



Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

City of Sherwood
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To: Joe Turner, Hearings Officer
From: Eric Rutledge, Associate Planner
RE: Revised Staff Report for LU 2020-023 VAR / MM
Date: March 3, 2021

Purpose:

The purpose of this memo is to outline changes made to the original staff report for LU 2020-023 VAR / MM dated February 17, 2021. The changes are in response to the public hearing held on the application on February 24, 2021.

Background

During the February 24, 2021 hearing, the Hearings Officer inquired about the perimeter landscaping screening requirement under SZCDC § 16.92.030(2). The original proposal did not include perimeter landscaping along the southern property line shared with 21025 SW Borchers Drive (Tax Lot 2S130DA00100). The Hearings Officer correctly noted that the language in the standard includes the word “shall” which means compliance with the standard is a requirement.

Site Plan Revisions

The applicant is now proposing an 8 ft. wide landscaping buffer along the southern property line where the site is not burdened by a public access easement. A Class B Variance in order to reduce the required 10 ft. wide landscaping strip by 2 ft. or 20%. The staff report includes a recommended Condition of Approval that the applicant obtain a Class B Variance for the reduced perimeter landscaping prior to issuance of site grading or building permits.

Staff also revised the report to require an additional 2.5 ft. of landscaping along the northeast property line where a vehicle use area is located adjacent to 20945 SW Pacific Hwy (Tax Lot 2S129B000501). Approximately 2.5 ft. of landscaping already exists along this property line and the addition of 2.5 more feet will create a 5 ft. wide buffer on the development site. The adjacent property already has a minimum

of 5 ft. of landscaping for a combined minimum width of 10 ft. which meets the perimeter landscaping standard.

In order to provide the additional 8 ft. of landscaping along the south property line and 2.5 ft. of landscaping along the northeast property line, other changes were required.

Summary of Site Plan Revisions

- Addition of 8 ft. of landscaping along the southern property line
- Reconfigured site ingress to establish a clear zone where the 24 ft. wide access easement is located providing future access to Tax Lot 100 to the south
- Addition of approximately 2.5 ft. of landscaping along the northeast property line
- Removal of the two parallel parking stalls along the northeast property line

Public Access Easement

A 24 ft. wide public access easement dedicated to the City of Sherwood is located over the development site that is intended to provide future access from the southern driveway of the subject site to / from 21025 SW Borchers Drive (Tax Lot 2S130DA00100) (Washington County Document 2008-003821) (Exhibit D4). The easement was required as a Condition of Approval of the original land use decision in anticipation of future development of Tax Lot 100. The easement is not currently in use and contains a curb with landscaping to prevent vehicles from entering the subject site from Hwy 99W through Tax Lot 100 and visa versa. Since the redevelopment plans and potential future access for Tax Lot 100 are unknown, the City will keep the easement in place. While the access easement will require vehicles to cross each other on each site in order to utilize the shared driveway, the easement and driveway is expected to function adequately in the future as described in a letter from Lancaster Engineering that was submitted as part of the original land use application (Exhibit D8).

Revisions to Staff Report

The staff report has been revised to reflect the above mentioned changes to the site plan. Exhibits D1 – D8 provide the supporting documentation for the revisions.

Planning Department



Eric Rutledge
Associate Planner

Pre-App Meeting: N/A
App. Submitted: October 26, 2020
App. Complete: January 26, 2021
Hearing Date: February 24, 2021
120-Day Deadline: May 26, 2021

PROPOSAL: The applicant is proposing a Class B Variance and Major Modification to an Approved Site Plan (SP 06-12 / VAR 06-12) at 21003 SW Pacific Hwy. The subject site is 0.16 acres and is improved with a 417 SF drive-thru coffee stand (former Coffee Cottage) and associated site improvements. The development proposal will reconfigure the on-site vehicle circulation, parking, and landscaping in order to accommodate a second 10 ft. wide one-way drive-thru lane. The on-site stormwater detention pond will be removed and replaced with a cartridge system. Vehicle access will continue to be provided from two existing driveways along SW Borchers Drive. Two parking stalls will be re-located on-site and two will be located on an adjacent property across SW Borchers Drive. No building expansion is proposed at this time. A Class B Variance is requested to reduce the parking drive aisle by 8%, and the visual corridor along Pacific Hwy by 12.4% to accommodate the additional drive-thru lane. The subject lot is part of the former right-of-way associated with Sherwood's "Six Corners" commercial area and the variance request is due to small lot size and narrow configuration.

I. BACKGROUND

- A. Applicant: Timothy and Carla Hubbard
21003 SW Pacific Hwy
Sherwood, OR 97140
- Owner: Timothy and Carla Hubbard
20055 SW Pacific Hwy #210
Sherwood, OR 97140
- B. Location: 21003 SW Pacific Hwy, Sherwood OR 97140
(Tax Lot 2S130AD15000)

