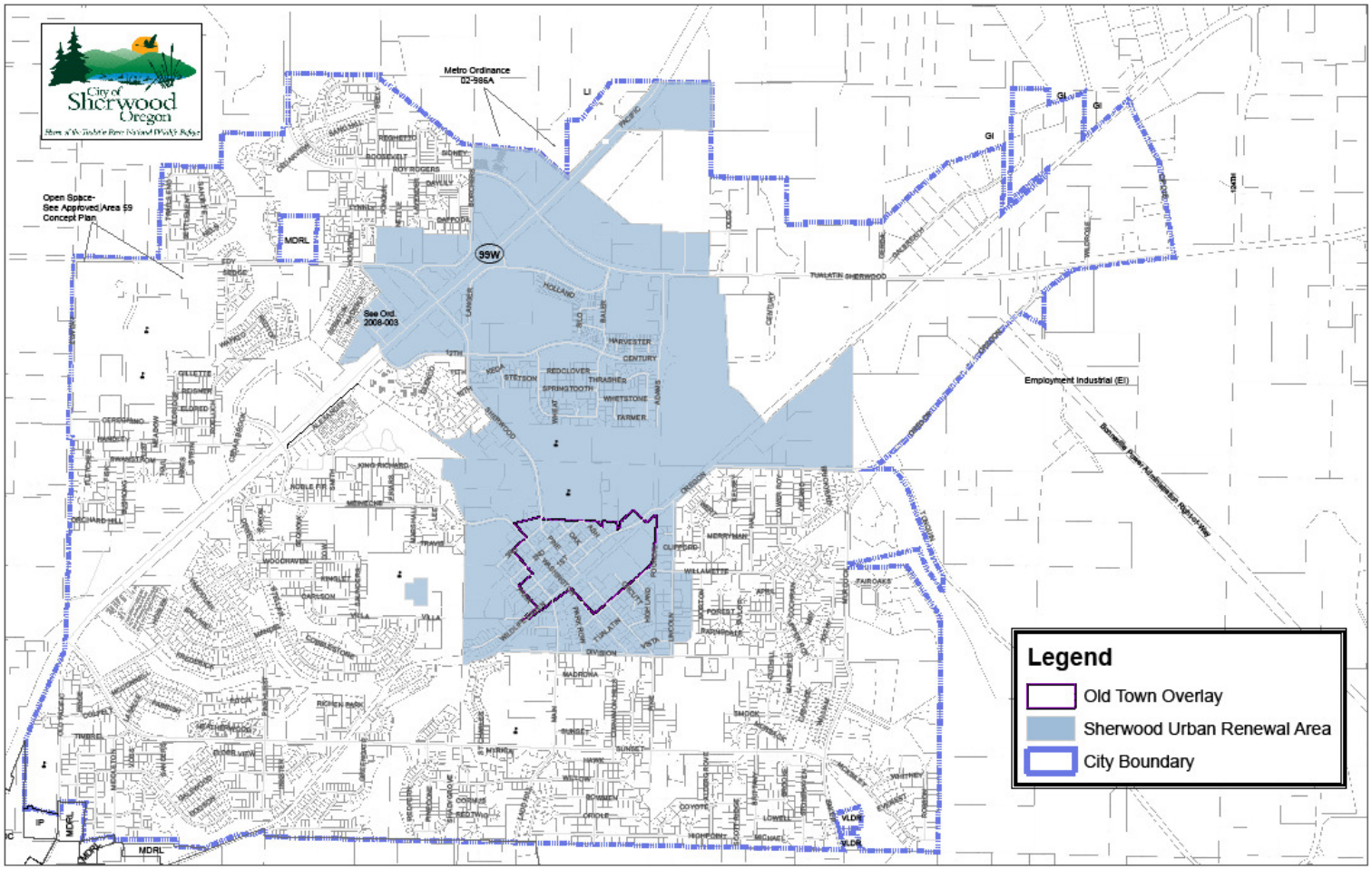
INTRODUCTION

The Report on the Amendment to the Sherwood Urban Renewal Plan (Report) contains background information and project details pertaining to the Sherwood Urban Renewal Plan Amendment (Amendment). The Report is not a legal part of the Sherwood Urban Renewal Plan (Plan), but is intended to provide public information and a basis for the findings made by the City Council as part of its approval of the Amendment to the Plan.

The Report provides the information required in ORS 457.085(3). The format of the Report is based on this statute. The Report documents not only the proposed projects in the Plan, but also documents the existing conditions in the Sherwood Urabn Renewal Area (Area). Documentation of the existing conditions of the Area is required because this is a Substantial Amendment to the Sherwood Urban Renewal Plan. Many of the projects identified in this Report for the existing conditions of the infrastructure of the Area are projects identified in a master plan or capital improvement plan, but are not necessarily identified as projects in the Sherwood Urban Renewal Plan.

The Sherwood Urban Renewal Plan was established in August of 2000, and has completed many projects towards its purpose of eliminating blight in downtown Sherwood. Over the years, as the economic and physical landscape around Sherwood has changed, the Plan has also changed. To date, there have been 14 amendments, with the most recent being passed in November of 2011. These amendments have, among other things, updated project costs, adjusted the boundary and established the maximum indebtedness. The amendment this Report addresses – the 15th Amendment to the Sherwood Urban Renewal Plan – seeks to raise the Maximum Indebtedness (MI) of the Plan by $9,785,869, bringing the total MI to be incurred to $45,133,469. This will be considered a substantial amendment, and will require a City Council vote on a non-emergency ordinance.

Figure 1 - Sherwood Urban Renewal Plan Area Boundary



City of Sherwood GIS Program
Source: 2011 Metro RLIS Lite Data and City of Sherwood Data

EXISTING PHYSICAL, SOCIAL, AND ECONOMIC CONDITIONS AND IMPACTS ON MUNICIPAL SERVICES

This section of the Report describes existing conditions within the Sherwood Urban Renewal Area (Area), and documents the occurrence of "blighted areas", as defined by ORS 457.010(1).

Physical Conditions

Land Use

According to the Washington County Assessor's Office, the Area, shown in Figure 1 above, contains 1068 parcels, and consists of 473.78 acres and 122.06 acres of right-of-way, for a total size of 595.84 acres.

An analysis of property classification data from the Washington County Assessment and Taxation database was used to determine the land use designation of parcels in the Area.

Within the Area, the largest use of land is Commercial – Improved (25.75% of total acreage). Following this, but excluding tax-exempt uses, is Residential – Improved (17.75%) and then Residential – Land Only (12.15%). Another interesting thing to note is that, when comparing individual parcels instead of acreage, over 50% of the parcels in the Area are Residential – Improved (610 parcels), followed by Condominiums (234 parcels).

Table 1 - Existing Land Use of Area

Land Use	Parcels	Acreage	% of Total Acreage
Commercial - Improved	84	122	25.75%
Tax-Exempt	83	121.75	25.70%
Residential - Improved	610	84.1	17.75%
Residential - Land Only	19	57.57	12.15%
Industrial - Vacant	7	32.98	6.96%
Multi-Family	8	29.85	6.30%
Miscellaneous	4	10.22	2.16%
Commercial - Vacant	11	5.5	1.16%
Industrial - Improved	3	4.17	0.88%
Urban Developable Tract - Vacant	3	2.86	0.60%
Urban Developable Tract - Improved	2	2.78	0.59%
Condominiums	234	0	0.00%
Total*	1,068	473.78	100.00%

**This total does not include 291 leasing interests Source: Washington County Assessor*

Zoning and Comprehensive Plan Designations

In the City of Sherwood, the zoning code implements the Comprehensive Plan. This code establishes districts to control land use throughout the city, and regulates development standards within these established use districts.

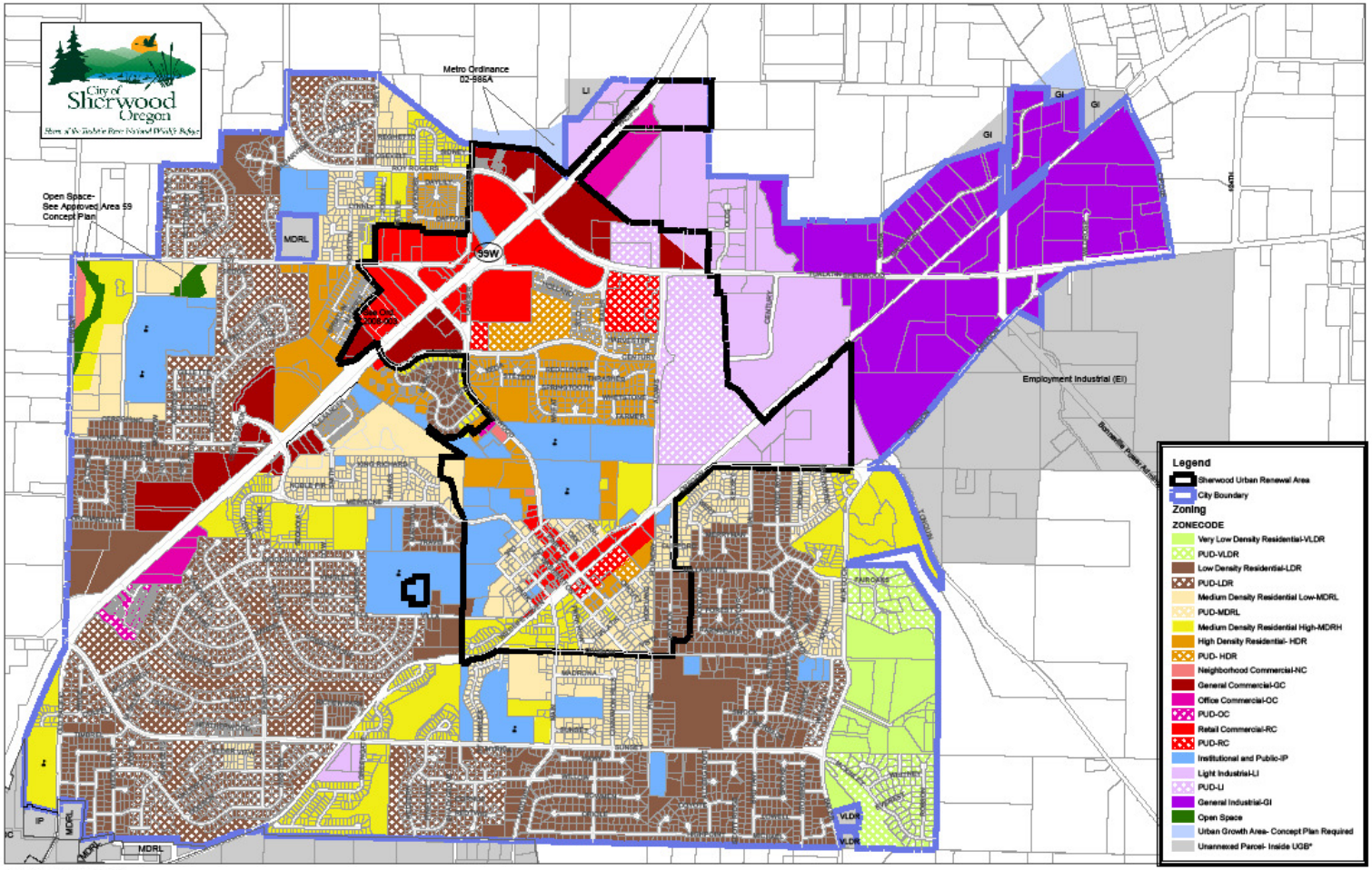
As illustrated in Table 2 and Figure 2, the largest portion (16.07%) of the Area is zoned as Retail Commercial. This is followed by Institutional and Public, which is approximately 14.43%, and close after that is Light Industrial – PUD (14.13%). All combined, residential zones comprise 29.70%of the Area and commercial zones comprise 26.50% of the Area.

Table 2 - Existing Zoning and Comprehensive Plan Designations of Area

Zone	Parcels	Acreage	% of Total Acreage
Retail Commercial	109	76.5	16.07%
Institutional and Public	18	68.69	14.43%
Light Industrial - PUD	3	67.25	14.13%
High Density Residential	231	60.14	12.64%
Light Industrial	10	46.78	9.83%
General Commercial	229	31.63	6.65%
Not Specified	9	25.75	5.41%
High Density Residential - PUD	180	24.37	5.12%
Medium Density Residential Low	152	24.02	5.05%
Medium Density Residential High	79	22.44	4.71%
Retail Commercial - PUD	4	16.17	3.40%
Low Density Residential	40	10.39	2.18%
Neighborhood Commercial	2	1.03	0.22%
Office Commercial	2	0.81	0.17%
Total*	1,068	475.97**	100.00%

**Total does not include 291 leasing interests*
***This number differs slightly from other totals because the City of Sherwood uses a different GIS system than Washington County*
Source: City of Sherwood

Figure 2 - Area Zoning and Comprehensive Plan Designations



City of Sherwood GIS Program
Source: 2011 Metro RLIS Lite Data and City of Sherwood Data

Infrastructure: Existing Conditions

Street and Sidewalk Conditions

While large portions of the Area have been recently improved and streetscaped with urban renewal funds, there are still sections of road that do not adequately serve the community. These sections need to be upgraded to provide a safe and appealing transportation network that will encourage efficient pedestrian and vehicular travel and make the Area an attractive location for business owners. Some of the notable streets that still require improvements are listed below:

Century Drive has yet to be constructed, but it is needed to provide an adequate connection to a Light Industrial zoned portion of the Area. Once transportation facilities are provided, the Light Industrial area will be better able to attract investors.

Lincoln Road is in a dilapidated condition and requires resurfacing.

Oregon Street serves as one of the entrances to the community, yet it has not been improved to the level of the surrounding streets. To properly represent the community and encourage visitor stops, it needs appropriate signage and there needs to be a gateway welcoming traffic to Downtown Sherwood. Additionally, from the roundabout to Lower Roy Road, Oregon Street has no sidewalks, and after Lower Roy Road, there is only a sidewalk on one side of the street. Along with various streetscape projects, including sidewalks, resurfacing, planters, and greenery, there are utilities running along the street that need to be undergrounded.

Railroad Street in Downtown Sherwood needs resurfacing to address the large amounts of cracking and patching that currently exists in the pavement. The street also requires some streetscaping treatment, including a sidewalk, street trees, and planters.

Additionally, the Transportation System Plan for Sherwood was created in 2005, and it identifies both the current conditions of the transportation system and what will be needed to meet demand in the long term. To meet both current and future demand, the plan, and City of Sherwood, have identified deficiencies in the system, and detailed projects totaling $56,890,379 that are required to address these deficiencies. Those projects that were identified in the plan, and by the City, and that have yet to be completed, and lie within the Urban Renewal Area (URA) boundary, are listed in Table 3, below.

Table 3 – Projects in Area in the Transportation System Plan

Project	Estimated Cost
Capital	
Downtown Streetscapes Phase 2 Design and Construction	$2,927,596
Century Drive	$500,000
Edy Road/Borchers Drive	$600,000
Oregon Street	$8,000,000
Sherwood Boulevard/Langer Drive	$750,000
Sherwood Boulevard/Century Drive	$275,000
Roy Rogers Road from Borchers Drive to Highway 99W	$4,000,000
Langer Drive/Tualatin-Sherwood Road	$250,000
Lincoln Street (from Oregon Street to Willamette Street)	$2,970,000
Lincoln Street (from Willamette Street to Division Street)	$4,000,000
Clifford Court	$2,375,000
Highland Drive (Willamette Street to Pine Street)	$2,400,000
Willamette Street (Pine Street to Division Street)	$2,250,000
Villa Street/First Street Connection	$2,882,265
Sub-Total	$34,179,861
Rehabilitation	
Lincoln Street (from Willamette Street to Division Street)	$146,741
Alexander Lane (from Smith Avenue to end of street)	$14,320
Gleneagle Drive (from 10th Street to Sherwood Boulevard)	$132,252
Gleneagle Drive (from Glenco Court to 12th Street)	$90,607
Glenco Court (from Gleneagle Drive to the end of the cul-de-sac)	$23,735
12th Street (from Sherwood Boulevard to Highway 99W)	$207,700
10th Street (from Gleneagle Drive to Sherwood Boulevard)	$29,585
Oregon Street (from Lincoln Street to Murdock Road)	$215,578
Pine Street	$2,550,000
Old Town Streets	$10,800,000
Cannery Arterials	$2,550,000
Future Phases	$4,700,000
Oregon Street/Tonquin Road	$1,000,000
Adams Street/Tualatin-Sherwood Road	$250,000
Sub-Total	$22,710,518
Total	$56,890,379

Source: City of Sherwood Transportation Systems Plan

Stormwater

Stormwater treatment in the Area is generally sufficient, however, there are still a few projects planned in the Area.

Table 4 - Stormwater Projects in the Area Listed in the Capital Improvement Plan

Project	Estimated Cost
Catch basin/inlet replacement program	$332,000
Repairs to Water Facility at 2nd and Park	$12,000
Columbia St. Storm Water Facility	$1,500,000
Oregon St. Regional Storm Water Facility	$400,000
South Stella Olsen Park Stormwater Facility	$250,000
Community Campus Park Stormwater Facility	$250,000
Total	2,744,000

Source: City of Sherwood Capital Improvement Plan

Sanitary Sewer

The Sanitary Sewer Master Plan for Sherwood was created in 2007, and it identifies both the current conditions of the sanitary sewer system and what will be needed to meet long-term demand. To meet both current and future demand, the Master Plan and the City of Sherwood have identified deficiencies in the system, and have detailed the projects, totaling $2,032,161, that are required to address these deficiencies. Those projects that are identified in the Master Plan, and by the City, and that have yet to be completed, and lie within the URA boundary, are listed in Table 5, below.

Table 5 - Sanitary Sewer Projects in the Area from the Sanitary Sewer Master Plan

Project	Project Category	Project Location	Estimated Cost
11	Rehabilitation	SW Willamette St at Orcutt Place	$76,382
12	Rehabilitation	SW Willamette St. at Highland Drive	$124,912
14	Rehabilitation	SW Washington St	$52,750
15	Rehabilitation	SW Schamburg Dr. at Division	$245,182
17	Rehabilitation	SW Pine/SW Park	$76,382
18	Rehabilitation	Old Town Laterals	$40,000
19	Rehabilitation	Ash Street Manhole	$10,000
Small portions of:			
6	Capacity Upgrade	Rock Creek Trunk	$356,128
7	Capacity Upgrade	Rock Creek Trunk	$366,928
8	Capacity Upgrade	Area 48 North	$683,497
Total			$2,032,161

Source: City of Sherwood Sanitary Sewer Master Plan

In addition to the projects listed above, the Sanitary Sewer Master Plan also identifies two manholes on Oregon Street for potential replacement.

Water

The City of Sherwood has identified water projects to take place within the Area, totaling $1,049,840. These projects mainly address infrastructure deficiencies in fire flow and water transmission.