- C. Review Type: Type III Major Modification to an Approved Site Plan and Type II Class B Variance.
- D. Public Notice: Notice of the application was provided in accordance with § 16.72.020 of the Sherwood Zoning and Development Code (SZDC) as follows: notice was distributed in five locations throughout the City, posted on the property, and mailed to property owners within 1,000 feet of the site on or before February 4, 2021.
- E. Review Criteria: Sherwood Zoning and Community Development Code (SZCDC) Chapter 16.22 – Commercial Land Use Districts; Chapter 16.58 - Clear Vision and Fence Standards; Chapter 16.72 - Procedures for Processing Development Permits; Chapter 16.84 – Variances; Chapter 16.90 - Site Planning; Chapter 16.92 – Landscaping; Chapter 16.94 - Off-Street Parking and Loading; Chapter 16.96 - On-Site Circulation; Chapter 16.114- Storm Water; Chapter 16.118 - Public and Private Utilities; Chapter 16.142 - Parks, Trees and Open Spaces
- F. History and Background: The development site consists of one (1) lot totaling 0.16 acres (6,969 SF) in the Retail Commercial (RC) zone. Prior to site development as a coffee stand, the property was part of the Oregon Department of Transportation (ODOT) right-of-way along Hwy 99W at the intersection of Sherwood’s “Six Corners” commercial center. The intersection was reconfigured, and lots were created in areas no longer needed for right-of-way purposes.
- In 2007 the property received Site Plan and Variance approval (SP 06-12 / VAR 06-04) for a new 401 SF drive-thru coffee stand and associated site improvements. The variance allowed a 0.5 ft. reduction to the required 25 ft. visual corridor along Hwy 99W. The coffee stand has since been operated by different coffee businesses but is currently vacant. The proposed modifications to the site are intended to meet the needs of a new tenant – Ziggi’s Coffee.
- G. Existing Conditions: The 0.16-acre site is fully improved with a 401 SF drive-thru coffee stand, a vehicle drive-thru lane, four (4) parking stalls, landscaping, and a stormwater quality facility. Exhibit A3 – Sheet C2-A shows the existing conditions on the site. Small and large scale aerial maps of the site are included as Exhibits C2 and C3.
- H. Surrounding Land Uses: The site is bound by SW Borchers Drive to west/northwest and SW Hwy 99W to the east/southeast. A Shell gas station and Food Mart abuts the site to the north/northeast and a multi-

tenant single-story commercial building abuts the site to the south/southwest.

I. Current Zoning: The property is zoned Retail Commercial (RC).

II. **AFFECTED AGENCY AND PUBLIC COMMENTS**

A. Agency Comments - The land use application was routed to affected agencies via email on February 1, 2021. Responses are summarized below.

1. The City of Sherwood Engineering Department provided comments dated February 17, 2021 (Exhibit B1 and D7). The comments address sanitary sewer, water, storm sewer, transportation, grading and erosion control. Corrected comments were issued (Exhibit D7) report in order to address a typo in the transportation findings called out during the public hearing.
2. City of Sherwood Police Department provided comments dated February 1, 2021 (Exhibit B2). The comments express concern about the potential for traffic to back up onto SW Borchers Drive.
3. Tualatin Valley Fire & Rescue (TVF&R) acknowledged the application via email on February 2, 2021 (Exhibit B3). The Fire Department does not have any comments because the on-site access drives are not currently used by the department for service. Changes to the on-site configuration, therefore, do not impact fire service.
4. Clean Water Services (CWS) provided comments dated February 15, 2021 (Exhibit B4). A CWS Storm Water Connection Permit Authorization must be obtained and the development must be in accordance with the requirements of CWS Design and Construction Standards.
5. Oregon Department of Transportation (ODOT) provided comments dated February 22, 2021 (Exhibit D6). The comments state the agency has no comments or concerns regarding the proposal.

B. Public Comments – as of the date of this report, no written public comments have been received on the application.

III. APPLICABLE CODE PROVISIONS

*Note – three asterisks (***) Indicates code has been omitted because it is not applicable*

Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 – Generally

A. Classifications

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

2. Type II

The following quasi-judicial actions shall be subject to a Type II review process:

g. Class B Variance

ANALYSIS: The application is proposing a Major Modification to an Approved Site Plan and a Class B Variance. The Type II review process for the Class B Variance is superseded by the Type III review process for the Major Modification. A Major Modification is required because the application proposes to modify a specific Condition of Approval that was applied to the development in the initial application.

The approval criteria for a Major Modification under SZCDC § 16.90.030(B)(2) requires the application to follow the same review procedure used for the initial project approval. The initial application was processed as a Type III land use decision with the Hearings Officer. Therefore, the application is subject to the Type III land use procedures.

FINDING: The application is subject to the Type III land use review procedures as described in the findings above and under SZCDC § 16.90.030(A)(1).

B. Hearing and Appeal Authority

3. The quasi-judicial Hearing and Appeal Authorities shall be as follows:

c. The Type III Hearing Authority is the Hearings Officer and the Appeal Authority is the Planning Commission.

(1) The Hearings Officer shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.

(2) Any person who testified before the Hearings Officer at the public hearing or submitted written

comments prior to the close of the record may appeal the Hearings Officer's decision.

ANALYSIS: The application is being processed as a Type III quasi-judicial decision with the Hearings Officer as the Hearing Authority.

FINDING: These criteria have been met.

Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS

16.22.010 – Purpose

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

16.22.020 - Uses

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

***(*Abbreviated table*)

Uses	RC Zone
Restaurants with drive-thru services	P

ANALYSIS: The proposed use is a drive-thru coffee stand which is an outright permitted use in the RC zone.

FINDING: This standard is met.

16.22.030 - Development Standards

A. Generally

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

B. Development Standards

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

Development Feature	RC Zone
Lot area	5,000 sq. ft
Lot width at front property line	40 ft
Lot width at building line	40 ft
Front yard setback ⁹	0
When abutting residential zone	Same as abutting residential zone
Side yard setback ⁹	0
when abutting residential zone or public park	10 ft
Rear yard setback ⁹	0

Development Feature	RC Zone
when abutting residential zone or public park	10 ft
Corner lot ⁹	-
Height ^{10,11}	50 ft ^{13,14}

⁹ Existing residential uses shall maintain setbacks specified in the High Density Residential Zone (16.12.030).

¹⁰ Maximum height is the lessor of feet or stories.

¹¹ Solar and wind energy devices and similar structures attached to buildings and accessory buildings, may exceed this height limitation by up to twenty (20) feet.

¹³ Structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area.

¹⁴ Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Chapter 16.82

ANALYSIS: No changes are proposed to the building location on the lot, or the existing lot size / shape. The site is surrounded by public right-of-way and commercial zoning and development in all directions and is not within 100 ft. of a residential zone. The lot continues to comply with the lot area, dimensions, and setback requirements of the RC zone as shown in the table below.

<i>Development Feature</i>	<i>RC Zone</i>	<i>Proposed</i>
Lot area	5,000 sq. ft	6,969 SF
Lot width at front property line	40 ft	~175 ft.
Lot width at building line	40 ft	~160 ft.
Front yard setback ⁹	0	~10 ft. to Borchers Drive; ~30 ft. to Hwy 99W
When abutting residential zone	Same as abutting residential zone	Not applicable

<i>Development Feature</i>	<i>RC Zone</i>	<i>Proposed</i>
Side yard setback ⁹	0	~25 ft. to north property line; ~ 50 ft. to south property line
when abutting residential zone or public park	10 ft	Not applicable
Rear yard setback ⁹	0	Not applicable (two front setbacks)
when abutting residential zone or public park	10 ft	Not applicable
Corner lot ⁹	-	Not applicable
Height ^{10,11}	50 ft ^{13,14}	15 ft.

FINDING: These standards are met.

16.22.040 - Community Design

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

ANALYSIS: The applicable Community Design standards are addressed below.

FINDING: The application complies or is conditioned to comply with the applicable Community Design standards as discussed in this report.

16.58.010 Clear Vision Areas

- A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.**
- B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a**

straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.

- C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2½) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.

The following requirements shall govern clear vision areas:

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

ANALYSIS: The development site has two private driveways that intersect with SW Borchers Drive. The applicant's narrative and site plan indicate no changes are proposed to the driveway widths or configuration within the right-of-way.

FINDING: This standard is met.

Chapter 16.90 – SITE PLANNING

16.90.030 - Site Plan Modifications and Revocation

A. Modifications to Approved Site Plans

1. Major Modifications to Approved Site Plans

a. Defined. A major modification review is required if one or more of the changes listed below are proposed:

- (1) A change in land use (i.e. residential to commercial, commercial to industrial, etc.);
- (2) An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;
- (3) A change in setbacks or lot coverage by more than ten (10) percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;
- (4) A change in the type and/or location of accessways, drives or parking areas negatively affecting off-site traffic or increasing Average Daily Trips (ADT) by more than 100;

- (5) An increase in the floor area or height proposed for non-residential use by more than ten (10) percent;
- (6) A reduction of more than ten (10) percent of the area reserved for common open space; or
- (7) Change to a condition of approval that was specifically applied to this approval (i.e. not a "standard condition"), or a change similar to items identified in Section 16.90.030.A.1.a.(1)—(2) as determined by the Review Authority.

ANALYSIS: The application proposes to change a specific Condition of Approval that was required as part of the original land use decision (Exhibit C8 – Notice of Decision SP 06-12 / VAR 06-03) and therefore requires a Major Modification approval.

Notice of Decision SP 06-12 / VAR 06-03 (pp. 6 & 31–32)

Condition of Approval C2 - Submit a final site plan to the Planning Department that shows:

- *Only one driveway through the site (the removal of “one way lane #2 and the associated call box island)*
- *A minimum ten-foot wide landscaped strip on the property separating the parking area from the Highway 99W right-of-way*

The applicant is proposing to add a second one-way drive-thru to the site and reduce the landscaped strip on private property adjacent to Hwy 99W. The approval criteria and findings for the proposed modifications are addressed in applicable sections of this report. No other changes to the site require Major Modification approval per sections (1) – (6) above.

FINDING: The applicant is proposing to make changes to Condition of Approval C2 of the original land use approval and is required to comply with the Major Modification approval criteria.

- b. **Approval Criteria. An applicant may request a major modification as follows:**
 - (1) **Upon the review authority determining that the proposed modification is a major modification, the applicant must submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The review authority may require other relevant information, as necessary, to evaluate the request.**

ANALYSIS: The applicant has provided the form, fees, plans, and narrative required to issue a decision on the application.

FINDING: This criterion is met.

- (2) **The application is subject to the same review procedure (Type II, III or IV), decision making body, and approval criteria used for the initial project approval, except that adding a Conditional Use to an approved Type II project is reviewed using a Type III procedure.**

ANALYSIS: The initial application was subject to a Type III review procedure with the Hearings Officer as the Decision Authority. As a result, the subject application is being processed as a Type III application with the Hearings Officer as the Decision Authority.

FINDING: This criterion is met.

- (3) **The scope of review is limited to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification. For example, a request to modify a parking lot requires site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping.**

ANALYSIS: The following on-site development features will be impacted by the modification and are subject to review:

- Vehicle parking
- Vehicle circulation
- Landscaping
- Stormwater facilities

No changes are proposed to building placement or setbacks, bicycle parking, loading, or on-site storage. The applicable criteria for the development features impacted by the proposal are addressed in this report.

FINDING: This criterion is met.

(4) Notice must be provided in accordance with Chapter 16.72.020.

ANALYSIS: Notice of the application was provided in accordance with SZCDC § 16.72.020 as follows: notice was distributed in five locations throughout the City, posted on the property, and mailed to property owners within 1,000 feet of the site on or before February 4, 2021.

FINDING: This criterion is met.

(5) The decision maker approves, denies, or approves with conditions an application for major modification based on written findings of the criteria.

ANALYSIS: Written findings and conditions of approval based on the applicable development standards and approval criteria are provided in this report.