Table 6 - Water Projects in the Area Listed in the Capital Improvement Plan

Project	Estimated Cost*
Regal Cinema	$21,060
Langer Drive at Albertson's Parking Lot	$148,850
Albertsons Parking Lot	$43,810
Tualatin Sherwood Rd.	$111,930
First St., Pine to Washington	$33,280
Langer Drive Stub-Out South No.1	$49,168
Langer Drive Stub-Out South No.2	$56,336
Roy Rogers Rd. Stub-Out	$15,582
North Sherwood Blvd Stub-Out No.2	$15,582
North Sherwood Blvd Stub-Out No.3	$32,242
Adams North Ext.	$522,000
Total	$1,049,840

*Source: City of Sherwood Capital Improvement Plan *costs are in 2005 dollars*

Social Conditions

There are 871 parcels in the Area with residential uses, accounting for 36.23% of the acreage, and 80.28% of parcels, in the Area. The 2010 census data that was recently released is used, below, to describe the social conditions within the Area. Due to the fact that this data is for the City of Sherwood as a whole, not just the URA, some variation can be expected between the values represented in the tables and the actual values within the URA. The percentages presented here, however, should provide a reasonably accurate picture of what demographic exists within the Sherwood Area.

The age distribution in Sherwood has two peaks, one at the 5-14 year age groups, and a second at the 35-44 year age groups. These groups account for over 40% of Sherwood's population, and people under 50 years of age account for over 79% of the total population. Overall, the median age of a Sherwood City resident (meaning half of Sherwood residents are older, and half are younger) is 34.3 years. The full age distribution of the Area is shown in Table 7, below.

Table 7 - Age

Age	Population	Percent
Under 5 years	1,518	8.3%
5 to 9 years	1,860	10.2%
10 to 14 years	1,842	10.1%
15 to 19 years	1,218	6.7%
20 to 24 years	608	3.3%
25 to 29 years	927	5.1%
30 to 34 years	1,330	7.3%
35 to 39 years	1,876	10.3%
40 to 44 years	1,858	10.2%
45 to 49 years	1,400	7.7%
50 to 54 years	1,065	5.9%
55 to 59 years	801	4.4%
60 to 64 years	651	3.6%
65 to 69 years	421	2.3%
70 to 74 years	275	1.5%
75 to 79 years	210	1.2%
80 to 84 years	151	0.8%
85 years and over	183	1.0%
Total population	18,194	100.0%
Median age (years)	34.3	

Source: 2010 US Census Data

The racial characteristics of the City of Sherwood are shown in Table 8, below. The majority of people (88.3%) in Sherwood identify themselves as white and the second largest group (5.2%) that people identify with is Asian.

Table 8 - Racial Characteristics

Race	Population	Percent
White	16,732	88.3%
Black or African American	252	1.3%
American Indian and Alaska Native	235	1.2%
Asian	989	5.2%
Native Hawaiian and Other Pacific Islander	149	0.8%
Some Other Race	585	3.1%
Total	18,942	100.0%

Source: 2010 US Census Data

The US Census chooses to describe Hispanic or Latino demographics in a table separate from the other races. This data is shown below in Table 9, and is simply another representation of the racial characteristics of the Area. The majority of people who identify themselves as Hispanic or Latino are of Mexican origin (5.4%).

Table 9 - Racial Characteristics (Hispanic or Latino)

Race	Population	Percent
Mexican	983	5.4%
Puerto Rican	46	0.3%
Cuban	45	0.2%
Other Hispanic or Latino [5]	205	1.1%
Not Hispanic or Latino	16,915	93.0%
Total population	18,194	100.0%

Source: 2010 US Census Data

Economic Conditions

Taxable Value of Property Within the Area

The estimated 2011/2012 total assessed value of the real property in the Area is $251,690,670. The total assessed value, including all real, personal, manufactured, and utility properties, is $290,300,463. The frozen base is $115,300,444. The excess value of the Sherwood Urban Renewal Area is $175,000,019.[1] The total assessed value of the City of Sherwood is $1,518,340,179[2].

Building to Land Value Ratio

An analysis of property values can be used to evaluate the economic condition of real estate investments in a given area. The relationship of a property's improvement value (the value of buildings and other improvements to the property) to its land value is generally an accurate indicator of the condition of real estate investments. This relationship is referred to as the "Improvement to Land Ratio", or "I:L." The values used are real market values. In urban renewal areas, the I:L may be used to measure the intensity of development or the extent to which an area has achieved its short- and long-term development objectives. A healthy condition of real estate investment in the Area would be 4:1 or more.

[1] Excess value is the "incremental value" over the frozen base in an urban renewal area

[2] Data from Washington County Assessor's 2011-12 tax roll summary

Table 10, below, "I:L Ratio of Parcels in the Area", shows the improvement to land ratios for taxable properties within the Area. Approximately 58% of the acreage in the Area (730 parcels) has an improvement ratio below 1.5. Only 5.27% of the acreage (eight parcels) meets the I:L ratio of 4.0. The I:L ratios for improved properties in the Area are very low. Additionally, the Area contains 82.01 acres of undeveloped land.

Table 10 - I:L Ratio of Parcels in the Area

I:L Ratio	Parcels	Acreage	% of Total Acreage
Not Taxable	59	97.87	20.66%
No Improvements	58	82.01	17.31%
Condos	234	0.00	0.00%
0.01 - 0.50	77	58.41	12.33%
0.51 - 1.00	406	86.96	18.35%
1.01 - 1.50	189	47.09	9.94%
1.51 - 2.00	22	42.79	9.03%
2.01 - 3.00	13	22.61	4.77%
3.01 - 4.00	2	11.05	2.33%
4.01 - 5.00	2	4.95	1.04%
>5.0	6	20.04	4.23%
Total*	1068	473.78	100.00%

Source: raw data from Washington County Assessor
**This total does not include 291 leasing interests because there is no land value listed*

Impact on Municipal Services

The fiscal impact of tax increment financing on taxing districts that levy taxes within the Area (affected taxing districts) is described in the Section on Impact of Tax Increment Financing of this Report. This subsection discusses the fiscal impacts resulting from potential increases in demand for municipal services.

The projects being considered for future use of urban renewal are primarily transportation projects. The use of urban renewal funding for these projects allows the city to match other funding sources to actually construct the improvements. It also allows the city to tap a different funding source than the City of Sherwood's general funds to make these improvements.

It is anticipated that these improvements will catalyze development on the adjacent undeveloped and underdeveloped parcels. This development will require city services, but will also generate systems development charges and revenues from the use of utilities in the Area. As the development will be new construction, it will be up to current building code, and will aid in any fire-protection needs.

These impacts will be countered by providing major transportation funding for vital connections to Sherwood and major parcels of undeveloped and underdeveloped land. This land will provide future jobs to the Sherwood area, and future increased tax base for all taxing jurisdictions.

Reasons for Selection of Each Urban Renewal Area in the Plan

The reason for selecting the area has not changed with this amendment. The documented reason for selections was to cure blight within the area.

The Relationship Between Urban Renewal Projects and the Existing Conditions in the Urban Renewal Area

The projects identified for the Area are shown in Table 11, below, and the table is followed by descriptions of the projects and how they relate to the existing conditions in the Area:

Table 11 - Projects to be Completed Using URA Funds

Project	Estimated Cost
Downtown Streetscapes Phase 2	$2,950,000
Oregon Street Improvements	3,290,000
Lincoln Street Improvements - Willamette to Division Street	734,000
Century Drive Extension	500,000
Cedar Creek Trail	200,000 - 300,000
Sub-Total Infrastructure	$7,774,000
Property Acquisition	$500,000
Façade Grants	200,000
Main Street Program	100,000
Parking Study	50,000
Alley Improvements in Old Town	500,000
Sidewalk Improvements in Old Town	100,000
URA Administration	1,200,000
Traffic Re-routing Study and Plans for Old Town	175,000
Redevelopment of Public Land into Parking Lots	371,000
Sub-total Other Projects	$3,196,000
Total	$10,970,000

Source: City of Sherwood

Downtown Streetscapes Phase 2

This project will reconstruct Railroad Street between Pine Street and Main Street, and Washington Street between Railroad Street and 1st Street to match Cannery Street development. It will also include the installation of new utility infrastructure.

Existing Conditions: These roads do not have improvements that bring them to the same level as roads in the surrounding area. Additionally, they have large amounts of cracking and patching, and are, in places, missing key ingredients to a pedestrian friendly downtown, including sidewalks.

Oregon Street Improvements

This project will reconstruct Oregon Street between Lincoln Street and a roundabout at Murdock to full TSP standards. It also includes the option to construct a regional trail.

Existing Conditions: Oregon Street will be enhanced to the level that it can function as an appropriate gateway to downtown Sherwood.

Lincoln Street Improvements – Willamette to Division Street

This project will rehabilitate the Lincoln Street pavement section between Willamette Street and Division Street. The URA funded portion of the project will not bring the road fully up to TSP standards for residential street sections.

Existing Conditions: Lincoln Street is dilapidated and requires resurfacing. This project will improve the road and bring it back up to a serviceable condition.

Century Drive Extension

This project constructs an extension of Century Drive between Adams Avenue and Tualatin-Sherwood Road. This three-lane road extension is classified as a collector and will conform to the TSP street standards. The road will provide improved access to industrial properties.

Existing Conditions: Currently, this portion of the Langer property lacks sufficient road access, and this issue has proven to be a barrier to development.

Cedar Creek Trail

This project will provide URA funds, which will match a $5.2 million Metro Regional Flexible Funds Grant, to develop a regional trail system through Sherwood. The trail system will promote non-automotive transportation within the

URA area and downtown Sherwood as a whole, and will support both pedestrian and bicycle traffic.

Existing Conditions: Sidewalks, parks, and some trails currently exist within the URA, but they do not provide adequate connections from the surrounding communities to downtown Sherwood.

Property Acquisition

The Agency desires to continue to acquire properties within the Area.

Existing Conditions: There are properties within the Area that are presently privately or publicly owned that the Agency may wish to acquire in the future. (Any acquisition must be done through a Plan amendment that specifies those properties to be acquired.)

Façade Grants

The Agency has a Façade Grant Program that provides grants to property owners within the Area.

Existing Conditions: There is an existing Façade Grant Program that will need future, continued funding.

Main Street Program

The Main Street Program supports efforts to improve Old Town, the "Main Street" of the Area. These funds will only be used for capital improvements or other eligible urban renewal expenditures.

Existing Conditions: The Main Street Program, which supports Old Town, is in operation and works on projects in Old Town. The group may, from time to time, identify projects that will assist in upgrading the Area.

Parking Study

A parking study for Old Town is desired to evaluate future parking needs and project future improvements to address those needs.

Existing Conditions: There are parking needs in Old Town that need to be analyzed and addressed.

Alley Improvements in Old Town

The Agency desires to make improvements to the alleys in Old Town. The alleys are currently gravel and underground utilities are near the surface. The URA plans to relocate the utilities and pave the alleys to improve pedestrian flow.

Existing Conditions: There are alleys in Old Town that are blighting conditions in the Area and need to be improved.

Sidewalk Improvements in Old Town

The Agency desires to make improvements to the sidewalks in Old Town, where needed.

Existing Conditions: There are sidewalks in Old Town that are blighting conditions in the Area and need to be improved.

Traffic Rerouting Study and Plans for Old Town

The Old Town area requires analysis of the traffic patterns and their impacts.

Existing Conditions: There is significant traffic in the Old Town area that impacts the area. A study will allow the Agency and City to address these issues.

Redevelopment of Public Lands into Parking Lots

There are publicly owned lands that could be used as parking lots to help facilitate parking in the Area.

Existing Conditions: These publicly owned lands are not presently used as parking lots, but have the potential to address parking issues in the Area.

URA Administration Costs

Administrative Costs are incurred to implement the Urban Renewal Plan.

Existing Conditions: The City currently bills urban renewal administrative costs to the Agency.

THE ESTIMATED TOTAL COST OF EACH PROJECT AND THE SOURCES OF MONEYS TO PAY SUCH COSTS

The costs of the projects are shown in Table 12 below. The sources of funds are tax increment revenues. The Cedar Creek Trail will be a match to other local funds.

Table 12 - Estimated Cost of Projects

Project	Estimated Cost
Infrastructure	
Downtown Streetscapes Phase 2	$2,950,000
Oregon Street Improvements	3,290,000
Lincoln Street Improvements - Willamette to Division Street	734,000
Century Drive Extension	500,000
Cedar Creek Trail	200,000 - 300,000
Sub-total Infrastructure	$7,674,000 - 7,774,000
Property Acquisition	$500,000
Façade Grants	200,000
Main Street Program	100,000
Parking Study	50,000
Alley Improvements in Old Town	500,000
Sidewalk Improvements in Old Town	100,000
URA Administration	1,200,000
Traffic Re-routing Study and Plans for Old Town	175,000
Redevelopment of Public Land into Parking Lots	371,000
Sub-total Other Projects	$3,196,000
Total	$10,870,000 - 10,970,000

Source: City of Sherwood

THE ANTICIPATED COMPLETION DATE FOR EACH PROJECT

The project schedule is shown in Table 13. The infrastructure projects will be scheduled as shown. The other projects will be ongoing and will be completed as directed by the Agency.

Table 13 - Anticipated Completion Dates

Project	Anticipated Completion Date
Infrastructure	
Downtown Streetscapes Phase 2	October 2012
Oregon Street Improvements	October 2013
Lincoln Street Improvements - Willamette to Division Street	October 2017
Century Drive Extension	October 2012
Cedar Creek Trail	October 2015

Source: City of Sherwood

AMOUNT OF INCREASED MAXIMUM INDEBTEDNESS ALLOWED

ORS 457.220(4)(a) and (b) state that an urban renewal plan's indebtedness may be increased, but is limited to the aggregate of all amendments under this subsection, and may not exceed 20% of the plan's initial maximum indebtedness, as adjusted by the index used in the plan to compute future costs of projects that will be financed under the plan. The computation for the Sherwood Urban Renewal Plan is shown below. The initial maximum indebtedness was $35,347,600. The adjustment factor in the Plan was 3%. Therefore, the Plan's maximum indebtedness may be increased by $9,785,869 to a new maximum indebtedness of $45,133,469.

Table 14 - Maximum Indebtedness Increase

Year	Percentage Rate	Maximum Indebtedness
Adopted Aug 29, 2000	Initial MI	$35,347,600
2001, Year 1		36,408,028
2002, Year 2	3%	37,500,269
2003, Year 3		38,625,277
2004, Year 4		39,784,035
2005, Year 5		40,977,556
2006, Year 6		42,206,883
2007, Year 7		43,473,089
2008, Year 8		44,777,282
2009, Year 9		46,120,601
2010, Year 10		47,504,219
2011, Year 11		48,929,345
20% of Year 11		9,785,869
New Maximum Indebtedness		$45,133,469

THE ESTIMATED AMOUNT OF TAX INCREMENT REVENUES REQUIRED AND THE ANTICIPATED YEAR IN WHICH INDEBTEDNESS WILL BE RETIRED

Table 15 shows the tax increment revenues and their allocation to loan repayments, reimbursements, debt service, and debt service reserve funds. The Area also hits the revenue sharing triggers implemented by the State in ORS 457.470, as further described in the section of this report on Impacts to Taxing Jurisdictions.

It is anticipated that all debt will be retired by FYE 2021 (any outstanding bonds will be defeased). The maximum indebtedness is increased by $9,785,869 to a new maximum indebtedness of $45,133,469 (Forty-five million, one hundred thirty three thousand four hundred sixty nine thousand dollars).

The estimated total amount of tax increment revenues required to service the increase in maximum indebtedness of $9,785,869 is $19,277,202. This estimate is a conservative estimate of the potential revenue required as the Area shows some ability to defease loans earlier than the projections below indicate, which would lower the total revenues required. The increased maximum indebtedness extends the urban renewal area by an estimated three years, from FYE 2018 to FYE 2021, even with revenue sharing.

Table 15 - Tax Increment Revenues and Allocations to Debt Service

FYE	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Debt Service											
2003 B of A Loan: Civic Building	$ 305,590	$ 300,236									
2003 OECDD Loan	$ 438,486	$ 435,853	$ 437,879	$ 434,138	$ 434,738	$ 434,938	$ 434,483	$ 438,353	$ 436,313	$ 438,553	$ 434,828
2004 B of A Loan: Cannery	$ 39,682	$ 37,809	$ 35,983								
2005 B of A Loan: Old School	$ 56,080	$ 55,126	$ 56,112	$ 55,928	$ 55,628	$ 56,212	$ 55,626	$ 55,922	$ 56,048		
2005 B of A Loan: Sports Fields	$ 24,256	$ 23,644	$ 24,032	$ 24,386	$ 23,706	$ 24,026	$ 25,032	$ 24,564	$ 23,782		
2006 B of A Loan: Downtown Streets	$ 175,396	$ 175,416	$ 175,398	$ 175,396	$ 175,386	$ 175,396	$ 175,395	$ 175,386	$ 175,397	$ 175,398	$ 43,849
2006 OECDD Loan: Downtown Streets	$ 483,820	$ 485,419	$ 481,619	$ 482,619	$ 483,219	$ 483,419	$ 483,220	$ 482,619	$ 481,619	$ 484,863	$ 482,263
2010 B of A Loan	$ 554,820	$ 553,346	$ 551,360	$ 553,866	$ 555,606	$ 551,580	$ 552,046	$ 551,746	$ 555,680	$ 553,596	$ 555,768
2012 Loan	$ -	$ 650,188	$ 650,188	$ 650,188	$ 650,188	$ 650,188	$ 650,188	$ 650,188	$ 650,188	$ 650,188	$ 650,188
2013 Loan	$ -	$ -	$ 267,774	$ 267,774	$ 267,774	$ 267,774	$ 267,774	$ 267,774	$ 267,774	$ 267,774	$ 267,774
Total Debt Service	$ 2,078,130	$ 2,717,037	$ 2,680,345	$ 2,644,295	$ 2,646,245	$ 2,643,533	$ 2,643,764	$ 2,646,552	$ 2,646,801	$ 2,570,372	$ 2,434,670
Cumulative Remaining D/S											
Outstanding debt	$ 27,154,483	$ 25,076,353	$ 23,009,504	$ 21,247,121	$ 19,520,788	$ 17,792,505	$ 16,066,934	$ 14,341,132	$ 12,612,542	$ 10,883,703	$ 9,231,293
New Debt	$ 19,277,202	$ 19,277,202	$ 18,627,014	$ 17,709,052	$ 16,791,090	$ 15,873,128	$ 14,955,166	$ 14,037,204	$ 13,119,242	$ 12,201,280	$ 11,283,318
Total Debt	$ 46,431,685	$ 44,353,555	$ 41,636,518	$ 38,956,173	$ 36,311,878	$ 33,665,633	$ 31,022,100	$ 28,378,336	$ 25,731,784	$ 23,084,983	$ 20,514,611
Debt Service Fund											
Beginning Fund Balance	3,718,395.28	$ 4,962,359	$ 5,789,338	$ 6,703,212	$ 7,711,996	$ 8,879,151	$ 10,654,068	$ 12,428,754	$ 14,200,652	$ 15,972,301	$ 17,820,379
TIF Revenues	$ 3,322,094	$ 3,544,016	$ 3,594,219	$ 3,653,079	$ 3,813,400	$ 4,418,450	$ 4,418,450	$ 4,418,450	$ 4,418,450	$ 4,418,450	$ 4,418,450
Total Resources	$ 7,040,489	$ 8,506,375	$ 9,383,557	$ 10,356,291	$ 11,525,396	$ 13,297,601	$ 15,072,518	$ 16,847,204	$ 18,619,102	$ 20,390,751	$ 22,238,829
Coverage Ratio	1.60	1.30	1.34	1.38	1.44	1.67	1.67	1.67	1.67	1.72	1.81
Ending Fund Balance	$ 4,962,359	$ 5,789,338	$ 6,703,212	$ 7,711,996	$ 8,879,151	$ 10,654,068	$ 12,428,754	$ 14,200,652	$ 15,972,301	$ 17,820,379	$ 19,804,159

Source: ECONorthwest. Revenue sharing begins in FY 2014 and the tax increment revenues to the District are stabilized in FY 2017: see line TIF Revenues

FINANCIAL ANALYSIS OF THE PLAN

The estimated tax increment revenues through FYE 2021, as shown above, are based on projections of the assessed value of development within the Area and the total tax rate that will apply in the Area. The assumptions include new development projects, as identified by the City of Sherwood, and growth rates, at a minimum of 3%, increasing in the later years of the projections.