FINDING: This criterion is met.

Chapter 16.84 - VARIANCES

16.84.020 - Applicability

A. Exceptions and Modifications versus Variances

A code standard or approval criterion may be modified without approval of a variance if the applicable code section expressly allows exceptions or modifications. If the code provision does not expressly provide for exceptions or modifications then a variance is required to modify that code section and the provisions of [Chapter 16.84](#) apply.

B. Combining Variances with Other Approvals; Permit Approvals by Other Agencies.

Variance requests may be combined with and reviewed concurrently by the City approval body with other land use and development applications (e.g., development review, site plan review, subdivision, conditional use, etc.); however, some variances may be subject to approval by other permitting agencies, such as ODOT in the case of State Highway access.

C. Adjustments and variances cannot be applied to change any existing Planned Unit Development (PUD).

ANALYSIS: The applicant has requested variances to the following code standards:

- Width of one way-drive aisle for off-street parking lanes (SZCDC § 16.94.020(B) Table 2)
- Width of visual corridor along Hwy 99W (SZCDC § 16.142.040(A))

The applicant originally requested a third variance in order to reduce the width of the one-way drive aisle (SZCDC § 16.96.030(A)(1)) for the one-way egress lane as vehicles leave the site through the northern driveway. However, the plans have been revised to meet perimeter landscaping requirements which resulted in the removal of two (2) on-site parking stalls in this location. With removal of the parking stalls, a variance to the drive aisle width is no longer needed.

The specific code sections subject to the variance do not expressly allow exceptions or modifications and therefore a variance is required. The variance application is being processed concurrently with the Type III Major Modification.

FINDINGS: A variance is required to modify the above referenced code standards. Findings addressing the Class B Variance approval criteria are provided in the section below.

16.84.030 - Types of Variances

As provided in this Section, there are three types of variances: Adjustments, Class A variance and Class B variance; the type of variance required depends on the extent of the variance request and the discretion involved in the decision making process.

B. Class B Variances

1. Generally

- a. The Class B variance standards apply to individual platted and recorded lots only.**

ANALYSIS: The subject lot was created in 2006 via Deed Document No. 2005-027802 in Washington County. The subject lot is individually platted and recorded.

FINDINGS: This requirement is met.

- b. A variance shall not be approved that would vary the "permitted uses" or "prohibited uses" of a land use zoning district.**

ANALYSIS: The requested variance will allow a reduction to certain development standards but will not vary the allowed use(s) on the site. The proposed use as a drive-thru coffee stand is an outright permitted use in the RC zone.

FINDINGS: This requirement is met.

- c. Front yard setbacks: Up to a 20 percent change to the front yard setback standard in the land use district.**

ANALYSIS: A reduction to the front yard setback is not requested.

FINDINGS: This criterion does not apply.

- d. **Interior setbacks: Up to a 20 percent reduction of the dimensional standards for the side and rear yard setbacks required in the base land use district so long as the three foot setback is maintained if required by the Building Code requirements.**

ANALYSIS: A reduction to the interior setbacks is not requested.

FINDINGS: This criterion does not apply.

- e. **A 20% or less increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section.**

ANALYSIS: The applicant is requesting a variance to the following code standards shown in the table below. Each exception represents less than a 20% decrease to the underlying standard:

Code Section	Minimum Standard	Request with Variance	Percent Change	Figure 1 Label
SZCDC § 16.94.020(B) Table 2 - Width of one way-drive aisle for off-street parking area; compact stalls at 90°	26 ft.	24 ft.	7.7%	X

SZCDC § 16.142.040(A) – Width of visual corridor along an arterial; Hwy 99W	25 ft.	21.9 ft.	12.4%	Y
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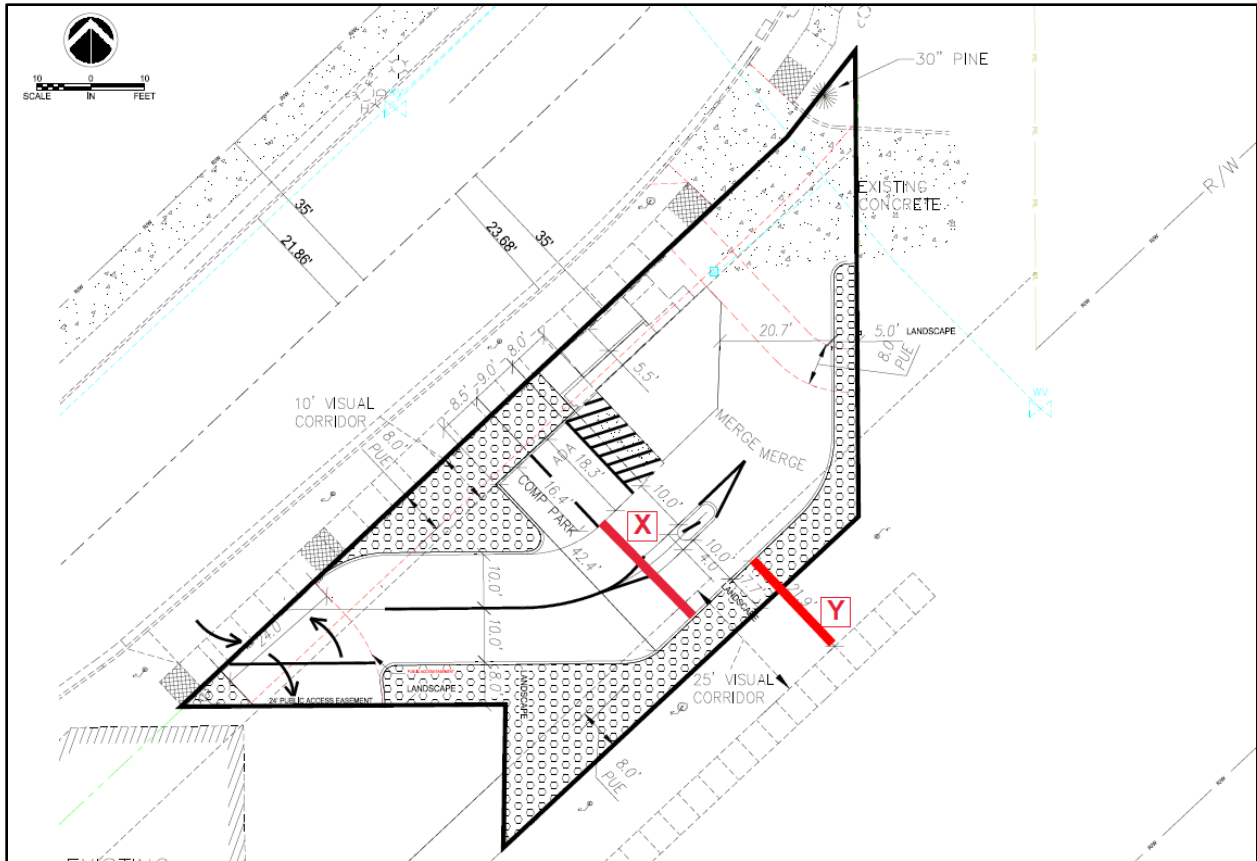


Figure 1: Snip of Site Plan showing location of proposed variances. The proposed exceptions to the underlying standards are intended to overcome development challenges related to the narrow configuration of the site.

FINDINGS: This criterion is met.

2. **Approval Process: Class B variances shall be reviewed using a Type II procedure. In addition to the application requirements contained in [Chapter 16.72.010](#), the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.**

ANALYSIS: The variance request is being processed concurrently with the Type III Major Modification. The applicant has provided a narrative (Exhibit A2) describing the reason for the variance.

FINDINGS: This criterion is met.

3. **Approval Criteria: The City shall approve, approve with conditions, or deny an application for a Class B Variance based on the following criteria:**
 - a. **The variance requested is required due to the lot configuration, or other conditions of the site;**

ANALYSIS: The lot was previously part of the road right-of-way where Edy Rd., Sherwood Blvd, and Hwy 99W intersected to create Sherwood’s “Six Corners” commercial center. The intersection was reconfigured, and commercial lots were created and sold in areas no longer needed for right-of-way purposes. The subject lot was created in 2006 via Deed Document No. 2005-027802 (Exhibit C4 – Record of Survey) and subsequently zoned Retail Commercial. The previous right-of-way configuration showing the original “Six Corners” intersection is provided in Exhibit C5 – Retracement of County Road No. 2291.

The lot was created as a long narrow double frontage lot, located between SW Borchers Drive to the northwest and Hwy 99W to the southeast (Exhibit C2). Development of the site in 2007 (SP 06 / 12 VAR 06 / 04) required a 10 ft. right-of-way dedication along SW Borchers Drive. The width of the subject lot was therefore reduced to approximately 58 ft., creating additional challenges for future redevelopment of the site. The existing lot size, shape and dimension is shown in Figure 2 below.

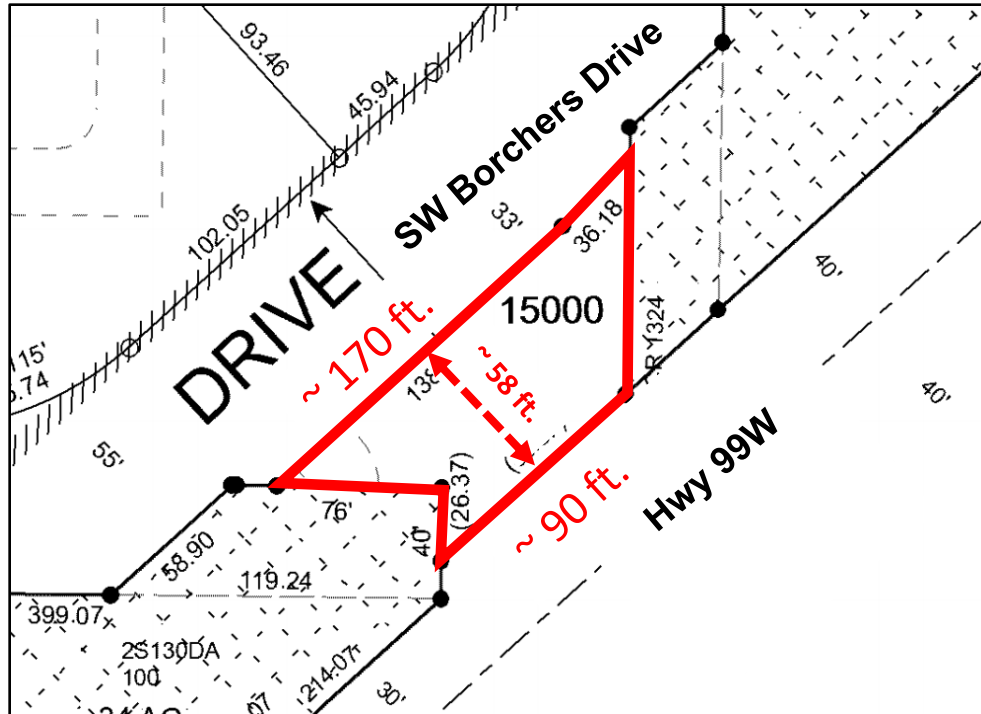


Figure 2: The subject lot size, shape, and dimensions. (Washington County Tax Map 9/18/2019)

The purpose of the Retail Commercial zone is to provide general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts. The proposed variances will allow a reduction to underlying standards while allowing redevelopment of the site consistent with the purpose of the RC zone. The variance will allow the site to add a second drive-thru lane without being detrimental to the surrounding properties. The existing lot size and shape are a result of the site history and past development requirements (right-of-way dedication) and were not self-imposed by the applicant.