Table 16 shows the projected incremental assessed value, projected tax rates that would produce tax increment revenues, and the annual tax increment revenues (not adjusted for under-collection, penalties, and interest). These projections of increment are the basis for the projections in Table 15. These projections include shared revenue with impacted taxing jurisdictions.

Table 16 - Projected Incremental Assessed Value, Tax Rates, and Tax Increment Revenues and Revenue Sharing

FYE	Total AV	Frozen Base	Increment	Tax Rate	TIF	TIF for URA	TIF Shared
2012	$290,643,763	$115,340,003	$175,303,760	18.9505	$3,322,094	$3,322,094	$0
2013	$302,354,391	$115,340,003	$187,014,388	18.9505	$3,544,016	$3,544,016	$0
2014	$314,416,292	$115,340,003	$199,076,289	18.9505	$3,772,595	$3,594,219	$178,376
2015	$326,840,185	$115,340,003	$211,500,182	18.9505	$4,008,034	$3,653,079	$354,955
2016	$360,680,214	$115,340,003	$245,340,211	18.9505	$4,649,320	$3,813,400	$835,920
2017	$395,027,844	$115,340,003	$279,687,841	18.9505	$5,300,224	$4,418,450	$881,774
2018	$414,605,993	$115,340,003	$299,265,990	18.9505	$5,671,240	$4,418,450	$1,252,790
2019	$431,364,888	$115,340,003	$316,024,885	18.9505	$5,988,830	$4,418,450	$1,570,380
2020	$448,430,232	$115,340,003	$333,090,229	18.9505	$6,312,226	$4,418,450	$1,893,776
2021	$466,084,014	$115,340,003	$350,744,011	18.9505	$6,646,774	$4,418,450	$2,228,324
2022	$476,606,334	$115,340,003	$361,266,331	18.9505	$6,846,178	$4,418,450	$2,427,728

Source: ECONorthwest

IMPACT OF THE TAX INCREMENT FINANCING

This section describes the impact of tax increment financing of the new maximum indebtedness, both until and after the indebtedness is repaid, upon all entities levying taxes upon property in the urban renewal area.

The impact of tax increment financing on overlapping taxing districts consists primarily of the property tax revenues foregone on permanent rate levies and local option levies as applied to the growth in assessed value in the Area. These projections are for impacts estimated through FYE 2021.

Note that, starting in FY 2014, there is a positive benefit to the taxing jurisdictions as a result of the increased maximum indebtedness. Updating the plan to increase the maximum indebtedness forces the plan to comply with the updated revenue sharing trigger, which comes into effect in FY 2014. The negative numbers, which begin in 2019, show the impact due to the need to extend the length of the Area as a result of the increase in maximum indebtedness. The Area is projected to meet the 10 percent of initial maximum indebtedness trigger stated in the statutes in FY 2014 (10% of $35,347,600 is $3,534,760). At that 10% limit, the affected taxing jurisdictions will begin receiving a portion of the increased value within the Area. The Area is projected to meet the 12.5% of the initial maximum indebtedness trigger in FY 2016, at which time the tax increment revenues to the Agency from the Area are held stable at that number, $4,418,450, and the impacted taxing jurisdictions receive a proportionate share of the increase in tax increment revenues for the remaining life of the district.

The impacts tables do not reflect the impacts of bonds on the taxing jurisdictions as those impacts are made up by slightly increased bond rates in the locality.

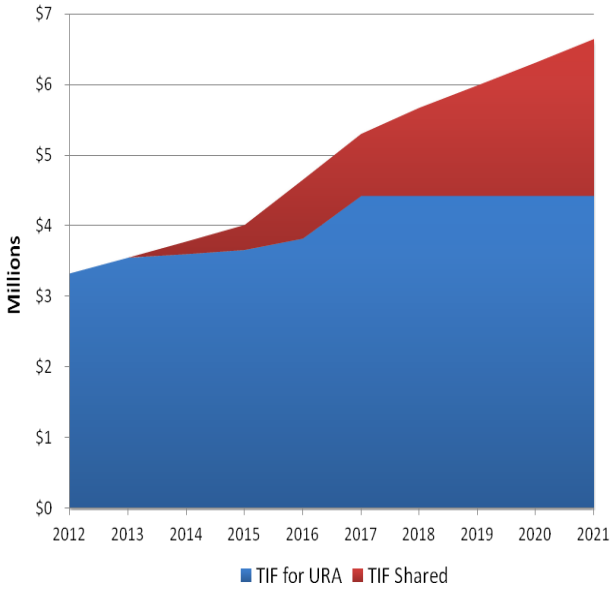
These revenue sharing requirements only minimally impact the length of time the district will be in operation. An analysis of the tax increment revenues without revenue sharing indicated the Area would be able to defease the debt one year later with revenue sharing as without.

Table 17 - Projected Impact on Taxing District Permanent Rate Levies for New Maximum Indebtedness

Jurisdiction Name	2014	2015	2016	2017	2018	2019	2020	2021	Total
Washington County	$26,717	$53,165	$125,204	$132,072	$187,643	($661,794)	($661,794)	($661,794)	($1,460,582)
Metro	$909	$1,809	$4,261	$4,495	$6,386	($22,523)	($22,523)	($22,523)	($49,708)
Port of Portland	$660	$1,313	$3,092	$3,262	$4,634	($16,344)	($16,344)	($16,344)	($36,072)
Portland Community College	$2,662	$5,297	$12,475	$13,159	$18,696	($65,937)	($65,937)	($65,937)	($145,523)
Northwest ESD	$1,448	$2,881	$6,784	$7,156	$10,167	($35,860)	($35,860)	($35,860)	($79,142)
Sherwood School District	$45,297	$90,138	$212,274	$223,918	$318,134	($1,122,023)	($1,122,023)	($1,122,023)	($2,476,310)
Tualatin Valley Fire and Rescue	$16,710	$33,251	$78,305	$82,601	$117,356	($413,901)	($413,901)	($413,901)	($913,481)
City of Sherwood	$31,039	$61,764	$145,455	$153,434	$217,993	($768,837)	($768,837)	($768,837)	($1,696,825)
Total	**$125,441**	**$249,618**	**$587,850**	**$620,096**	**$881,009**	**($3,107,219)**	**($3,107,219)**	**($3,107,219)**	**($6,857,643)**

Source: ECONorthwest

Figure 3 – Tax Increment Financing Revenue Sharing



The graph to the left, prepared by ECONorthwest, shows the revenue sharing as a result of this amendment to increase maximum indebtedness.

The Sherwood School District and the Education Service District are not directly affected by the tax increment financing, but the amount of their taxes divided for the urban renewal plan is shown in the chart. Under current school funding law, property tax revenues are combined with State School Fund revenues to achieve per-student funding targets. Under this system, property taxes foregone because of the use of Tax Increment Financing are replaced, as determined by a funding formula at the State level with State School Fund revenues.

Table 18 shows the projected increased revenue to the taxing jurisdictions at the end of the Urban Renewal Area. These projections are for FYE 2022. They include permanent rates, local option levies, and bonds.

Table 18 - Additional Revenues Obtained After Termination of Tax Increment Financing

Jurisdiction Name	FYE 2022
Washington County	$1,025,418
Metro	$34,898
Port of Portland	$25,325
Portland Community College	$102,166
Northwest ESD	$55,563
Sherwood School District	$1,738,522
Tualatin Valley Fire and Rescue	$641,320
City of Sherwood	$1,191,276
Total	**$4,418,450**

Source: ECONorthwest

COMPLIANCE WITH STATUTORY LIMITS ON ASSESSED VALUE AND SIZE OF URBAN RENEWAL AREA

There is one existing urban renewal area in the City of Sherwood. State law limits the percentage of both a municipality's total assessed value and the total land area that can be contained in an urban renewal area at the time of its establishment to 25% for municipalities under 50,000 in population. As noted below, the frozen base, including all real, personal, personal manufactured, and utility properties in the Urban Renewal Area, is $102,540,480. The total assessed value of the City of Sherwood less excess value of the urban renewal area is $1,343,036,419. This is 11.54% of the total assessed value, well below the 25% maximum. The Urban Renewal Area has 595.84 acres, including right of way, and the City of Sherwood has 2,745 acres; therefore 21.71% of the City's acreage is in an urban renewal area, below the 25% state limit.

Table 19 - Urban Renewal Area Conformance with Assessed Value and Area Limits

Urban Renewal Area	Assessed Value	Acres
Sherwood Urban Renewal Area Frozen Base	$102,540,480	
Sherwood Urban Renewal Area Acreage		595.84
Total Acreage, City of Sherwood		2,745
Total Assessed Value City of Sherwood *	$1,343,036,419	
Percent of Sherwood Assessed Value in Urban Renewal Area		11.54%
Percent of Sherwood Acreage in Urban Renewal		21.71%

Source: City of Sherwood, Washington County Assessor
*Less Incremental Assessed Value in Urban Renewal Areas

RELOCATION REPORT

There is no relocation anticipated due to this amendment.

City of Sherwood **January 17, 2012**
Staff Report to Planning Commission

File No: PA 11-05 Parking Lot Landscaping and Configuration

Proposal: Amendments to the Development Code updating the parking lot landscaping and configuration provisions. The proposed changes are attached as Exhibit A.

I. BACKGROUND

A. Applicant: This is a City-initiated text amendment; therefore, the applicant is the City of Sherwood.

B. Location: The proposed amendment is to the text of the development code and, therefore applies citywide.

C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission will make a recommendation to the City Council who will make the final decision. Any appeal of the City Council decision would go directly to the Land Use Board of Appeals.

D. Public Notice and Hearing: Notice of the January 24, 2012 Planning Commission hearing on the proposed amendment was published in *The Gazette* on January 1, 2012 and *The Times* on January 12, 2011. Staff posted notice in five public locations around town and on the web site on January 3, 2012. Regular updates were provided in the City newsletter.

While this does apply citywide, it does not affect the permissible uses of any property; therefore Measure 56 notice was not required or provided. DLCD notice was provided November 24, 2011.

E. Review Criteria:
The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC). Title 4 or Chapter 3.08.410 of the Metro Transportation Functional Plan (RTFP) and Goal 1 and 2 of the Statewide Planning Goals are reviewed.

F. Background:
The city began the comprehensive code clean-up project in 2010 as a way to update all sections of the code to provide clarity to citizens and developers and to address any local, county, regional or state standards that have gone into effect and that require changes to the code. The Planning Commission has reviewed and the City Council has adopted multiple sections of the Code recently including the topics: residential uses, variances, street trees, temporary uses, and open space requirements for subdivisions.

In reference to parking lot landscaping and layout, the Planning Commission held multiple work sessions on June 28, 2011, September 6, 2011, and November 8, 2011 to discuss issues regarding parking lot layout and configuration. Over the course of these sessions, staff discussed and compared landscaping and parking requirements at several locations around Sherwood and the metropolitan region. Commissioners provided guidance as to the general aesthetic and desired outcomes for the parking lot landscaping to incorporate into the new code provisions. Specifically, it

was determined that, while the existing standards provide some parking lot landscaping, there are many examples within the City where only minimally required landscaping is installed in compliance with existing Code standards. This results in less shading of impervious area (impacts water quality), unsafe and unappealing parking lots for pedestrians and a less pleasing aesthetic in the community. The City has determined changes are needed because the current standards do not adequately address the Comprehensive Plan provisions by not ensuring that parking lots are aesthetically pleasing and compliment adjoining uses. The proposed amendments are intended to reflect the direction provided at the work sessions.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:
The City sent request for comments to the standard agency notification list on January 5, 2012. The City has received no responses to date.

Public:
No formal public comments have been received since the notice posting on January 3, 2012 on the proposed amendments; however, staff held an open house at the YMCA in November. Approximately ten citizens attended and heard information on the proposed amendments. Although no specific comments were received regarding the parking lot landscaping and configuration, those in attendance appeared supportive of the amendments and improved landscaping requirements. Additionally, staff posted boards in the foyer of City Hall to inform the public about the upcoming changes.

III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are 16.80.030.1 and 3.

16.80.030.1 - Text Amendment Review

An amendment to the text of the Comprehensive Plan shall be based upon the need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the Comprehensive Plan, and with all other provisions of the Plan and Code, and with any applicable State or City statutes and regulations.

Need Identified
As discussed briefly above, the following proposed Code amendments clarify and provide greater specificity to the landscaping and configuration requirements in parking lots for new developments. These clarifications will provide easier standards to follow and encourage a better aesthetic for the project overall. The Planning Commission held a series of work sessions to discuss the desired outcome of the parking lot layout and configuration amendments. The following describes the topics proposed to be amended include:

Parking Lot Landscaping

- Increasing the total landscaping requirements-proportion of shrubs, ground cover or trees
- Interior landscaping requirements-reduce the number of spaces between islands
- Increase the size of landscape islands
- Create greater specificity of landscaping materials per number of parking spaces
- Requiring trees in the landscape islands

Parking Lot Layout

- Modifications to parking minimums table to ensure compliance with updates to the Metro functional plan parking requirements including adding provisions for warehouse and places of worship. Add new provision for visitor parking in multifamily developments

- Inserting a table of the dimensional standards for angled parking stalls making it easier to find and administer
- Shared and joint parking requirements for mixed use or large site developments
- Bicycle parking requirements modified to allow uncovered bike parking where appropriate
- Further describe larger parking lot layouts and internal circulation

The new provisions would categorize trees within the parking lot landscaping as small, medium and large using a tree's "canopy factor." The canopy factor is determined by multiplying the proposed tree's anticipated mature height, canopy cover and growth rate. The new language would require a specific number of trees, shrubs, and ground cover based upon the number of parking spaces in each parking area. The number of trees required would depend on the size of the trees, based on the "canopy factor," the applicant chooses to plant. An applicant can use any combination of sized tree to vary the landscaping of the site and existing vegetation counts toward the amount of required landscaping.

Upon review of the Comprehensive Plan, the following policies or strategies relate to all or some of the proposed amendments:

Comprehensive Plan

Chapter 4 Land Use Economic Development
Policy 2 Commercial uses will be developed so as to complement rather than detract from Adjoining uses.

The amendments provide for more landscaped areas within the parking areas within a new development site. The standards include requiring certain number of trees, shrubs and ground cover. This will complement the adjoining uses by creating more visually appealing development sites thereby improving the overall aesthetic of the City.

Applicable Regional (Metro) standards
Title 4 or Chapter 3.08.410 of the Metro Transportation Functional Plan (RTFP) guides the regional parking management requirements. Cities must not allow higher minimum parking ratios than those allowed nor maximum ratios higher than those outlined in the RTFP. The proposed amendments include adding a description of warehouse parking, places of worship and differentiating visitor parking from the residential portion in multifamily developments. The proposed new provisions are in compliance with the Metro standards.

Consistency with Statewide Planning Goals
Goal 1- "Citizen Involvement"
The purpose statement of Goal 1 is "to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

The proposed code changes do not include changes to the City's citizen involvement program, which complies with Goal 1, however the process to develop the proposed changes was fully compliant with this Goal. Public outreach included web updates, work sessions with public comment and an open house held on November 16, 2011.

Goal 2- "Land Use Planning"
The purpose statement of Goal 2 is "to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to ensure an adequate factual base for such decisions and actions".

The proposed code changes affect the land use process by making it easier to follow and use but do not change the way the land use application Code requirements are applied or the policy framework for which

they are established. The City's land use planning process and policy framework, which are in compliance with Goal 2, will not change.

FINDING: As discussed above in the analysis, there is a need for the proposed amendments and the amendments are consistent with the Comprehensive Plan and applicable City, regional and State regulations and policies.

16.80.030.2 – Transportation Planning Rule Consistency

A. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.

FINDING: The amendments will not result in a change of uses otherwise permitted and will have no impact on the amount of traffic on the transportation system; therefore this policy is not applicable to the proposed amendment.

IV. RECOMMENDATION

Based on the above findings of fact, and the conclusion of law based on the applicable criteria, staff recommends Planning Commission forward a recommendation of approval of PA 11-05 to the City Council.

V. EXHIBITS

A. Proposed development code changes--with "track changes"
B. Proposed development code changes--"clean copy"

Chapter 16.92 LANDSCAPING*

Sections:

16.92.010 Landscaping Plan Required
16.92.020 Landscaping Materials
16.92.030 Site Landscaping and Screening Standards
16.92.040 Installation and Maintenance

* Editor's Note: Some sections may not contain a history.

16.92.010 Landscaping Plan Required

All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan 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 non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.~~

(Ord. 2006-021; Ord. 86-851, § 3)

16.92.020 Landscaping Materials

A. ~~Varieties~~Type of Landscaping

Required landscaped areas shall include an appropriate combination of native evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of this Chapter. Plants may be selected from the City's "Suggested Plant Lists for Required Landscaping Manual" or able to be verified to be suitable for the Pacific Northwest climate.

1. Ground Cover
   a. All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch is not a substitute for ground cover, but is allowed in addition to the ground cover plants.
   b. Size and spaces: Ground cover plants other than grasses must be at least the four-inch pot size and spaced at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three years.