FINDINGS: This criterion

- b. **The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;**

ANALYSIS: As indicated in the applicant’s narrative and site plan, no trees will be removed as part of the project.

FINDINGS: This criterion is met.

- c. **The variance will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate variance request.**

ANALYSIS: As described in this report, the variance request and development proposal meet the applicable standards of the code.

FINDINGS: This criterion is met.

- d. **An application for a Class B variance is limited to three or fewer lots per application.**

ANALYSIS: The application applies to a single lot.

FINDINGS: This criterion is met.

- e. **The variance will have minimal impact to the adjacent properties.**

ANALYSIS: The variance request will allow a second drive-thru lane to be added to the fast-food oriented site by reducing the minimum drive aisle and landscaping widths. No changes are proposed to adjacent properties or to off-site conditions within the public right-of-way. No changes are proposed to the existing driveways off SW Borchers Drive, or the shared access agreements currently in place.

The proposed addition of a second drive-thru lane on the site is compatible with the surrounding auto-oriented development. Land uses to the north include a gas station and auto parts retailer. The property to the south is developed with a multi-tenant commercial space with direct access to Hwy 99W. The proposed variance is expected to have minimum impact to adjacent properties.

FINDINGS: This criterion is met.

- f. **The variance is the minimum needed to achieve the desired result and the applicant has considered alternatives.**

ANALYSIS: The variance request will allow a second drive-thru lane to be added to the site. As shown on the site plan (Exhibit A3 – Sheet C4), each drive-thru lane will be 10 ft. wide in order to accommodate a vehicle. The proposed variances will reduce each standard at the minimum necessary to provide the two 10 ft. travel lanes. Due lot size and shape, no other alternatives exist to increase the number of drive-thru lanes.

FINDINGS: This criterion is met.

Chapter 16.92 – LANDSCAPING

16.92.010-Landscaping Plan Required

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

ANALYSIS: The Existing Conditions Plan shows the extend of current landscaping and the Landscaping Plan (Exhibit A3 - Sheet C-7) shows the proposed landscaping.

FINDING: This criterion is met.

16.92.020 Landscaping Materials

A. Type of Landscaping

Required landscaped areas shall include an appropriate combination of native evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of this Chapter. Plants may be selected from the City's "Suggested Plant Lists for Required Landscaping Manual" or suitable for the Pacific Northwest climate and verified by a landscape architect or certified landscape professional.

1. Ground Cover Plants

- 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. 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 (3) years from the time of planting.**

2. Shrubs

- a. All shrubs must be of sufficient size and number to be at full growth within three (3) years of planting.**
- b. Shrubs must be at least the one-gallon container size at the time of planting.**

3. Trees

- a. **Trees at the time of planting must be fully branched and must be a minimum of two (2) caliper inches and at least six (6) feet in height.**
- b. **Existing trees may be used to meet the standards of this chapter, as described in Section 16.92.020.C.2.**

ANALYSIS: The narrative and landscaping plan indicate nine (9) trees are located on the site, including one (1) 30" DBH Ponderosa Pine, one (1) 8" deciduous tree, and seven (7) Raywood Ash trees at varying sizes. The plans also indicate the shrubs within the existing stormwater facility and those impacted by new impervious area will be relocated within the site. The plans do not show the extend of ground cover and based on images of the site available on Google Street View, limited ground cover landscaping is present.

The Landscaping Plan also indicates Hibiscus "Diana" Heinscus, Japanese Aralia, and Camellia Japonica "Springs Promise" shrubs in 2-gallon containers will be added throughout the site. While the City does not have a "Suggested Plant Lists for Required Landscaping Manual" as indicated in the standard above, the Portland Plant List (June 2016) (Exhibit C7) can be used as an alternative. The proposed shrubs are not listed as native to the Pacific Northwest on the Portland Plant List.

In order to meet the landscaping standards above, ground cover plants are required to fill in areas not covered by trees and shrubs. All proposed plantings, including the new shrubs, shall be verified by a landscape architect or certified landscape professional to ensure the species are suitable for the Pacific Northwest climate. As an alternative, the applicant can revise the landscape plan to provide native shrubs and ground cover as indicated in the Portland Plant List.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL B1: Prior to Final Site Plan approval, revise the Landscape Plan to provide ground cover plants in all landscaped areas not covered by trees and shrubs.

CONDITION OF APPROVAL B2: Prior to Final Site Plan approval, a Landscape Architect of certified landscape professional shall verify the plantings are suitable for the Pacific Northwest climate. As an alternative, the applicant can revise the plans to provide native shrubs and ground cover as indicated in the Portland Plant List (June 2016).

- B. Plant Material Selection 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 of the plants 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.

ANALYSIS: Details on plant selection and soil preparation have not been provided.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL B3: Prior to Final Site Plan approval, provide planting specifications for new and relocated vegetation to ensure landscaping will be established and maintained in a healthy condition.

CONDITION OF APPROVAL B4: Prior to Final Site Plan approval, provide specifications for topsoil and subsoil preparations to ensure new and relocated plantings will be established and maintained in a healthy condition.

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 (Parks, Trees and Open Space) and Chapter 16.144 (Wetland, Habitat, and Natural Resources).
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 (1) 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.

ANALYSIS: The applicant narrative indicates all existing landscaping will be preserved and relocated. Condition of Approval B3 above requires plantings details to be provided for new and relocated landscaping.

FINDING: These standards are met.

D. Non-Vegetative Features

1. 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.
2. Impervious paving shall not be counted toward the minimum landscaping requirements unless adjacent to at least one (1) landscape strip and serves as a pedestrian pathway.
3. Artificial plants are prohibited in any required landscaped area.

ANALYSIS: Non-vegetative features are not proposed as part of the landscaping.

FINDING: These standards do not apply.

16.92.030 Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

1. **Perimeter Screening Separating Residential Zones:**
A minimum six-foot high sight-obscuring wooden fence, decorative masonry wall, or evergreen screen, shall be required along property lines separating single and two-family uses from multi-family uses, and along property lines separating residential zones from commercial, institutional/public or industrial zones subject to the provisions of Chapter 16.48.020 (Fences, Walls and Hedges).
2. **Perimeter Landscaping Buffer**
 - a. A minimum ten (10) foot wide landscaped strip comprised of trees, shrubs and ground cover shall be provided between off-street parking, loading, or vehicular use areas on separate, abutting, or adjacent properties.
3. **Perimeter Landscape Buffer Reduction**
If the separate, abutting property to the proposed development contains an existing perimeter landscape buffer of at least five (5) feet in width, the applicant may reduce the proposed site's

required perimeter landscaping up to five (5) feet maximum, if the development is not adjacent to a residential zone. For example, if the separate abutting perimeter landscaping is five (5) feet, then applicant may reduce the perimeter landscaping to five (5) feet in width on their site so there is at least five (5) feet of landscaping on each lot.

ANALYSIS: The subject site abuts public streets to the east and west and commercial properties to the north and south. The applicant is proposing vehicle use areas along the northeast, south, and east property lines. The vehicle use areas “abut” or are “adjacent” to properties along the northeast and south property lines as defined in SZCDC § 16.10.020 (Definitions). Therefore, a 10 ft. wide perimeter landscaped buffer is required along the entire northeast and south property lines where vehicle use areas are located. The eastern portion of the property is not “nearby” an adjacent parcel because Hwy 99W and SW Langers Drive separate the property from the nearest adjacent property. The total distance between the eastern property line and the adjacent parcel across the right-of-ways is approximately 250 ft. Therefore, the eastern portion of the property is not not subject to the 10 ft. wide perimeter landscaping requirement referenced above. However, the 25 ft. wide visual corridor standard still applies.

The site’s is required to meet current perimeter landscaping standards because the on-site vehicle circulation and landscaping are being modified by the proposal.

SZCDC § 16.10.020

“Abut: Contiguous to, in contact with, or adjoining with a common property line; two properties separated by another parcel, lot, tract or right-of-way measuring twenty (20) feet in width or less, shall be considered abutting for the purposes of interpreting the infill-related development standards. See also “adjacent.”

“Adjacent: A relative term meaning nearby; may or may not be in actual contact with each other, but are not separated by things of the same kind. For example, a lot is adjacent to a lot across the street because the lots are separated by a street, not an intervening lot.”

Southern property line – A 24 ft. wide public access easement exists on the subject site to provide future vehicle ingress / egress to the property to the south (Tax Lot 2S130DA00100). The easement is shown on the applicant’s existing conditions plan (Exhibit A3 – Sheet C2A). A copy of the access easement document is provided as Exhibit D4. The easement should remain as it may be needed for future ingress / egress for the lot to the south when it redevelops. The site (TL 100) does not have another legal access onto SW Borchers Drive.

Per the standard above, a 10 ft. wide landscaped buffer is required along the southern property line where the site is not burdened by the access easement. This includes approximately 10 lineal feet of shared property line between the western edge of the easement and SW Borchers Drive and approximately 35 lineal feet between the eastern edge of the easement and the southeast corner of the subject lot. As stated by the Hearings Officer during the 2/24/21 hearing, subsection (2)(a) includes the word “shall” which means the landscaping is not optional.

It is not possible to add a full 10 ft. wide landscape strip between the western easement edge and SW Borchers Drive because of the access easement. However, a small wedge of landscaping can be provided between the southern property line and the easement line as its shown in the applicant’s revised Site Plan (Exhibit D1 – Sheet R1).

The revised Site Plan (Exhibit D1 – Sheet R1) also proposes an 8 ft. wide landscape strip along the 35 lineal feet of shared property line between the eastern edge of the easement and the southeast corner of the subject site. The reduction of 2 ft. or 20% falls within the threshold of a Class B Variance, however, the applicant has not submitted an variance request to this standard. Condition of Approval D2 below requires the applicant to obtain a Class B Variance for this landscaping reduction.

Northeast property line (adjacent to gas station) – approximately 2.5 ft. of landscaping exists between the vehicle use area and the north/northeast property line. The adjacent property to the north (Shell gas station, Tax Lot 501) has a minimum of 5 ft. of landscaping on their property in this area. Therefore, a minimum of 5 ft. of landscaping is required in order to provide a total of 10 ft. of perimeter landscaping as required by the standard above. The applicant has submitted a revised Site Plan (Exhibit D1 – R1) that provides 5 ft. of landscaping along this property line to separate the vehicle use area from the adjacent property. The parking stalls proposed in the original submittal will be accounted for with the shared parking agreement with the Ice Arena.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL D2: Prior to Issuance of Site Grading or Building Permits, the applicant shall obtain a Class B Variance for the 2 ft. reduction in perimeter landscaping proposed for the southern property line.