2. Shrubs
   All shrubs must be of sufficient size and number to be at full growth within three years of planting. Shrubs must be at least the one-gallon container size at the time of planting.

3. Trees
   a. Planting Size:
      (1) Broadleaf trees at the time of planting must be fully branched and must be a minimum of two 2 caliper inches and at least five feet in height.

      (2) Conifer trees at the time of planting must be fully branched and a minimum of five feet in height.

b. Categories of Trees based on canopy factor
Small trees have a canopy factor of less than 40, medium trees have a canopy factor from 40 to 90, and large trees have a canopy factor greater than 90;

c. Canopy Factor:

(1) Landscaping trees are assigned a canopy factor to determine the number required to be planted. The canopy factor is calculated based on the following formula:

Canopy Factor = *Mature Height (in feet) x Canopy Spread (in feet) x Growth Rate Factor x .01*

(2) Growth rate factor: The growth rate factor is three (3) for fast-growing trees, two (2) for medium growing trees, and one (1) for slow growing trees. The growth rate of a tree is identified in the "Suggested Plant Lists for Required Landscaping Manual."

d. Existing trees may be used to meet the standards of this chapter, as described in c. 2. below.

B. Plant Material Choice and Preparation

~~B. Establishment of Healthy Growth and Size~~

1. 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.

2. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type, and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.

~~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.~~

~~D~~C. Existing Vegetation

1. All developments subject to site plan review per Section 16.90.020 and required to submit landscaping plans per ~~Section 16.92.020~~this section shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Review Authority, in addition to complying with the provisions of Section 16.142.060, and Chapter 16.144.

2. Existing vegetation, except those plants on the Nuisance Plants list as identified in the "Suggested Plant Lists for Required Landscaping Manual" may be used to meet the landscape standards, if protected and maintained during the construction phase of the development.

a. If existing trees are used, each tree six (6) inches or less in diameter counts as one medium tree.

b. Each tree that is more than six (6) inches and up to nine (9) inches in diameter counts as two (2)medium trees.

c. Each additional three (3) inch diameter increment above nine (9) inches counts as an additional medium tree.

~~C~~D. 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.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 86-851 § 3)

16.92.030 Site Landscaping and Screening Standards

A. Perimeter Screening and Buffer~~ing.~~

1. Perimeter Screening: A ~~minimum~~ six (6) to eight (8) 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.

a. For new uses adjacent to inventoried environmentally sensitive areas, screening requirements shall be limited to vegetation only so as to preserve wildlife mobility. In addition, plants and other landscaping features may be required by the Review Authority in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of the adjoining uses.

b. The screening may or be required to have breaks or openings for pedestrians to allow for access between properties where the applicant can show a benefit to the adjacent properties or is required to comply with other standards in the Code.

~~3~~2. Perimeter Landscaping Buffer~~.~~

a. A minimum 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.~~

b. The access drives to a rear lot (i.e. flag lot) shall be separated from abutting property (ies) by a minimum of forty-two-inch sight-obscuring fence or a forty-two-inch to seventy-two-inch high landscape hedge within a four-foot wide landscape buffer. Alternatively, where existing mature trees and vegetation are suitable, the decision-maker may waive the fence/buffer in order to preserve the mature vegetation.

3. If any adjoining property includes any perimeter landscaping or landscaped buffer, then that landscape amount up to five (5) feet maximum may be added to the total amount of the required

perimeter buffer. For example, if the adjoining property contains a ten (10) foot perimeter buffer, then the required perimeter landscaping of will be required to be at least five (5) feet.

B. Parking Area Landscaping

1. Purpose

The standard is a landscape treatment which uses a combination of trees, shrubs, and ground cover to provide shade, storm water management aesthetic benefits, and screening to soften the impacts of large expanses of pavement and vehicle movement. It is applied to landscaped areas within parking lots.. and Loading Areas.

2. Definition of parking area: the total surface area measured around the perimeter of all parking spaces and maneuvering areas.

3. Required Planting Materials: There shall be at least forty five (45) square feet of interior landscaping for each parking space, located in accordance with 16.92.030.B.4. Quantities of required plant material isQuantities of required plant material are based on the number of spaces as identified below:
   a. Trees. One large tree is required per four parking spaces, one medium tree per three parking spaces, or one small tree per two parking spaces. At least 20 % of the required trees must be evergreen.
   b. Shrubs. Two shrubs are required per space. For spaces where the front two feet of parking spaces have been landscaped instead of paved, the standard requires one shrub per space. Shrubs may be evergreen or deciduous.
   c. Ground cover plants. The standard requires that the remainder of the area must be planted with ground cover plants. The plants must be spaced to cover the area within three years. Mulch does not count as ground cover.

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 this Chapter. 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 this Chapter.
2. Adjacent to Public Rights-of-Way or Abutting Other Private Property.
a. A landscaped strip at least ten (10) feet in width shall be provided between rights-of-way and any abutting off-street parking, loading, or vehicle use areas. Landscaping shall include any combination of evergreen hedges, dense vegetation, earth berm, grade, change in grade, wall, bio-swales or fence, forming a permanent year-round screen, except in clear vision areas as per Section 16.58.020.
b. The access drives to a rear lot (i.e. flag lot) shall be separated from abutting property(ies) by a minimum of forty-two-inch sight-obscuring fence or a forty-two-inch to seventy-two-inch high landscape hedge within a four-foot wide landscape buffer. Alternatively, where existing mature trees and vegetation are suitable, the City Manager or Manager's designee may waive the fence/buffer in order to preserve the mature vegetation.
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.~~

~~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~~

4. Landscape Islands

a. Individual landscaped areas (islands) shall be no less than ~~sixty-four (64)seventninety (90)~~ square feet in area and a minimum width of five (5) feet and shall be curbed to protect the landscaping.

b. Each landscape island shall be planted with at least one (1) tree having a mature height of at least 20 feet.

c. Landscape islands shall be evenly spaced throughout the parking area.

d. Landscape islands shall be distributed according to the following:

(1) Residential uses in a residential zone: one for every eight (8) contiguous parking spaces.

(2) Multi-uses, institutional and commercial uses~~,~~: one for every ten (10) contiguous parking spaces.

(3) Industrial uses:~~,~~ one for every twelve (12) contiguous parking spaces. ~~shall be provided after every fifteen (15) parking stalls in a row.~~

e. Storm water bio-swales may be used in lieu of the interior ~~landscaping~~landscaped areas. ~~standard.~~

f. Linear raised or marked sidewalks and walkways within the parking area connecting the parking spaces and on-site buildings may be counted toward the total required amount of landscaped islands provide that:

(1) Trees are spaced a maximum of thirty (30) feet on center on one side of the sidewalk.

(2) The minimum unobstructed sidewalk width is five feet.

(3) The sidewalk is separated from the parking areas by curbs, bollards, or other means on both sides.

~~5~~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.

~~6~~6. Exceptions. For properties with an environmentally sensitive area and/or trees or woodlands that merit protection per Chapters 16.142 and 16.144, the landscaping standards may be reduced, modified or "shifted" on-site where necessary in order to retain existing vegetation that would otherwise be removed to meet the above referenced landscaping requirements. The maximum reduction in required landscaping permitted through this exception process shall be no more than 50%. The resulting landscaping buffer after reduction may not be less than five (5) feet in width unless otherwise permitted by the underlying zone. Exceptions to the required landscaping

may only be permitted when reviewed as part of a land use action application and do not require a separate variance permit.

~~7~~C. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas
All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and adjacent residential district.

~~C~~D. **Visual Corridors.**
Except as allowed by subsection 6 above, new developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural Resources and Recreation Plan Map, Appendix C of the Community Development Plan, Part II, and the provisions of Chapter 16.142. Properties within the Old Town Overlay are exempt from this standard. (Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 91-922, § 3; Ord. 86-851 § 3)

16.92.040 Installation and Maintenance
~~**A. Deferral of Improvements**~~
~~**Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to 125% of the cost of the landscaping is filed with the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the landscaping is not completed within six (6) months, the security may be used by the City to complete the installation.**~~
A. Installation
All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Clean Water Services storm water management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.

B. Maintenance and Mitigation of Landscaped Areas
1. Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.

2. All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan.~~. Failure to maintain landscaped areas shall result in the revocation of applicable occupancy permits and business licenses~~.

3. Any required landscaping trees removed must be replanted consistent with the approved landscaping plan and comply with § 16.142, Parks and Open Space.

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

1. Option 1: A permanent built-in irrigation system with an automatic controller installed.

2. Option 2: An irrigation system designed and certified by a licensed landscape architect as part of the landscape plan, which provides sufficient water to ensure that the plants become established. The system does not have to be permanent if the plants chosen can survive independently once established.

3. Option 3: Irrigation by hand. If the applicant chooses this option, an inspection will be required one year after final inspection to ensure that the landscaping has become established.

AD. - Deferral of Improvements

Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to 125% of the cost of the landscaping is filed with the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the landscaping is not completed within one (1) year~~six (6) months~~, the security may be used by the City to complete the installation.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 86-851 § 3)

Chapter 16.94 Off-Street Parking and Loading*

Sections:

16.94.010 Generally
16.94.020 Off-Street Parking Standards
16.94.030 Off-Street Loading Standards

* Editor's Note: Some sections may not contain a history.

16.94.010 ~~Generally~~ 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.

B. Deferral of Improvements

Off-street parking and loading spaces shall be completed prior to the issuance of occupancy permits, unless the City determines that weather conditions, lack of available surfacing materials, or other circumstances beyond the control of the applicant make completion impossible. In such circumstances, security equal to one hundred and twenty five percent (125%) of the cost of the parking and loading area is provided the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the parking or loading area is not completed within ~~six (6) months~~one (1) year, the security may be used by the City to complete the installation.

~~C. Joint Use~~C. Options for Reducing the Required Parking Spaces

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

   a. Within commercial, institutional and public, or industrial zones, parking may be provided on lots that are within 500 feet of the property line of the use to be served.

   b. Shared parking is allowed if the application can show that the combined peak use is available by a parking study that demonstrates:
      (1) There ~~are~~is a sufficient number of parking spaces to accommodate the requirements of the individual businesses; or
      (2) That the peak hours of operation of such establishments do not overlap, and
      (3) That an exclusive permanent easement over a delineated area has been granted for parking space use.

~~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.~~

2. Mixed use projects are developments where a variety of uses occupies a development project or complex. For example, an eating establishment, professional office building and movie theater are all components of a mixed use site. It does not include a secondary use within a primary use such as an administrative office associated with a retail establishment. In mixed-use projects, the required minimum vehicle parking shall be determined using the following formula:
   a. Primary use: i.e. that with the largest proportion of total floor area within the development at 100% of the minimum vehicle parking required for that use.
   b. Secondary Use: i.e. that with the second largest percentage of total floor area within the development, at 90% of the vehicle parking required for that use.
   c. Subsequent use or uses, at 80% of the vehicle parking required for that use.
   d. The maximum parking allowance shall be 100%..

~~E~~D. Prohibited Uses

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

~~F~~E. Location

1. Residential off-street parking spaces shall be located on the same lot or development as the residential use.

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.

3. Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible.

   a. All new development with 20 employees or more shall ~~include~~ include at least 10 % of the required spaces for preferential spaces for car pool and van-pools designation. ~~, if business employs 20 employees or more.~~

   b. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.

~~G~~F. Marking

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

~~H~~G. Surface and Drainage

1. All parking and loading areas shall be improved with a permanent hard surface such as asphalt, concrete or a durable pervious surface. Use of pervious paving material is encouraged and preferred where appropriate considering soils, location, anticipated vehicle usage and other pertinent factors.

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

~~I~~H. Repairs

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

~~J~~I. Parking and Loading Plan

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

___1. Delineation of individual parking and loading spaces and dimensions.
___2. Circulation areas necessary to serve parking and loading spaces.
___3. Location of accesses to streets, alleys and properties to be served, and any curb cuts.
___4. Landscaping as required by Chapter 16.92.
___5. Grading and drainage facilities.
___6. Signing and bumper guard specifications.
___7. Bicycle parking facilities as specified in Section 16.94.020.C.
___8. Parking lots more than ~~three~~ one (1~~3~~) acre~~s~~ in size shall provide street-like features along major driveways including curbs, sidewalks, and street trees or planting strips.

~~K~~J. Parking Districts

The City may establish a parking district (i.e., permits or signage) in residential areas in order to protect residential areas from spillover parking generated by adjacent commercial, employment or mixed-use areas, or other uses that generate a high demand for parking. The district request shall be made to the City Manager, who will forward a recommendation to the City Council for a decision.
(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2000-2001, § 3; Ord. 2000-2001, § 3; Ord. 86-851, § 3)

16.94.020 Off-Street Parking Standards

A. Generally

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

Minimum and Maximum Parking Standards
(Metro spaces are based on 1 per 1,000 sq ft of gross leasable area)

TABLE INSET:

	Minimum	Maximum A	Maximum B
Single, two-family & Manufactured Home on lot~~*~~ [1]	1 per ~~du~~ dwelling unit	None	None
Multi-Family [2]	1 per a unit under 500 sf 1.25 per 1 bdr 1.5 per 2 bdr 1.75 per 3 bdr	None	None
Hotel or Motel	1 per room	None	None
Boarding House	None	None	None
General Retail or Personal Service	4.1 (244 sf)	5.1	6.2

Vehicle Sales, Nursery	4.1	5.1	6.2
Furniture/Appliance Store	4.1	5.1	6.2
Tennis Racquetball Court	1.0	1.3	1.5
Golf Course	None	None	None
Sports Club/Recreation Facility	4.3 (233 sf)	5.4	6.5
General Office	2.7 (370 sf)	3.4	4.1
Bank with Drive-thru	4.3 (233 sf)	5.4	6.5
Medical or Dental Office	3.9 (256 sf)	4.9	5.9
Eating or Drinking Establishment	15.3 (65 sf)	19.1	23.0
Fast Food Drive-thru	9.9 (101 sf)	12.4	14.9
Movie Theater	0.3 per seat	0.4	0.5
Day Care	None	None	None
Elementary & Jr High	None	None	None
High School & College	0.2 per student + teacher	0.3	0.3
~~Church~~ Places of Worship spaces	~~0.4 per seat~~ .5 per seat	0.6	0.8
Nursing Home	None	None	None
Library	None	None	None
Industrial	1.6	None	None
Warehouse(gross square feet; parking ratios apply to warehouses 150, 000 gsf or greater)	.3	.4	.5

~~* An enclosed building or garage associated with any residential dwelling type cannot be counted towards the parking space requirement for that unit. Further, if the street on which the house has access is less than 28 feet wide, 2 off-street parking spaces are required per single-family residential unit (includes single-family detached or attached, two-family dwelling or a manufactured home on an individual lot). If the abutting street is 28-feet or wider, one standard (9 ft × 18 ft) parking space is required.~~

1. If the street on which the house has access is less than 28 feet wide, two off-street parking spaces are required per single-family residential unit. (Includes single-family detached or attached, two-family dwelling or a manufactured home on an individual lot) If the abutting street is 28-feet or wider, one standard (9 ft. × 20 ft.) parking space is required.
2. Visitor parking in residential developments: Multi-family dwelling units with more than ten required parking spaces shall provide an additional 15 % of the vehicle parking spaces above the minimum required for the use of guests of residents of the complex. The spaces shall be centrally located or distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.

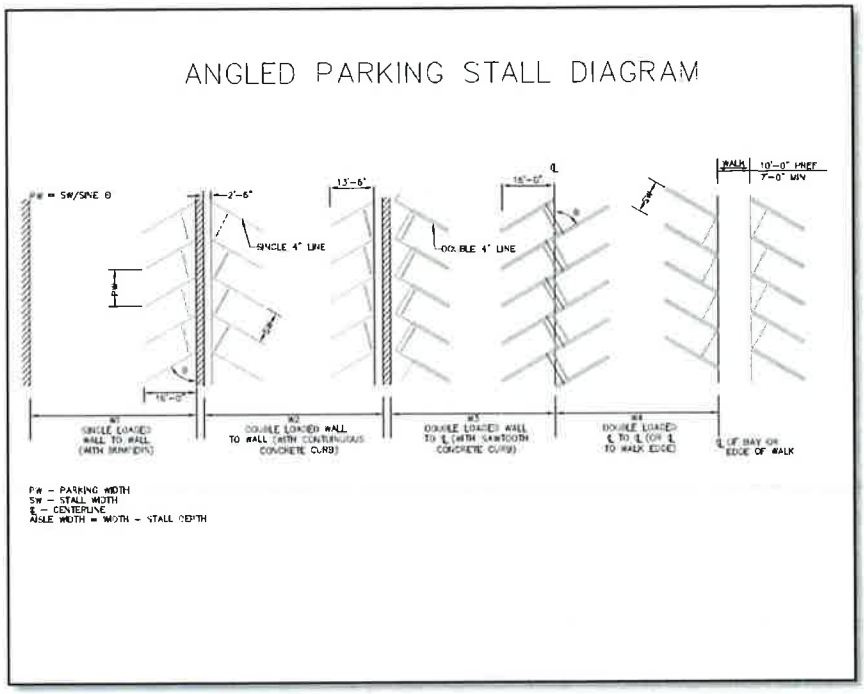
B. ~~Miscellaneous~~ Dimensional and General Configuration Standards

1. Dimensions

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

2. Layout

Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicle turning and maneuvering. Groups of more than four (4) parking spaces shall be served by a driveway so as to minimize backing movements or other maneuvering within a street, other than an alley. All parking areas shall meet the minimum standards shown in ~~Appendix G.~~ in the following table and diagram.



Minimum Parking Dimension Requirements

		~~DEGREE OF~~ PARKING STALL ANGLE									
Stall Width	Diagram Number	45	50	60	55	65	70	75	80	85	90
8.5 feet	W1	32'	32'11"	34' 2"	36'2"	38'5"	41'	43'6"	45'6"	46'11"	48'
	W2	49'10"	51'9"	53'10"	56'	58'4"	60'2"	62'	63'6"	64'9"	66'
	W3	47'8"	49'4"	51'6"	54'	56'6"	59'	61'2"	63'	64'6"	66'
	W4	45'2"	46'10"	49'	51'8"	54'6"	57'10"	60'	62'6"	64'3"	66'
9. feet	W1	32'	32'9"	34'	35'4"	37'6"	39'8"	42'	44'4"	46'2"	48'
	W2	49'4"	51'	53'2"	55'6"	57'10"	60'	61'10"	63'4"	64'9"	66'
	W3	46'4"	48'10"	51'4"	53'10"	56'	58'8"	61'	63'	64'6"	66'
	W4	44'8"	46'6"	49'	51'6"	54'	57'	59'8"	62'	64'2"	66'

3. Wheel Stops

Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high, located three (3) feet back from the front of the parking stall as shown in ~~Appendix G~~the above diagram. Wheel stops adjacent to landscaping, bio-swales or water quality facilities shall be designed to allow storm water ~~run off~~runoff. The paved portion of the parking stall length may be reduced by three feet if replaced with three feet of

low lying landscape or hardscape in lieu of a wheel stop; however, a curb is still required. In other words, the traditional ~~three foot~~three-foot vehicle overhang from a ~~whell~~wheel stop may be ~~lowlying~~low-lying landscaping rather than an impervious surface.~~.~~

4. Service Drives

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

5. Credit for On-Street Parking

a. On-Street Parking Credit. The amount of off-street parking required shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards.

b. The following constitutes an on-street parking space:

(1) Parallel parking, each 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~~spaces are permitted.

6. Reduction in Required Parking Spaces

Developments utilizing engineered storm water bio-swales or those adjacent to environmentally constrained or environmentally sensitive areas may reduce the amount of required parking by 10% when 25-49 parking spaces are required, 15% when 50-74 parking spaces are required and 20% when more than 75 parking spaces are required, provided the area that would have been used for parking is maintained as a habitat area or is generally adjacent to an environmentally sensitive or constrained area.

7~~a~~. Parking Location and Shared Parking

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

C. Bicycle Parking Facilities

1. ~~1.~~ Location and Design.

a. 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~~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~~.

~~a.~~b. ~~-~~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 at 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.

MINIMUM REQUIRED BICYCLE PARKING SPACES

TABLE INSET:

USE CATEGORIES	MINIMUM REQUIRED SPACES
Residential Categories	
Household Living	Multi-dwelling -- 2 or 1 per 10 auto spaces~~.~~ All other residential structure types -- None.
Group Living	1 per 20 auto spaces
Commercial Categories	
Retail Sales/Service Office	2 or 1 per 20 auto spaces, whichever is greater.
Drive-Up Vehicle Servicing	None
Vehicle Repair	None

Commercial Parking Facilities, ~~Commercial~~ Commercial, Outdoor Recreation, Major Event ~~Entertainment~~ Entertainment	4 or 1 per 20 auto spaces, whichever is greater.
Self-Service Storage	None
Industrial Categories/Service Categories	
Basic Utilities	2 or 1 per 40 spaces, whichever is greater.
Park and Ride Facilities	2 or 1 per 20 auto spaces
Community Service Essential Service Providers Parks and Open Areas	2 or 1 per 20 auto spaces, whichever is greater.
Schools	High Schools -- 4 per classroom
	Middle Schools -- 2 per classroom
	Grade Schools -- 2 per 4th & 5th grade classroom
Colleges Medical Centers, Religious Institutions Daycare Uses	2 or 1 per 20 auto spaces whichever is greater.
~~Other Categories~~	
~~Agriculture~~	~~None~~
~~Aviation Facilities Detention Facilities~~	~~Per CU review~~
~~Mining, Radio and TV Towers~~	~~None~~
~~Utility Corridors~~	~~None~~

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2005-009 § 8; Ord. 2000-2001 § 3; Ord. 86-851 § 3)

16.94.030 Off-Street Loading Standards

A. Minimum Standards

1. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, or other public meeting place, which is designed to accommodate more than twenty five (25) persons at one time.

2. The minimum loading area for non-residential uses shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet.

3. Multiple uses on the same parcel or adjacent parcels may utilize the same loading area if it is shown in the development application that the uses will not have substantially overlapping delivery times.

4. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:

a. 20,000 to 50,000 sq. ft. - 500 sq. ft.
b. 50,000 sq. ft. or more - 750 sq. ft.

B. Separation of Areas

Any area to be used for the maneuvering of delivery vehicles and the unloading or loading of materials shall be separated from designated off-street parking areas and designed to prevent the encroachment of delivery vehicles onto off-street parking areas or public streets. Off-street parking areas used to fulfill the requirements of this Chapter shall not be used for loading and unloading operations.
(Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2009-005, § 2, 6-2-2009; Ord. 86-851, § 3)

Chapter 16.96 ON-SITE CIRCULATION*

Sections:

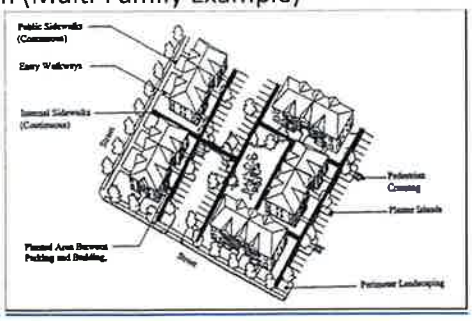
16.96.010 On-Site Pedestrian and Bicycle Circulation
16.96.020 Minimum Residential Standards
16.96.030 Minimum Non-Residential Standards
16.96.040 On-Site Vehicle Circulation

* Editor's Note: Some sections may not contain a history.

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~~single-family detached housing), shall provide a continuous system of private pathways/sidewalks.

On-Site Circulation System (Multi-Family Example)



GRAPHIC LINK: Click here

A. Maintenance

No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.

B. Joint Access

Two (2) or more uses, structures, or parcels of land may utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfied the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use.

C. Connection to Streets

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

D. Maintenance of Required Improvements

Required ingress, egress and circulation improvements shall be kept clean and in good repair.

E. 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:

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

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

3. 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.

F. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.
(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, § 6; Ord. 86-851)

16.96.020 Minimum Residential Standards

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

A. Driveways

1. Single-Family: One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.

2. Two-Family: One (1) shared driveway improved with hard surface pavement with a minimum width of twenty (20) feet; or two (2) driveways improved with hard surface pavement with a minimum width of ten (10) feet each. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.

3. Multi-Family: Improved hard surface driveways are required as follows:

TABLE INSET:

Number of Units	Number of Driveways	One Way Drive Width (Pair)	Two Way Drive Width
3-49	1	15 feet	24 feet
50 or more	2	15 feet	24 feet

B. Sidewalks, Pathways and Curbs

1. Single, Two-Family, and Manufactured Home on Individual Residential Lot: No on-site sidewalks and curbs are required when not part of a proposed partition or subdivision.

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

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

   c. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick/masonry pavers, or other pervious 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).

   d. Exceptions. Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

End of Proposed Code Amendments

Chapter 16.92 LANDSCAPING*

Sections:

16.92.010 Landscaping Plan Required
16.92.020 Landscaping Materials
16.92.030 Site Landscaping and Screening Standards
16.92.040 Installation and Maintenance

* Editor's Note: Some sections may not contain a history.

16.92.010 Landscaping Plan Required

All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan 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. (Ord. 2006-021; Ord. 86-851, § 3)

16.92.020 Landscaping Materials

A. Type of Landscaping

Required landscaped areas shall include an appropriate combination of native evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of this Chapter. Plants may be selected from the City's "Suggested Plant Lists for Required Landscaping Manual" or able to be verified to be suitable for the Pacific Northwest climate.

1. Ground Cover
   a. All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch is not a substitute for ground cover, but is allowed in addition to the ground cover plants.
   b. Size and spaces: Ground cover plants other than grasses must be at least the four-inch pot size and spaced at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three years.

2. Shrubs
   All shrubs must be of sufficient size and number to be at full growth within three years of planting. Shrubs must be at least the one-gallon container size at the time of planting.

3. Trees
   a. Planting Size:
      (1) Broadleaf trees at the time of planting must be fully branched and must be a minimum of two 2 caliper inches and at least five feet in height.

      (2) Conifer trees at the time of planting must be fully branched and a minimum of five feet in height.

   b. Categories of trees based on canopy factor

Small trees have a canopy factor of less than 40, medium trees have a canopy factor from 40 to 90, and large trees have a canopy factor greater than 90;

c. Canopy Factor:

(1) Landscaping trees are assigned a canopy factor to determine the number required to be planted. The canopy factor is calculated based on the following formula:

Canopy Factor = *Mature Height (in feet) x Canopy Spread (in feet) x Growth Rate Factor x .01*

(2) Growth rate factor: The growth rate factor is three (3) for fast-growing trees, two (2) for medium growing trees, and one (1) for slow growing trees. The growth rate of a tree is identified in the "Suggested Plant Lists for Required Landscaping Manual."

d. Existing trees may be used to meet the standards of this chapter, as described in c. 2. below.

B. Plant Material Choice and Preparation

1. 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.

2. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type, and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.

C. Existing Vegetation

1. All developments subject to site plan review per Section 16.90.020 and required to submit landscaping plans per this section shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Review Authority, in addition to complying with the provisions of Section 16.142.060, and Chapter 16.144.

2. Existing vegetation, except those plants on the Nuisance Plants list as identified in the "Suggested Plant Lists for Required Landscaping Manual" may be used to meet the landscape standards, if protected and maintained during the construction phase of the development.
   a. If existing trees are used, each tree six (6) inches or less in diameter counts as one medium tree.
   b. Each tree that is more than six (6) inches and up to nine (9) inches in diameter counts as two (2) medium trees.
   c. Each additional three (3) inch diameter increment above nine (9) inches counts as an additional medium tree.

D. 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.
(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 86-851 § 3)

16.92.030 Site Landscaping and Screening Standards

A. Perimeter Screening and Buffer

1. Perimeter Screening: A six (6) to eight (8) 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.

    a. For new uses adjacent to inventoried environmentally sensitive areas, screening requirements shall be limited to vegetation only so as to preserve wildlife mobility. In addition, plants and other landscaping features may be required by the Review Authority in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of the adjoining uses.
    b. The screening may or be required to have breaks or openings for pedestrians to allow for access between properties where the applicant can show a benefit to the adjacent properties or is required to comply with other standards in the Code.

2. Perimeter Landscaping Buffer
    a. A minimum ten (10) foot wide landscaped strip shall be provided between off-street parking, loading, or vehicular use areas on separate, abutting properties.

    b. The access drives to a rear lot (i.e. flag lot) shall be separated from abutting property (ies) by a minimum of forty-two-inch sight-obscuring fence or a forty-two-inch to seventy-two-inch high landscape hedge within a four-foot wide landscape buffer. Alternatively, where existing mature trees and vegetation are suitable, the decision-maker may waive the fence/buffer in order to preserve the mature vegetation.

3. If any adjoining property includes any perimeter landscaping or landscaped buffer, then that landscape amount up to five (5) feet maximum may be added to the total amount of the required perimeter buffer. For example, if the adjoining property contains a ten (10) foot perimeter buffer, then the required perimeter landscaping of will be required to be at least five (5) feet.

B. Parking Area Landscaping

1. Purpose
   The standard is a landscape treatment which uses a combination of trees, shrubs, and ground cover to provide shade, storm water management aesthetic benefits, and screening to soften the impacts of large expanses of pavement and vehicle movement. It is applied to landscaped areas within parking lots.

2. Definition of parking area: the total surface area measured around the perimeter of all parking spaces and maneuvering areas.

3. Required Planting Materials: There shall be at least forty five (45) square feet of interior landscaping for each parking space, located in accordance with 16.92.030.B.4. Quantities of required plant material are based on the number of spaces as identified below:
   a. Trees. One large tree is required per four parking spaces, one medium tree per three parking spaces, or one small tree per two parking spaces. At least 20 % of the required trees must be evergreen.
   b. Shrubs. Two shrubs are required per space. For spaces where the front two feet of parking spaces have been landscaped instead of paved, the standard requires one shrub per space. Shrubs may be evergreen or deciduous.
   c. Ground cover plants. The standard requires that the remainder of the area must be planted with ground cover plants. The plants must be spaced to cover the area within three years. Mulch does not count as ground cover.

4. Landscape Islands
   a. Individual landscaped areas (islands) shall be no less than ninety (90) square feet in area and a minimum width of five (5) feet and shall be curbed to protect the landscaping.
   b. Each landscape island shall be planted with at least one (1) tree having a mature height of at least 20 feet.
   c. Landscape islands shall be evenly spaced throughout the parking area.
   d. Landscape islands shall be distributed according to the following:
      (1) Residential uses in a residential zone: one for every eight (8) contiguous parking spaces.
      (2) Multi-uses, institutional and commercial uses: one for every ten (10) contiguous parking spaces.
      (3) Industrial uses: one for every twelve (12) contiguous parking spaces.

   e. Storm water bio-swales may be used in lieu of the interior landscaped areas.

   f. Linear raised or marked sidewalks and walkways within the parking area connecting the parking spaces and on-site buildings may be counted toward the total required amount of landscaped islands provide that:
      (1) Trees are spaced a maximum of thirty (30) feet on center on one side of the sidewalk.
      (2) The minimum unobstructed sidewalk width is five feet.
      (3) The sidewalk is separated from the parking areas by curbs, bollards, or other means on both sides.

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.

6. Exceptions. For properties with an environmentally sensitive area and/or trees or woodlands that merit protection per Chapters 16.142 and 16.144, the landscaping standards may be reduced, modified or "shifted" on-site where necessary in order to retain existing vegetation that would

otherwise be removed to meet the above referenced landscaping requirements. The maximum reduction in required landscaping permitted through this exception process shall be no more than 50%. The resulting landscaping buffer after reduction may not be less than five (5) feet in width unless otherwise permitted by the underlying zone. Exceptions to the required landscaping may only be permitted when reviewed as part of a land use action application and do not require a separate variance permit.

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

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

D. Visual Corridors.

Except as allowed by subsection 6 above, new developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural Resources and Recreation Plan Map, Appendix C of the Community Development Plan, Part II, and the provisions of Chapter 16.142. Properties within the Old Town Overlay are exempt from this standard. (Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 91-922, § 3; Ord. 86-851 § 3)

16.92.040 Installation and Maintenance

A. Installation

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

B. Maintenance and Mitigation of Landscaped Areas

1. Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.

2. All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan..

3. Any required landscaping trees removed must be replanted consistent with the approved landscaping plan and comply with § 16.142, Parks and Open Space.

C. Irrigation

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

1. Option 1: A permanent built-in irrigation system with an automatic controller installed.

2. Option 2: An irrigation system designed and certified by a licensed landscape architect as part of the landscape plan, which provides sufficient water to ensure that the plants become

established. The system does not have to be permanent if the plants chosen can survive independently once established.

3. Option 3: Irrigation by hand. If the applicant chooses this option, an inspection will be required one year after final inspection to ensure that the landscaping has become established.

D. Deferral of Improvements

Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to 125% of the cost of the landscaping is filed with the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the landscaping is not completed within one (1) year, the security may be used by the City to complete the installation.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 86-851 § 3)

Chapter 16.94 Off-Street Parking and Loading*

Sections:

16.94.010 Generally
16.94.020 Off-Street Parking Standards
16.94.030 Off-Street Loading Standards

* Editor's Note: Some sections may not contain a history.

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.

B. Deferral of Improvements

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

C. Options for Reducing the Required Parking Spaces

1. Two (2) or more uses or, structures on multiple parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap,

provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.

a. Within commercial, institutional and public, or industrial zones, parking may be provided on lots that are within 500 feet of the property line of the use to be served.

b. Shared parking is allowed if the application can show that the combined peak use is available by a parking study that demonstrates:
(1) There is a sufficient number of parking spaces to accommodate the requirements of the individual businesses; or
(2) That the peak hours of operation of such establishments do not overlap, and
(3) That an exclusive permanent easement over a delineated area has been granted for parking space use.

2. Mixed use projects are developments where a variety of uses occupies a development project or complex. For example, an eating establishment, professional office building and movie theater are all components of a mixed use site. It does not include a secondary use within a primary use such as an administrative office associated with a retail establishment. In mixed-use projects, the required minimum vehicle parking shall be determined using the following formula:
   a. Primary use: i.e. that with the largest proportion of total floor area within the development at 100% of the minimum vehicle parking required for that use.
   b. Secondary Use: i.e. that with the second largest percentage of total floor area within the development, at 90% of the vehicle parking required for that use.
   c. Subsequent use or uses, at 80% of the vehicle parking required for that use.
   d. The maximum parking allowance shall be 100%..

D. Prohibited Uses

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

E. Location

1. Residential off-street parking spaces shall be located on the same lot or development as the residential use.
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.
3. Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of

spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible.

a. All new development with 20 employees or more shall include at least 10 % of the required spaces for preferential spaces for car pool and vanpool designation.

b. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.

F. Marking

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

G. Surface and Drainage

1. All parking and loading areas shall be improved with a permanent hard surface such as asphalt, concrete or a durable pervious surface. Use of pervious paving material is encouraged and preferred where appropriate considering soils, location, anticipated vehicle usage and other pertinent factors.

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

H. Repairs

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

I. Parking and Loading Plan

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

1. Delineation of individual parking and loading spaces and dimensions.
2. Circulation areas necessary to serve parking and loading spaces.
3. Location of accesses to streets, alleys and properties to be served, and any curb cuts.
4. Landscaping as required by Chapter 16.92.
5. Grading and drainage facilities.
6. Signing and bumper guard specifications.
7. Bicycle parking facilities as specified in Section 16.94.020.C.
8. Parking lots more than one (1) acre in size shall provide street-like features along major driveways including curbs, sidewalks, and street trees or planting strips.

J. Parking Districts

The City may establish a parking district (i.e., permits or signage) in residential areas in order to protect residential areas from spillover parking generated by adjacent commercial, employment or mixed-use

areas, or other uses that generate a high demand for parking. The district request shall be made to the City Manager, who will forward a recommendation to the City Council for a decision.
(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2000-2001, § 3; Ord. 2000-2001, § 3; Ord. 86-851, § 3)

16.94.020 Off-Street Parking Standards

A. Generally

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

Minimum and Maximum Parking Standards
(Metro spaces are based on 1 per 1,000 sq ft of gross leasable area)

TABLE INSET:

	Minimum	Maximum A	Maximum B
Single, two-family & Manufactured Home on lot [1]	1 per dwelling unit	None	None
Multi-Family [2]	1 per a unit under 500 sf 1.25 per 1 bdr 1.5 per 2 bdr 1.75 per 3 bdr	None	None
Hotel or Motel	1 per room	None	None
Boarding House	None	None	None
General Retail or Personal Service	4.1 (244 sf)	5.1	6.2
Vehicle Sales, Nursery	4.1	5.1	6.2
Furniture/Appliance Store	4.1	5.1	6.2
Tennis Racquetball Court	1.0	1.3	1.5
Golf Course	None	None	None
Sports Club/Recreation Facility	4.3 (233 sf)	5.4	6.5
General Office	2.7 (370 sf)	3.4	4.1
Bank with Drive-thru	4.3 (233 sf)	5.4	6.5

Medical or Dental Office	3.9 (256 sf)	4.9	5.9
Eating or Drinking Establishment	15.3 (65 sf)	19.1	23.0
Fast Food Drive-thru	9.9 (101 sf)	12.4	14.9
Movie Theater	0.3 per seat	0.4	0.5
Day Care	None	None	None
Elementary & Jr High	None	None	None
High School & College	0.2 per student + teacher	0.3	0.3
Places of Worship spaces	.5 per seat	0.6	0.8
Nursing Home	None	None	None
Library	None	None	None
Industrial	1.6	None	None
Warehouse(gross square feet; parking ratios apply to warehouses 150, 000 gsf or greater)	.3	.4	.5
1. If the street on which the house has access is less than 28 feet wide, two off-street parking spaces are required per single-family residential unit. (Includes single-family detached or attached, two-family dwelling or a manufactured home on an individual lot) If the abutting street is 28-feet or wider, one standard (9 ft. × 20 ft.) parking space is required.			
2. Visitor parking in residential developments: Multi-family dwelling units with more than ten required parking spaces shall provide an additional 15 % of the vehicle parking spaces above the minimum required for the use of guests of residents of the complex. The spaces shall be centrally located or distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.			

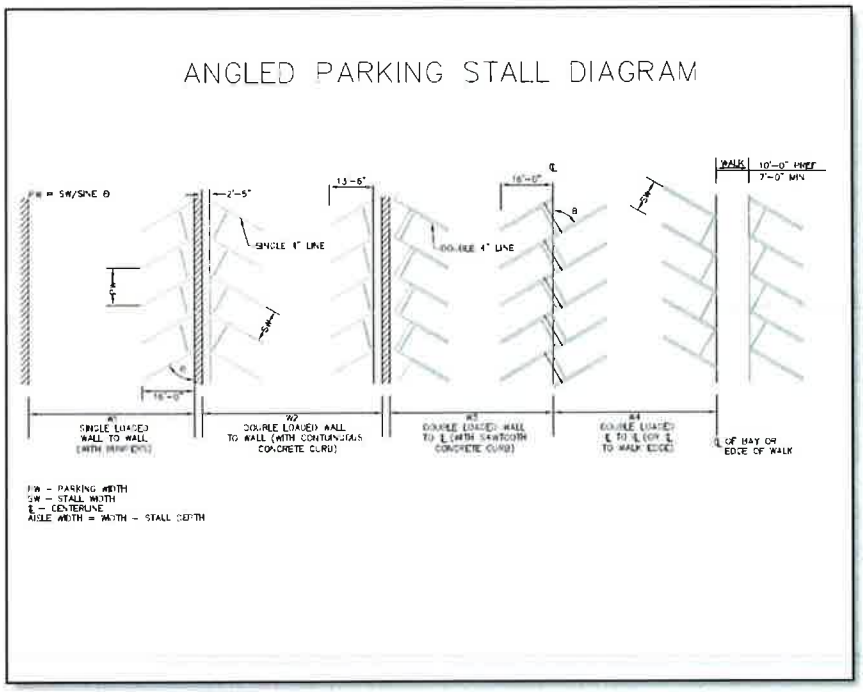
B. Dimensional and General Configuration Standards

1. Dimensions

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

2. Layout

Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicle turning and maneuvering. Groups of more than four (4) parking spaces shall be served by a driveway so as to minimize backing movements or other maneuvering within a street, other than an alley. All parking areas shall meet the minimum standards shown in in the following table and diagram.



Minimum Parking Dimension Requirements

		PARKING STALL ANGLE									
Stall Width	Diagram Number	45	50	60	55	65	70	75	80	85	90
8.5 feet	W1	32'	32'11"	34' 2"	36'2"	38'5"	41'	43'6"	45'6"	46'11"	48'
	W2	49'10"	51'9"	53'10"	56'	58'4"	60'2"	62'	63'6"	64'9"	66'
	W3	47'8"	49'4"	51'6"	54'	56'6"	59'	61'2"	63'	64'6"	66'
	W4	45'2"	46'10"	49'	51'8"	54'6"	57'10"	60'	62'6"	64'3"	66'
9. feet	W1	32'	32'9"	34'	35'4"	37'6"	39'8"	42'	44'4"	46'2"	48'
	W2	49'4"	51'	53'2"	55'6"	57'10"	60'	61'10"	63'4"	64'9"	66'
	W3	46'4"	48'10"	51'4"	53'10"	56'	58'8"	61'	63'	64'6"	66'
	W4	44'8"	46'6"	49'	51'6"	54'	57'	59'8"	62'	64'2"	66'

3. Wheel Stops

Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high, located three (3) feet back

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

4. Service Drives

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

5. Credit for On-Street Parking

a. On-Street Parking Credit. The amount of off-street parking required shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards.

b. The following constitutes an on-street parking space:

(1) Parallel parking, each 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 are permitted.

6. Reduction in Required Parking Spaces

Developments utilizing engineered storm water bio-swales or those adjacent to environmentally constrained or environmentally sensitive areas may reduce the amount of required parking by 10% when 25-49 parking spaces are required, 15% when 50-74 parking spaces are required and 20% when more than 75 parking spaces are required, provided the area that would have been used for parking is maintained as a habitat area or is generally adjacent to an environmentally sensitive or constrained area.

7. Parking Location and Shared Parking

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

C. Bicycle Parking Facilities

1. Location and Design.

a. 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 near the main entrance..

b. 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 at 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.

MINIMUM REQUIRED BICYCLE PARKING SPACES

TABLE INSET:

USE CATEGORIES	MINIMUM REQUIRED SPACES
Residential Categories	
Household Living	Multi-dwelling -- 2 or 1 per 10 auto spaces All other residential structure types -- None.
Group Living	1 per 20 auto spaces
Commercial Categories	
Retail Sales/Service Office	2 or 1 per 20 auto spaces, whichever is greater.
Drive-Up Vehicle Servicing	None
Vehicle Repair	None

Commercial Parking Facilities, Commercial, Outdoor Recreation, Major Event Entertainment	4 or 1 per 20 auto spaces, whichever is greater.
Self-Service Storage	None
Industrial Categories/Service Categories	
Basic Utilities	2 or 1 per 40 spaces, whichever is greater.
Park and Ride Facilities	2 or 1 per 20 auto spaces
Community Service Essential Service Providers Parks and Open Areas	2 or 1 per 20 auto spaces, whichever is greater.
Schools	High Schools -- 4 per classroom
	Middle Schools -- 2 per classroom
	Grade Schools -- 2 per 4th & 5th grade classroom
Colleges Medical Centers, Religious Institutions Daycare Uses	2 or 1 per 20 auto spaces whichever is greater.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2005-009 § 8; Ord. 2000-2001 § 3; Ord. 86-851 § 3)

16.94.030 Off-Street Loading Standards

A. Minimum Standards

1. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, or other public meeting place, which is designed to accommodate more than twenty five (25) persons at one time.

2. The minimum loading area for non-residential uses shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet.

3. Multiple uses on the same parcel or adjacent parcels may utilize the same loading area if it is shown in the development application that the uses will not have substantially overlapping delivery times.

4. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:

a. 20,000 to 50,000 sq. ft. - 500 sq. ft.

b. 50,000 sq. ft. or more - 750 sq. ft.

B. Separation of Areas

Any area to be used for the maneuvering of delivery vehicles and the unloading or loading of materials shall be separated from designated off-street parking areas and designed to prevent the encroachment of delivery vehicles onto off-street parking areas or public streets. Off-street parking areas used to fulfill the requirements of this Chapter shall not be used for loading and unloading operations.
(Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2009-005, § 2, 6-2-2009; Ord. 86-851, § 3)

Chapter 16.96 ON-SITE CIRCULATION*

Sections:

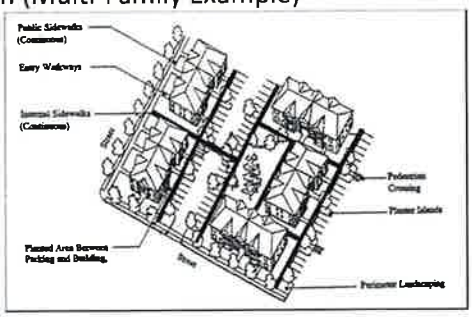
16.96.010 On-Site Pedestrian and Bicycle Circulation
16.96.020 Minimum Residential Standards
16.96.030 Minimum Non-Residential Standards
16.96.040 On-Site Vehicle Circulation

* Editor's Note: Some sections may not contain a history.

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.

On-Site Circulation System (Multi-Family Example)



GRAPHIC LINK: Click here

A. Maintenance

No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.

B. Joint Access

Two (2) or more uses, structures, or parcels of land may utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfied the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use.

C. Connection to Streets

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

D. Maintenance of Required Improvements

Required ingress, egress and circulation improvements shall be kept clean and in good repair.

E. 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:

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

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

3. 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.

F. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.
(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, § 6; Ord. 86-851)

16.96.020 Minimum Residential Standards

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

A. Driveways

1. Single-Family: One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.

2. Two-Family: One (1) shared driveway improved with hard surface pavement with a minimum width of twenty (20) feet; or two (2) driveways improved with hard surface pavement with a minimum width of ten (10) feet each. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.

3. Multi-Family: Improved hard surface driveways are required as follows:
TABLE INSET:

Number of Units	Number of Driveways	One Way Drive Width (Pair)	Two Way Drive Width
3-49	1	15 feet	24 feet
50 or more	2	15 feet	24 feet

B. Sidewalks, Pathways and Curbs

1. Single, Two-Family, and Manufactured Home on Individual Residential Lot: No on-site sidewalks and curbs are required when not part of a proposed partition or subdivision.

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

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

   c. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick/masonry pavers, or other pervious 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).

   d. Exceptions. Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

End of Proposed Code Amendments

City of Sherwood **January 17, 2012**
STAFF REPORT: **File No: PA 11-06 Trees on Private Property**

Signed: Zoe Monahan
Zoe Monahan, Assistant Planner

Proposal: Amendments to the Development Code in this phase of the Code Clean-Up project will clarify the Trees on Private Property standards as well as incentivize tree preservation. There are also a few housekeeping revisions included in the proposal. The proposed changes will modify the following code sections: Definitions (16.86), Site Plan Review (16.90), and Parks and Open Space (16.142). The proposed amendments are attached to this report as Exhibit A.

I. BACKGROUND

A. Applicant: This is a City initiated text amendment; therefore the applicant is the City of Sherwood.

B. Location: The proposed amendment is to the text of the development code and, therefore applies citywide.

C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission will make a recommendation to the City Council who will make the final decision. Any appeal of the City Council decision relating to Chapter 16 updates would go directly to the Oregon Land Use Board of Appeals.

D. Public Notice and Hearing: Notice of the January 24, 2012 Planning Commission hearing on the proposed amendment was published in *The Times* on 1/12/12, and published in the January edition of the Gazette. Notice was also posted in five public locations around town on 1/3/12 and on the web site on 1/5/12.

While this does apply citywide, it does not affect the permissible uses of any property; therefore "Measure 56" notice was not required or provided. DLCD notice was sent November 21, 2011.

E. Review Criteria:
The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC).

F. Background:
The City underwent periodic review in 1989-1991 and the Zoning and Community Development Code was comprehensively reviewed and updated as part of that process. Since that time, there have been a number of updates to comply with regional and state laws, and to address local issues. Over time, the piece-meal updates resulted in the need to conduct a comprehensive audit and update of the code to ensure cross references are correct, standards are clear, and typographical errors are fixed. In addition, development trends and community values have changed such that it has become necessary to evaluate the standards to ensure they remain consistent with the goals and policies of the City's

Comprehensive Plan, Metro policies and related state and local laws. To that end, the Council, Planning Commission and staff identified the need to conduct a comprehensive update of the Development Code. There have been multiple updates since October 2010.

This update focuses on the Trees on Private Property portion of section16.142.070. In the past the City has heard concerns from developers and homeowners about a few issues with the existing code including;

- The inch for inch mitigation requirement,
- The standards for residential and non-residential are the same even though the purpose and probable intensity of development within each of the zones is different, and
- The need for site plan review if a property owner (not subject to land use removes more than five trees per acre or more than 100 inches at dbh in any calendar year.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The City sent an e-mail request for comments to agencies December 13, 2011. DLCD notice was sent on November 21, 2011. Sherwood Broadband, Washington County and ODOT outdoor signs replied that they do not have comments regarding trees on private property.

PGE's Forester, Brandon Fleming, submitted e-mail comments dated December 27, 2011. He wanted to ensure that the defined caliper inch measurement for street trees was consistent with the industry standard as specified in the *American Standard For Nursery Stock* publication ANSI Z60.1-2004. He also commented that "It is important to include wording in Development codes that will include the necessities of utility and right-of-way construction, and allow Portland General Electric to perform safe, regular maintenance including our line work and Vegetation Management practices…Ultimately, planting the appropriate trees around power lines will create a sustainable urban canopy."

Staff response: Staff has updated the draft language to ensure that it reflects the industry standard as specified in Mr. Fleming's comments. Staff agrees that PGE should be able to perform safe, regular maintenance including line work and Vegetation Management, but additional street tree language to exempt them from the permit process has not been proposed at this time. A review is required but PGE is encouraged to seek City Council approval to waive future street tree permit fees.

Public:

No formal public comments have been received to date on the proposed amendments. However there were questions and concerns about the language that were brought up at the November 16, 2011 open house. The questions and comments included;

- How we would determine what the mature canopy is on a development?
- A request for clarification about canopy requirement.
- Do developments in Old Town need to meet the canopy requirement?
- How are the removal standards for trees on private property (residential) that are not subject to land use approval different from current standards?
- If a developer has donated trees over time do those count toward the required canopy coverage?
- Why are there tree requirements for private property?
- One participant expressed that they should be able to remove any and all trees that they want to on their own property without City regulations.

III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are 16.80.030.1 and 3

16.80.030.1 - Text Amendment Review

An amendment to the text of the Comprehensive Plan shall be based upon the need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the Comprehensive Plan, and with all other provisions of the Plan and Code, and with any applicable State or City statutes and regulations.

The City has identified that the code is not always clear and embarked on this code clean-up project to address issues that have arisen as a result to make it clearer, more user-friendly, and to reflect current settlement trends and community values. The proposed changes represent an effort to clean up the Tree code and ensure that existing policy is clear and objective.

The Planning Commission has held a series of work sessions (December 14, 2010, January 11, 2011, March 8, 2011, May 10, 2011, June 14, 2011 and August 23, 2011) to discuss the proposed changes and considered public input before the changes were developed to obtain feedback on needed changes.

The City took great care to ensure that the community's values are met as a result of the proposed code update. The process for this portion of the code update was different from other code clean up topics due to the complexity. The Planning Commission developed goals to help guide the process. To ensure many opportunities for outreach and engagement, a tree panel was held to hear from the experts and multiple open house type events were held and an online questionnaire was used to gather the public's input on this portion of the code clean up.

It was only after developing goals, gaining the community's input and hearing from experts that code language was developed. The proposed draft tree code is anticipated to meet the Planning Commission's goals and the community's values. The purpose of this code update was to simplify the code language, encourage tree preservation while also allowing for tree removal standards that ensure the benefits of trees are maintained over time. The language also reviews residential and non-residential developments differently.

It became evident after talking to both the arborists and developers on the tree panel and the public through the multiple outreach events that the existing process for regulating tree removal and the mitigation requirement does not work well and a change is needed. Specifically, the requirement to mitigate inch for inch results in overplanting and does not reflect the health size or value of the tree while at the same time, can be an extreme economic burden on a property that is heavily treed. In order to address this and ensure that the trees are seen as an asset to be protected and retained rather than a burden, a mature canopy requirement has been proposed. The mature canopy, as proposed, is 40% for residential and 30% for non-residential and multi-family developments. The mitigation requirement in the current code language has been removed. In addition, there are proposed incentives for developers to retain existing trees during development. The intent of these changes is to encourage preservation and keep future developers and homeowners from cutting trees before development as they will have to plant trees to meet the mature canopy requirement if on site trees are not retained.

The removal requirements for trees on residential and non-residential property not subject to land use review have been updated to ensure that required trees are retained or replaced if they must be removed. The residential requirements are similar to the existing standards, however, the removal of more than five trees or more than 10% of the trees on site no longer require a site plan. Instead it is a staff level review. Code language has also been drafted to clarify trees within

natural resources and/or open spaces are subject to review on both private residential and non-residential property. This ensures the City's continued compliance with Statewide Goal 5.

The following housekeeping updates are also proposed:

1. When the open space code updates were made there were code references within 16.142 that were not updated. They are now updated to be consistent.
2. The definition of diameter at breast height was moved to the definition section of the code and the language was specified to make it easier for readers to use.
3. The way that street trees are measured when they are planted was also updated to be consistent with industry practices. The code requires street trees to be a minimum of two inches DBH when they are planted. Plant nurseries measure trees based on caliper inch which is near the root ball rather than 4 ½ feet up the tree. The requirement for newly planted street trees has been modified to reflect this industry standard.
4. The proposed language eliminates the need for site plan review for removing trees therefore the reference in the site plan section is proposed to be removed.

Upon review of the Comprehensive Plan, there are not specific policies which directly relate to the proposed language. There are no comprehensive plan requirements that would conflict with the proposed code language.

Applicable Regional (Metro) Standards

There are no known Metro standards that would conflict with the proposed language. This code update does apply to Metro Title 13 – Nature in Neighborhoods. This code update encourages tree preservation on private property through the land use process by creating a minimum canopy requirement as well as providing incentives for tree preservation.

Consistency with Statewide Planning Goals

Because the comprehensive plan policies and strategies are not changing and the comprehensive plan has been acknowledged by the State, there are no known conflicts with this text change. Staff does not believe that there are any other state or local regulations that the proposed amendment would conflict with. The language has been drafted in a manner that strives to remove conflicts in the code, and to provide clarity.

As a whole, the amendments are consistent with and support Goal 2 (land use planning) by providing more clear and objective standards. The proposed language will continue to be used city wide.

The process used to develop and review the proposed amendment is consistent with the Goal 2 requirements (and the development code):

- The Commission held multiple work sessions (December 14, 2010, January 11, 2011, March 8, 2011, May 10, 2011, June 14, 2011 and August 23, 2011) on the project;
- The website was updated regularly to provide opportunity for people to get information and provide input on the project as a whole as well as input on specific topics;

Formal notice was also published in the newspaper two weeks prior to the hearing, published in the January issue of the Gazette, posted around town and on the website.

- Courtesy notices were also provided on the website and in the City Newsletter (the Archer).
- By providing these notices in an effort to reach the public and encourage their involvement state planning Goal 1 is also met.

The code amendments are also consistent with Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) by clarifying the standards for Trees on Private Property. The tree code is moving to a canopy requirement in order to encourage tree preservation. Additionally, the code update will increase compliance with Goal 5 since standards protecting natural resources and open spaces will be specifically added to "Trees on Private Property Not Subject to Land Use Approval". The existing "Trees on Private Property Subject to Land Use Approval" code language protects natural resources and open spaces. This language will remain in the code after the code update.

FINDING: As discussed above in the analysis, there is a need for the proposed amendments and the amendments are consistent with the Comprehensive Plan and applicable City, regional and State regulations and policies.

16.80.030.3 – Transportation Planning Rule Consistency

A. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.

FINDING: The proposed amendments are not tied to any one development application. Rather, the proposed amendments are provided to clarify existing language within the existing development code. The code language has also been updated to incentivize tree preservation and require an overall tree canopy while eliminating the tree mitigation standard. The proposed amendments will not result in a change of uses otherwise permitted and will have no measurable impacts on the amount of traffic on the existing transportation system; therefore this policy is not applicable to the proposed amendment.

IV. RECOMMENDATION

Based on the above findings of fact, and the conclusion of law based on the applicable criteria, staff recommends Planning Commission forward a recommendation of approval of PA 11-06 to the City Council.

V. EXHIBITS

A. Proposed development code changes
B. Matrix comparing existing standards to proposed changes

Chapter 16.10 DEFINITION
Chapter 16.10.020 SPECIFICALLY*

Development Plan: Any plan adopted by the City for the guidance of growth and improvement in the City.

Diameter at ~~b~~Breast ~~h~~Height (DBH): ~~s~~Is a standard arboricultural method for measuring the diameter of a tree. For the purposes of this code, DBH ~~S~~shall be measured four and a half feet above ground level as defined by the International Society of Arboriculture.

Drive-In Restaurant: Any establishment dispensing food and/or drink, that caters primarily to customers who remain, or leave and return, to their automobile for consumption of the food and/or drink, including business designed for serving customers at a drive-up window or in automobiles.

*Note: The entire code section is not included, this is only a reference point indicating where the inserted language should go, the rest of the definition section will not be changed.

16.90.020 – Site Plan Review

A. Site Plan Review Required

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

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

1. The activity alters the exterior appearance of a structure, building or property and is not considered a modification.

2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial and is not considered a modification.

3. The activity involves non-conforming uses as defined in Chapter 16.48

4. The activity constitutes a change in a City approved plan, per Section 16.90.020 and is not considered a modification.

~~**5.** The activity involves the cutting of more than five (5) existing mature trees per acre, per calendar year.~~

~~**6**~~**5.** The activity is subject to site plan review by other requirements of this Code.

~~**7**~~**6.** The activity increases the size of the building by more than 100% (i.e. the building more than doubles in size), regardless of whether it would be considered a major or minor modification.

B. Exemption to Site Plan Requirement

1. Single and two family uses

2. Manufactured homes located on individual residential lots per Section 16.46.010, but including manufactured home parks,

3. Major modifications

4. Minor modifications

Division VIII. - ENVIRONMENTAL RESOURCES

Chapter 16.132 - GENERAL PROVISIONS*
Chapter 16.134 - FLOODPLAIN (FP) OVERLAY*
Chapter 16.136 - PROCEDURES*
Chapter 16.138 - MINERAL RESOURCES*
Chapter 16.140 - SOLID WASTE*
Chapter 16.142 – PARKS, TREES AND OPEN SPACES
Chapter 16.144 - WETLAND, HABITAT AND NATURAL AREAS*
Chapter 16.146 - NOISE*
Chapter 16.148 - VIBRATIONS*
Chapter 16.150 - AIR QUALITY*
Chapter 16.152 - ODORS*
Chapter 16.154 - HEAT AND GLARE*
Chapter 16.156 - ENERGY CONSERVATION*

Chapter 16.142 – PARKS, TREES AND OPEN SPACES

16.142.040 – Visual Corridors

A. Corridors Required

New developments located outside of the Old Town Overlay with frontage on Highway 99W, or arterial or collector streets designated on Figure 8-1 of the Transportation System Plan shall be required to establish a landscaped visual corridor according to the following standards:

	Category	Width
1.	Highway 99W	25 feet
2.	Arterial	15 feet
3.	Collector	10 feet

In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk. In all other developments, the visual corridor shall be on private property adjacent to the right-of-way.

B. Landscape Materials

The required visual corridor areas shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees

and ground cover, as specified in Section ~~16.142.050~~ 16.142.060, shall be planted in the corridor by the developer. The improvements shall be included in the compliance agreement. In no case shall trees be removed from the required visual corridor.

C. Establishment and Maintenance

Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Chapter 16.92. To assure continuous maintenance of the visual corridors, the review authority may require that the development rights to the corridor areas be dedicated to the City or that restrictive covenants be recorded prior to the issuance of a building permit.

D. Required Yard

Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited within the required visual corridor, with the exception of front porches on townhomes, as permitted in Section 16.44.010(E)(4)(c).

E. Pacific Highway 99W Visual Corridor

1. Provide a landscape plan for the highway median paralleling the subject frontage. In order to assure continuity, appropriate plant materials and spacing, the plan shall be coordinated with the City Planning Department and ODOT.
2. Provide a visual corridor landscape plan with a variety of trees and shrubs. Fifty percent (50%) of the visual corridor plant materials shall consist of groupings of at least five (5) native evergreen trees a minimum of ten (10) feet in height each, spaced no less than fifty (50) feet apart, if feasible. Deciduous trees shall be a minimum of four (4) inches DBH and twelve (12) feet high, spaced no less than twenty-five (25) feet apart, if feasible.

16.142.060 – Street Trees

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

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

1. Location: Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.

2. Size: Trees shall have a minimum trunk diameter of two (2) caliper inches, which is measured six inches above the soil line, ~~DBH~~ and a minimum height of six (6) feet when planted. ~~Diameter at breast height (DBH) shall be measured as defined by the International Society of Arboriculture.~~

3. Types: Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.

4. Required Street Trees and Spacing:

a. The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in section 16.142.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.

b. All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.

c. A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:

(1) Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or

(2) There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and

(3) The street trees are spaced as close as possible given the site limitations in (1) and (2) above.

(4) The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.

(5) For arterial and collector streets, the City may require planted medians in lieu of paved twelve-foot wide center turning lanes, planted with trees to the specifications of this subsection.

B. Removal and Replacement of Street Trees.

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

1. Criteria for All Street Tree Removal for trees over five (5) inches DBH. No street tree shall be removed unless it can be found that the tree is:

a. Dying, becoming severely diseased, or infested or diseased so as to threaten the health of other trees, or

b. Obstructing public ways or sight distance so as to cause a safety hazard, ~~-~~or

c. Interfering with or damaging public or private utilities, or

d. Defined as a nuisance per City nuisance abatement ordinances.

2. Street trees between five (5) and ten (10) inches DBH may be removed if any of the criteria in 1. above are met and a tree removal permit is obtained.

a. The Tree Removal Permit Process is a Type I land use decision and shall be approved subject to the following criteria:

(1) The person requesting removal shall submit a Tree Removal Permit application that identifies the location of the tree, the type of tree to be removed, the proposed replacement and how it qualifies for removal per Section 1. above.

(2) The person shall post a sign, provided by the City, adjacent to the tree for ten (10) calendar days prior to removal that provides notice of the removal application and the process to comment on the application.

(3) If an objection to the removal is submitted by the City or to the City during the ten (10) calendar day period, an additional evaluation of the tree will be conducted by an arborist to determine whether the tree meets the criteria for street tree removal in Section 1. above. The person requesting the Tree Removal Permit shall be responsible for providing the arborist report and associated costs.

(4) Upon completion of the additional evaluation substantiating that the tree warrants removal per Section 1. above or if no objections are received within the ten-day period, the tree removal permit shall be approved.

(5) If additional evaluation indicates the tree does not warrant removal, the Tree Removal Permit will be denied.

3. Street trees over ten (10) inches DBH may be removed through a Type I review process subject to the following criteria.

a. The applicant shall provide a letter from a certified arborist identifying:

(1) The tree's condition,

(2) How it warrants removal using the criteria listed in Section 1. above, and identifying any reasonable actions that could be taken to allow the retention of the tree.

b. The applicant shall provide a statement that describes whether and how the applicant sought assistance from the City, HOA or neighbors to address any issues or actions that would enable the tree to be retained.

c. The person shall post a sign, provided by the City, adjacent to the tree for ten (10) calendar days prior to removal that provides notice of the removal application and the process to comment on the application.

d. Review of the materials and comments from the public confirm that the tree meets the criteria for removal in Section 1. above.

C. Homeowner's Association Authorization.

The Planning Commission may approve a program for the adoption, administration and enforcement by a homeowners' association (HOA) of regulations for the removal and replacement of street trees within the geographic boundaries of the association.

1. An HOA that seeks to adopt and administer a street tree program must submit an application to the City. The application must contain substantially the following information:

a. The HOA must be current and active. The HOA should meet at least quarterly and the application should include the minutes from official HOA Board meetings for a period not less than eighteen (18) months (six (6) quarters) prior to the date of the application.

b. The application must include proposed spacing standards for street trees that are substantially similar to the spacing standards set forth in ~~16.142.050~~ 16.142.060.A above.

c. The application must include proposed street tree removal and replacement standards that are substantially similar to the standards set forth in ~~16.142.050~~ 16.142.060.B above.

d. The application should include a copy of the HOA bylaws as amended to allow the HOA to exercise authority over street tree removal and replacement, or demonstrate that such an amendment is likely within ninety (90) days of a decision to approve the application.

e. The application should include the signatures of not less than seventy-five (75) percent of the homeowners in the HOA in support of the application.

2. An application for approval of a tree removal and replacement program under this section shall be reviewed by the City through the Type IV land use process. In order to approve the program, the City must determine:

a. The HOA is current and active.

b. The proposed street tree removal and replacement standards are substantially similar to the standards set forth in ~~16.142.050~~ 16.142.060.B above.

c. The proposed street tree spacing standards are substantially similar to the standards set forth in ~~16.142.050~~ 16.142.060.A above.

d. The HOA has authority under its bylaws to adopt, administer and enforce the program.

e. The signatures of not less than seventy-five (75) percent of the homeowners in the HOA in support of the application.

3. A decision to approve an application under this section shall include at least the following conditions:

a. Beginning on the first January 1 following approval and on January 1 every two (2) years thereafter, the HOA shall make a report to the city planning department that provides a summary and description of action taken by the HOA under the approved program. Failure to timely submit the report that is not cured within sixty (60) days shall result in the immediate termination of the program.

b. The HOA shall comply with the requirements of Section 12.20 of the Sherwood Municipal Code.

4. The City retains the right to cancel the approved program at any time for failure to substantially comply with the approved standards or otherwise comply with the conditions of approval.

a.If an HOA tree removal program is canceled, future tree removals shall be subject to the provisions of section ~~16.142.050~~ 16.142.060.

b. A decision by the City to terminate an approved street tree program shall not affect the validity of any decisions made by the HOA under the approved program that become final prior to the date the program is terminated.

c. If the city amends the spacing standards or the removal and replacement standards in this section (SZCDC ~~16.142.050~~) the City may require that the HOA amend the corresponding standards in the approved street tree program.

5. An approved HOA tree removal and replacement program shall be valid for five (5) years; however the authorization may be extended as approved by the City, through a Type II Land Use Review.

D. Exemption from Replacing Street Trees.

A street tree that was planted in compliance with the Code in effect on the date planted and no longer required by spacing standards of section A.4. above may be removed without replacement provided:

1. Exemption is granted at the time of street tree removal permit or authorized homeowner's association removal per Section ~~16.142.050~~ 16.142.060.C. above.
2. The property owner provides a letter from a certified arborist stating that the tree must be removed due to a reason identified in the tree removal criteria listed in Section ~~16.142.050~~ 16.142.060.B.1. above, and
3. The letter describes why the tree cannot be replaced without causing continued or additional damage to public or private utilities that could not be prevented through reasonable maintenance.

E. Notwithstanding any other provision in this section, the city manager or the manager's designee may authorize the removal of a street tree in an emergency situation without a tree removal permit when the tree poses an immediate threat to life, property or utilities. A decision to remove a street tree under this section is subject to review only as provided in ORS 34.100.

F. Trees on Private Property Causing Damage.

Any tree, woodland or any other vegetation located on private property, regardless of species or size, that interferes with or damages public streets or utilities, or causes an unwarranted increase in the maintenance costs of same, may be ordered removed or cut by the City Manager or his or her designee. Any order for the removal or cutting of such trees, woodlands or other vegetation, shall be made and reviewed under the applicable City nuisance abatement ordinances.

G. Penalties. The abuse, destruction, defacing, cutting, removal, mutilation or other misuse of any tree planted on public property or along a public street as per this Section, shall be subject to the penalties defined by Section 16.02.040, and other penalties defined by applicable ordinances and statutes, provided that each tree so abused shall be deemed a separate offense.

16.142.070 Trees on Property Subject to Certain Land Use Applications

A. Generally

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

visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time.

B. Applicability

~~1.~~ All ~~Planned Unit Developments~~land use actions~~ subject to Chapter 16.40, site developments subject to Section 16.92.020, and subdivisions subject to Chapter 16.122~~, shall be required to preserve trees or woodlands, as defined by this Section to the maximum extent feasible within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan.~~, as determined by the City. This Section shall not apply to any PUD, site development or subdivision, or any subdivision phase of any PUD, having received an approval by the Commission prior to the effective date of Ordinance No. 94-991, except for Subsection C5 of this Section, which shall apply to all building permits issued after the effective date to that Ordinance.~~.

~~2B~~C. Inventory

1. To assist the City in making its determinations on the retention of trees and woodlands, ~~the~~ land use applications for development shall include a tree and woodland inventory and report. The report shall be prepared by a certified arborist and must contain the following information:
    a. Tree size (in DBH and canopy area)
    b. Tree species
    c. The condition of the tree with notes as applicable explaining the assessment
    d. The location of the tree on the site
    e. The location of the tree relative to the planned improvements
    f. Assessment of whether the tree must be removed to accommodate the development
    g. Recommendations on measures that must be taken to preserve trees during the construction that are not proposed to be removed.

2. Trees removed on the property within one year prior to the submittal of the development application shall also be included in the inventory. In the event that adequate data is not available to address the specific inventory requirements below, an aerial photo may be utilized to determine the approximate number, canopy size and type of trees on the property.

3. In addition to the general requirements of this Section, the tree and woodland inventory's mapping and report shall also include, but is not limited to, the specific information outlined in the appropriate land use application materials packet.

~~3~~4. Definitions ~~For~~ for the inventory purposes of this Section

~~1~~a.~~, a~~ A tree is a living woody plant having a trunk diameter as specified below at ~~four and one-half (4- 1/2) feet above mean ground level at the base of the trunk, also known as~~ Diameter at Breast Height (DBH). Trees planted for commercial agricultural purposes, and/or those subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition and from regulation under this Section, as are any living woody plants under ~~five~~ six (~~5~~6) inches at DBH.

~~a~~(1). ~~Douglas fir, ponderosa pine, western red cedar, white oak, big leaf maple, American chestnut, ten (10)~~All trees six (6) inches or greater shall be inventoried.

~~b. All other tree species, five (5) inches or greater.~~
~~In addition, any trees of any species of five (5) inches or greater DBH that are proposed for removal as per the minimally necessary development activities defined in subsection C3 of this Section shall be inventoried.~~

~~2~~b. ~~For the inventory purposes of this Section, a~~ A woodland is a biological community dominated by trees covering a land area of 20,000 square feet or greater at a density of at least fifty (50) trees per every 20,000 square feet with at least fifty percent (50%) of those trees of any species having a ~~five~~ six (~~5~~6) inches or greater at DBH. Woodlands planted for commercial agricultural purposes and/or subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under this Section.

c. A large stature tree is over 20 feet tall and wide with a minimum trunk diameter of 30 inches at DBH.

D. Retention requirements

1. Trees may be considered for removal to accommodate the development including buildings, parking, walkways, grading etc., regardless of D.2 or D.3, below.

~~C1~~2. ~~—~~Required Tree Canopy - Residential Developments (Single Family Attached, Single Family Detached and Two – Family)
Each net development site shall provide a minimum total tree canopy of 40 percent. This can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist shall provide the estimated tree canopy of the proposed trees to the planning department for review.

~~D2~~3. ~~—~~Required Tree Canopy – Non-Residential and Multi-family Developments
Each net development site shall provide a minimum total tree canopy of 30 percent. This can be achieved by retaining existing trees or planting new trees. Required landscaping trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist or other qualified professional shall provide an estimated tree canopy for all proposed trees to the planning department for review as a part of the land use review process.

4. The City may determine that, regardless of D.1 through D.3, that certain trees or stands of trees may be required to be retained. The basis for such a decision shall include;
Specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:
   a. Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or
   b. A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site

from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or

c. Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Unified Sewerage Agency Clean Water Services stormwater management plans and standards orf the City Comprehensive Plan, or

d. Necessary as buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or

e. Otherwise merit retention because of unusual size, size of the tree stand, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.

5. Tree retention requirements for properties located within the Old Town Overlay or projects subject to the infill standards of Chapter 16.68 are only subject to retention requirements identified in D.4. above.

BE. Tree and Woodland Inventory

1. To assist the City in making its determinations on the retention of trees and woodlands, the land use applications referenced in subsection A of this Section shall include a tree and woodland inventory and report, in both map and narrative form, addressing the standards in subsection C C or D of this Section (above), and a written report by an arborist, forester, landscape architect, botanist, or other qualified professional, as determined by the City, that generally evaluates the nature and quality of the existing trees and woodlands on the site and also provides information as to the extent and methods by which trees and woodlands will be retained. The inventory shall include a resume detailing the qualified professional's applicable background and experience. The City may also require the submission of additional information as per Section 16.136.030.

2. Trees removed on the property within one year prior to the submittal of the development application shall also be included in the inventory. In the event that adequate data is not available to address the specific inventory requirements below, an aerial photo may be utilized to determine the approximate number, size and type of trees on the property.

23. In addition to the general requirements of this Section, the tree and woodland inventory's mapping and reports shall include, but are not limited to, the following specific information outlined in the appropriate land use application materials packet. Mapping shall include a composite map, illustrating as much required information as possible while retaining map readability.

a. The location of the property subject to the land use application and tree and woodland inventory, including street addresses, assessors' map and tax lot numbers, and a vicinity map.

b. Mapping indicating the location of trees and woodlands, as defined by subsections A2 through 3. Mapping shall include typical tree root zones, given tree species, size, condition and location. For any woodland, inventory data and mapping is required only for the group, rather than on a tree by tree basis.

c. Mapping and other inventory data shall include, but is not limited to, the boundaries and/or types of soils, wetlands, and floodplains underlying the tree or woodland; site hydrology, drainage, and slope characteristics; the condition, density, form, root zone and aspect of the tree or woodland, including in the case of a woodland, associated understory.

~~d. Mapping and other inventory data shall be of sufficient detail and specificity to allow for field location of trees and woodlands by the City, and shall include but is not limited to, existing and proposed property lines, topography at the intervals otherwise specified for the type of land use application being considered, and any significant man-made or natural features that would tend to aid in such field location.~~

~~e. The number, size, species, condition, and location of trees and woodlands proposed for removal, the timing and method of such removal, and the reason(s) for removal.~~

~~f. The number, size, species, condition, and location of trees and woodlands proposed for retention, and the methods by which such trees and woodlands shall be maintained in a healthy condition both during and subsequent to development activity.~~

~~g. Proposed mitigation and replacement efforts as per subsection D of this Section, including a description of how proposed replacement trees will be successfully replanted and maintained on the site.~~

~~C~~E. ~~Tree and Woodland Retention~~

~~1. The review authority shall make findings identifying all trees and woodlands, or additional trees not inventoried, that merit retention. Alternatively, the City may require planting of new trees in lieu of retention as per subsection D1 through D3 of this Section, or acquire said trees and woodlands as per subsection D4 of this Section. Prior to making any such determinations or recommendations, the review authority may seek the recommendations of the City Parks Advisory Board. Special consideration shall be given in making these determinations to the retention or replanting of trees native to the Willamette Valley and Western Oregon, except in areas where such trees are prohibited as per Section 16.142.050B.~~

~~2. To require retention of trees or woodlands as per subsection B~~ D ~~of this Section, the Commission or Council must make specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:~~

~~a. Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or~~

~~b. A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or~~

~~c. Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Unified Sewerage Agency stormwater management plans and standards or the City Comprehensive Plan, or~~

~~d. Necessary as buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or~~

~~e. Otherwise merit retention because of unusual size, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.~~

~~3. In general, the City shall permit only the removal of trees, woodlands, and associated vegetation, regardless of size and/or density, minimally necessary to undertake the development activities contemplated by the land use application under consideration. For the development of~~

~~PUDs and subdivisions, minimally necessary activities will typically entail tree removal for the purposes of constructing City and private utilities, streets, and other infrastructure, and minimally required site grading necessary to construct the development as approved. For site developments, minimally necessary activities will typically entail tree removal for the purposes of constructing City and private utilities, streets and other infrastructure, minimally required site grading necessary to construct the development as approved, construction of permitted buildings, and City required site improvements such as driveways and parking lots.~~

~~4~~156. The Notice of Decision issued for the land use applications subject to this Section shall indicate which trees and woodlands will be retained as per subsection ~~C2~~ D of this Section, which may be removed or shall be retained as per subsection ~~B~~ D of this Section ~~, and which shall be mitigated as per subsection D of this Section,~~ and any limitations or conditions attached thereto. ~~The applicant shall prepare and submit a Final Tree and Woodland Plan prior to issuance of any construction permits, illustrating how identified trees and woodlands will be retained, removed or mitigated as per the Notice of Decision. Such Plan shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. At a minimum, trees to be protected shall have the area within the drip line of the tree protected from grading, stockpiling, and all other construction related activity unless specifically reviewed and recommended by a certified arborist.~~

~~5. At the time of building permit issuance for any development of a site containing trees or woodlands identified as per subsection C of this Section, the Building Official shall permit only the removal of trees, woodlands and associated vegetation, regardless of size and/or density, minimally necessary to undertake the development activities contemplated by the building permit application under consideration. The permit shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. Minimally necessary activities will typically entail tree removal for the purposes of construction of City and private utilities, streets and other infrastructure, minimally required site grading necessary to construct the development as approved, construction of permitted buildings, and City required site improvements such as driveways and parking lots. A fee for this inspection shall be established as per Section 16.74.010, provided however that said inspection is not deemed to be a land use action.~~

~~6. When a tree or woodland within an approved site plan, subdivision or Planned Unit Development subsequently proves to be so located as to prohibit the otherwise lawful siting of a building or use, retention of said trees or woodlands may be deemed sufficient cause for the granting of a variance as per Chapter 16.84, subject to the satisfaction of all other applicable criteria in Chapter 16.84.~~

7. All trees, woodlands, and vegetation located on any private property accepted for dedication to the City for public parks and open space, greenways, Significant Natural Areas, wetlands, floodplains, or for storm water management or for other purposes, as a condition of a land use approval, shall be retained outright, irrespective of size, species, condition or other factors. Removal of any such trees, woodlands, and vegetation prior to actual dedication of the property to the City shall be cause for reconsideration of the land use plan approval.

~~F~~E. Preservation Incentives

1. General Provisions. To assist in the preservation of trees, the City may apply one or more of the following flexible standards as part of the land use review approval. To the extent that the standards in this section conflict with the standards in other sections of this Title, the standards in this section shall apply except in cases where the City determines there would be an unreasonable risk to public health, safety, or welfare. Flexibility shall be requested by the applicant with justification provided within the arborist's report as part of the land use review process and is only applicable to trees that are eligible for credit towards the effective tree canopy cover of the site. A separate adjustment application as outlined in Section 16.84.030.A is not required.

2. Flexible Standards. The following flexible standards are available to applicants in order to preserve trees on a development site. These standards cannot be combined with any other reductions authorized by this code.

a. Lot size averaging. To preserve existing trees in the development plan for any Land Division under Division VII, lot size may be averaged to allow lots less than the minimum lot size required in the underlying zone as long as the average lot area is not less than that allowed by the underlying zone. No lot area shall be less than 80 percent of the minimum lot size allowed in the zone;

b. Setbacks. The following setback reductions will be allowed for lots preserving existing trees using the criteria in subsection (1) below.

(1) Reductions allowed:

(a.) Front yard – up to a 25 percent reduction of the dimensional standard for a front yard setback required in the base zone. Setback of garages may not be reduced by this provision.

(b.) Interior setbacks - up to a 40 percent reduction of the dimensional standards for an interior side and/or rear yard setback required in the base zone. Perimeter side and rear yard setbacks shall not be reduced through this provision.

c. Approval criteria:

(1.) A demonstration that the reduction requested is the least required to preserve trees; and

(2.)The reduction will result in the preservation of tree canopy on the lot with the modified setbacks; and

(3.)The reduction will not impede adequate emergency access to the site and structure.

3. Sidewalks. Location of a public sidewalk may be flexible in order to preserve existing trees or to plant new large stature street trees. This flexibility may be accomplished through a curb-tight sidewalk or a meandering public sidewalk easement recorded over private property and shall be reviewed on a case by case basis in accordance with the provisions of the Engineering Design Manual, Street and Utility Improvement Standards. For preservation, this flexibility shall be the minimum required to achieve the desired effect. For planting, preference shall be given to retaining the planter strip and separation between the curb and sidewalk wherever practicable. If a preserved tree is to be utilized as a street tree, it must meet the criteria found in the Street Tree section, 16.142.060.

4. Residential Density Transfer. Up to 100% density transfer is permitted from the preserved portion of a significant tree stand within the development site to the buildable area of the development site.
    a. Density may be transferred provided that:
        (1.) At least 50% of the significant tree stand's canopy within the development site (and not within the sensitive lands or areas that areas dedicated to the City) is preserved;
        (2.) The project arborist certifies the preservation is such that the connectivity and viability of the remaining significant tree stand is maximized.
        (3.) Maximum density for the net site area including the Significant tree stand is not exceeded;
        (4.) The lots must maintain an 80 percent minimum lot size;
        (5.) The Significant tree stand is protected through an instrument or action subject to approval by the City Manager or the City manager's designee that demonstrates it will be permanently preserved and managed as such;
            (1.) A conservation easement;
            (2.) An open space tract;
            (3.) A deed restriction; or
            (4.) Through dedication and acceptance by the City.
    b. The proposed development may include the following;
        (1.) Zero lot line single family detached housing for the portion of the development site that receives the density transfer.
        (2.) The following variations from the base zone development standards are permitted:
            (1.) Up to 25% reduction of average minimum lot width;
            (2.) Up to 10 foot minimum front yard setback
            (3.) Up to 33% reduction in side or rear yard, however the side yard cannot be less than three feet;
            (4.) Up to four foot reduction in the garage setback;
            (5.) Up to 20% increase in maximum height as long as the height requirement adjustment complies with the State Building Code.
        (3.) When the portion of the development receives the density transfer abuts a developed residential district with the same or lower density zoning, the average area of abutting perimeter lots shall not be more than 150% of the adjacent zoning.

5. Adjustments to Commercial and Industrial development Standards. Adjustments to Commercial or Industrial Development standards of up to 20 feet additional building height are permitted provided;
    a. At least 50% of a Significant Tree stand's canopy within a development site (and not also within the sensitive lands or areas that areas dedicated to the City) is preserved;
    b. The project arborist certifies the preservation is such that the connectivity and viability of the remaining significant tree stand is maximized;
    c. Applicable buffering and screening requirements are met;

d. Any height adjustments comply with state building codes;

e. Significant tree stand is protected through an instrument or action subject to approval by the City Manager or the City manager's designee that demonstrates it will be permanently preserved and managed as such;

(1.) A conservation easement;

(2.) An open space tract;

(3.) A deed restriction; or

(4.) Through dedication and acceptance by the City.

~~a.~~

~~D. Mitigation~~

~~1. The City may require mitigation for the removal of any trees and woodlands identified as per subsection C of this Section if, in the City's determination, retention is not feasible or practical within the context of the proposed land use plan or relative to other policies and standards of the City Comprehensive Plan. Such mitigation shall not be required of the applicant when removal is necessitated by the installation of City utilities, streets and other infrastructure in accordance with adopted City standards and plans. Provided, however, that the City may grant exceptions to established City street utility and other infrastructure standards in order to retain trees or woodlands, if, in the City's determination, such exceptions will not significantly compromise the functioning of the street, utility or other infrastructure being considered. Mitigation shall be in the form of replacement by the planting of new trees.~~

~~2. Replacement trees required as part of mitigation as per this Section shall, as determined by the City, be generally of a substantially similar species, size and quantity to those trees proposed for removal, taking into account soils, slopes, hydrology, site area, and other relevant characteristics of the site on which the mitigation is proposed. In consideration of the foregoing factors the City may require replacement trees to be replanted at greater than a 1:1 caliper inch ratio. Exotic or non-native trees shall generally be replaced with species native to the Willamette Valley or Western Oregon, except where such native trees are prohibited by Section 16.142.050B2. Said replacement trees shall be in addition to trees along public streets required by Section 16.142.050A. Standards for trees along public streets may be different than those for trees required for retention or replacement under this Section.~~

~~3. If replacement trees of the species, size or quantity being removed are not available, or cannot be successfully replanted due to soils, slopes, hydrology, site area, or other relevant characteristics of the site, the City may require:~~

~~a. Different species of trees to be submitted, or~~

~~b. Replacement trees to be planted on another, more suitable site within the City, or~~

~~c. Cash payments equivalent to the fair market value of the otherwise required replacement trees, including estimated installation costs, said payments to be set aside by the City in a dedicated fund for eventual purchase and planting of trees when suitable sites become available.~~

~~4. The Commission may also make recommendation to the Council, based on the recommendation of the Parks Advisory Board, that trees or woodlands identified as per this Section be purchased by the City, if such trees cannot otherwise be retained as part of the proposed land use plan, obtained as a parks and open space or other dedication to the City, or otherwise be mitigated as per subsection D of this Section.~~

F. Tree Protection During Development

The applicant shall prepare and submit a ~~F~~final Tree and Woodland Plan prior to issuance of any construction permits, illustrating how identified trees and woodlands will be retained, removed or mitigated as per the Notice of Decision. Such ~~P~~plan shall specify how trees and woodlands will be

protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. At a minimum, trees to be protected shall have the area within the drip line of the tree protected from grading, stockpiling, and all other construction related activity unless specifically reviewed and recommended by a certified arborist. Any work within the dripline of the tree shall be supervised by the arborist being onsite during construction.

~~E~~G. Penalties

Violations of this Section shall be subject to the penalties defined by Section 16.02.040, provided that each designated tree or woodland unlawfully removed or cut shall be deemed a separate offense. (Ord. 2006-021; Ord. 91-922, § 3)

16.142.080 Trees on Private Property -- not subject to a land use action

A. Generally

In general, existing mature trees on private property shall be retained unless determined to be a hazard to life or property. For the purposes of this section only, existing mature trees shall be considered any deciduous tree greater than ten (10) inches diameter at the breast height (dbh) or any coniferous tree greater than twenty (20) inches dbh.

B. Residential (Single Family and Two-Family) Standards

In the event a property owner determines it necessary to remove existing mature trees on their property that are not a hazard, they may remove the trees as described below;

1. Removal of up to five (5) trees, or up to 10 percent of the number of trees on site, whichever is greater, within one (1) calendar year period. No review or approval required provided that trees are not located within a natural resource area, that the planning department is notified in writing 48 hours prior to removing the tree, including the property address, property owner name and contact information, and provided with the type and size of the tree. Failure to notify the Planning Department shall not result in a violation of this code unless it is determined that the tree removal is located within a natural resource area, or in excess of that permitted outright.
2. Removal of six (6) or more trees, or more than 10 percent of the number of trees on site, whichever is greater, within one (1) calendar year period except as allowed in subsection 1, above.
   a. The applicant shall submit the following;
      (1.) A narrative describing the need to remove the tree(s),
      (2.) A statement describing when and how the Homeowner's Association (HOA) was informed of the proposed tree cutting and their response. If there is not an active HOA, the applicant shall submit as statement indicating that there is not a HOA to contact.
      (3.) A plan showing the location of the tree and
      (4.) The applicant shall submit a replacement tree plan. Half of the number of trees removed shall be replaced on site with native trees.
3. The City may determine that, regardless of B.1 through B.2, that certain trees or stands of trees may be required to be retained.
   a. If removal is proposed within a natural resource area, the applicant shall submit documentation from a licensed qualified professional in natural resources management such as

a wetland scientist, a botanist, or biologist, discussing the proposed tree removal and how it would or would not compromise the integrity of the resource. It shall also discuss the feasibility and practicability of tree removal relative to policies and standards of the City Comprehensive Plan, listed in section 3.b. below.

b. The basis for such a City decision shall include; specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical relative to other policies and standards of the City Comprehensive Plan, and are:

(1.) Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or

(2.) A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or

(3.) Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Clean Water Services stormwater management plans and standards of the City Comprehensive Plan, or

(4.) Necessary as buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or

(5.) Otherwise merit retention because of unusual size, size of the tree stand, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.

~~up to 5 trees per acre per calendar year by right, not to exceed 100 inches total dbh. The property owner shall document the number of trees and the date removed for their records and shall notify the City Planning Department 48 hours prior to tree removal. Failure to notify the Planning Department shall not result in a violation of this code unless it is determined that the tree removal is in excess of that permitted outright.~~

~~If the property owner determines that it is necessary to remove more trees than is permitted by right, the act is considered to be an alteration of the exterior appearance of the property and site plan review is required. In that instance, the requirements of Section 16.142.060 shall apply. The review authority shall be determined by the square footage of the area to be disturbed.~~

~~(Ord. 2006-021)~~

C. Non-Residential and Multi-family Standards

In the event a property owner determines it necessary to remove existing mature trees on their property that are not a hazard, they may remove the trees as described below;

1. Trees required by a land use decision after the effective date of this code can be removed. Any trees removed shall be replaced within six months of removing the tree with an appropriate tree for the area.
2. Trees that were not required by land use or planted prior to the effective date of this code can be removed after receiving approval from the City of Sherwood.
   a. Removal of up to 25 percent of the trees on site can be removed and replaced through a type I review process. The applicant shall submit the following;
      (1.) A narrative describing the need to remove the trees,

(2.) A plan showing the location of the trees and

(3.) A replacement tree plan. Half of the number of trees removed shall be replaced on site with similar trees.

b. Removal of more than 25 percent of the trees on site can be removed and replaced through a type II review process. The applicant shall submit the following;

(1.) An arborists report describing the need to remove the trees. The cause for removal must be necessitated by the trees,

(2.) A plan showing the location of the tree and

(3.) A replacement tree plan. Two – thirds of the number of trees removed shall be replaced on site with similar trees.

3. The City may determine that, regardless of C.1 through C.2, that certain trees or stands of trees may be required to be retained.

a. The applicant shall submit documentation from a licensed qualified professional in natural resources management such as wetland scientist, botanist or biologist, discussing the proposed tree removal within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, listed in section 3.b. below.

b. The basis for such a City decision shall include; specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:

(1.) Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or

(2.) A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or

(3.) Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Clean Water Services stormwater management plans and standards of the City Comprehensive Plan, or

(4.) Necessary as buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or

(5.) Otherwise merit retention because of unusual size, size of the tree stand, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.

Trees on Private Property Subject to Land Use Review

Current Code Language	Proposed Code Language
Code language applies to all zones and uses in the city	Code language has been differentiated between two categories; • Residential requirements (single-family & two-family) • Non-Residential requirements (multi-family, commercial, institutional public & industrial) Retention requirements do not apply to Old Town or Infill projects.
Inventory of existing trees required. Trees that are removed must be mitigated for on an inch for inch basis. (Example – the developer removes a 10inch DBH tree, replant or pay the fee-in lieu for 10 inches. This can be accomplished by paying $75 per inch or planting five 2 inch DBH trees.)	Inventory of existing trees continues to be required. The code language has been updated to include; • The needed materials are specified. • Developer to meet a minimum mature canopy requirement (30% non-residential and 40% residential). Incentives for tree preservation added including: Residential • Lot size averaging • Setback reductions • Flexible sidewalk standards • Residential density transfer Non-Residential • Increased building height
Protect trees in natural areas. This standard justifies saving trees because of environmental and social reasons consistent with Goal 5; i.e. soil stability, buffers, unusual size, historic association, wildlife, etc.	Continue to protect trees in natural areas. The size of the tree stand was added to the list to merit the retention of trees.
Tree protection during development standards.	Tree protection during development standards will continue. Additional tree protection has been added by indicating that the “work within the dripline must supervised by an arborist was added”.

See other side.

Trees on Private Property NOT Subject to Land Use Review

Current Code Language	Proposed Code Language
Code language applies to all zones and uses in the city	Code language has been differentiated between two categories; • Residential requirements (single-family & two-family) • Non-Residential requirements (multi-family, commercial, institutional public & industrial)

All zones and uses in the city can remove up to five trees per acre per year not to exceed 100 total inches DBH by right.
• Must notify the Planning Department 48 hours prior to cutting the tree.
 	
Removal of more than five trees per acre per year requires site plan review.
	Residential – removal of up to five trees or 10% of the trees whichever is greater per year by right.
	• Must notify the Planning Department 48 hours prior to cutting the tree.
	
	Six trees or more than 10% requires planning department review and half of the number of trees that are removed must be replaced.
	
	Non-Residential –
	• If required by land use after the effective date of the code can be removed as long as they are replaced.
	• If required by land use prior to the effective date of the code, the review varies based on the percentage of trees removed and replaced.
	  ▪ Up to 25% - Type I process & replace half of the trees removed
	  ▪ Over 25% - Type II process & replace two-thirds of the trees removed

Code language protecting natural areas is within the tree code but not specifically within *trees not subject to land use approval* section.	Protecting trees in natural areas, necessary for soil stability, etc., buffers or because of unusual size, historic association, wildlife, etc. has been added to this section.

See other side.