B. Parking Area Landscaping

2. Definitions

- a. Parking Area Landscaping: Any landscaped area on the site that is not required as perimeter landscaping § 16.92.030 (Site Landscaping and Screening).**
- b. Canopy Factor**

- (1) Landscape trees are assigned a canopy factor to determine the specific number of required trees to be planted. The canopy factor is calculated based on the following formula:

$$\text{Canopy Factor} = \text{Mature Height (in feet)} \times \text{Canopy Spread (in feet)} \times \text{Growth Rate Factor} \times .01$$
 - (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."
3. **Required Landscaping**
 There shall be at least forty-five (45) square feet parking area landscaping for each parking space located on the site. The amount of required plant materials are based on the number of spaces as identified below.
 4. **Amount and Type of Required Parking Area Landscaping**
 - a. **Number of Trees required based on Canopy Factor**
 Small trees have a canopy factor of less than forty (40), medium trees have a canopy factor from forty (40) to ninety (90), and large trees have a canopy factor greater than ninety (90);
 - (1) Any combination of the following is required:
 - (i) One (1) large tree is required per four (4) parking spaces;
 - (ii) One (1) medium tree is required per three (3) parking spaces; or
 - (iii) One (1) small tree is required per two (2) parking spaces.
 - (iv) At least five (5) percent of the required trees must be evergreen.
 - (2) Street trees may be included in the calculation for the number of required trees in the parking area.
 - b. **Shrubs:**
 - (1) Two (2) shrubs are required per each space.
 - (2) For spaces where the front two (2) feet of parking spaces have been landscaped instead of paved, the standard requires one (1) shrub per space. Shrubs may be evergreen or deciduous.
 - c. **Ground cover plants:**
 - (1) Any remainder in the parking area must be planted with ground cover plants.

- (2) The plants selected must be spaced to cover the area within three (3) years. Mulch does not count as ground cover.
- 5. **Individual Landscape Islands Requirements**
 - a. Individual landscaped areas (islands) shall be at least ninety (90) square feet in area and a minimum width of five (5) feet and shall be curbed to protect the landscaping.
 - b. Each landscape island shall be planted with at least one (1) tree.
 - c. Landscape islands shall be evenly spaced throughout the parking area.
 - d. Landscape islands shall be distributed according to the following:
 - (2) Multi or mixed-uses, institutional and commercial uses: one (1) island for every ten (10) contiguous parking spaces.
 - e. Storm water bio-swales may be used in lieu of the parking landscape areas and may be included in the calculation of the required landscaping amount.
- 6. **Landscaping at Points of Access**

When a private access-way intersects a public right-of-way or when a property abuts the intersection of two (2) or more public rights-of-way, landscaping shall be planted and maintained so that minimum sight distances shall be preserved pursuant to Section 16.58.010.
- 6. **Exceptions**
 - a. For properties with an environmentally sensitive area and/or trees or woodlands that merit protection per Chapters 16.142 (Parks, Trees and Open Space) and 16.144 (Wetland, Habitat and Natural Areas) 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.
 - b. The maximum reduction in required landscaping buffer permitted through this exception process shall be no more than fifty (50) percent. 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.

ANALYSIS: The initial land use approval required four (4) parking stalls. Two stalls will be relocated on-site while the remaining two stalls will be relocated off-site through a shared parking agreement. Therefore, a total of 90 SF of parking lot landscaping is required. Landscaping areas eligible to count towards the parking lot landscaping include the on-site visual corridor plantings and the area just southwest of the new parking stalls adjacent to the building. As indicated on the landscape plan, these areas contain over 90 SF of landscaping including a minimum of two (2) medium sized trees and eight (8) shrubs. Conditions of Approval B1 requires ground cover plants to be provided in all landscaped areas not covered by trees and shrubs.

FINDING: This standard is met by Condition of Approval B1.

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

All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and any adjacent residential zones. If unfeasible to fully screen due to policies and standards, the applicant shall make efforts to minimize the visual impact of the mechanical equipment.

ANALYSIS: The plans indicate a trash receptacle area is located between the building and SW Borchers Drive. This area is screened by a masonry wall. Additional details on proposed mechanical equipment, service and delivery areas, and outdoor storage have not been provided.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL G4: Prior to Issuance of Occupancy, all mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets.

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 (Parks, Trees, and Open Space). Properties within the Old Town Overlay are exempt from this standard.

ANALYSIS: Visual corridors are addressed under SZCDC § 16.142.040(A).

FINDING: This standard is addressed below under § 16.142.040(A).

16.92.040 Installation and Maintenance Standards

A. Installation

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

B. Maintenance and Mitigation of Landscaped Areas

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

C. Irrigation

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

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

ANALYSIS: Condition of Approval B3 requires the applicant to provide planting specifications for new and relocated vegetation to ensure landscaping will be

established and maintained in a healthy condition. The Landscaping Plan (Exhibit A3 – Sheet C-7) the existing irrigation system will be relocated and/or repaired as needed.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL G3: Prior to Receiving Occupancy, all landscaping must be installed and have an irrigation system in accordance with SZCDC § 16.92.040(C).

Chapter 16.94 - OFF-STREET PARKING AND LOADING

16.94.010 - General Requirements

A. Off-Street Parking Required

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

ANALYSIS: The initial land use approval required four (4) off-street parking stalls. The applicant is proposing to relocate the parking stalls, including two on-site and two off-site through a shared parking agreement. By implementing a shared parking agreement, the site will be able to accommodate the second drive-thru lane and required perimeter landscaping. The applicant has submitted an “Agreement for Parking Space Usage” (Exhibit A8) that indicates the Sherwood Ice Arena has agreed to share up to four (4) parking stalls with the development site. The Sherwood Ice Arena is located immediately across SW Borchers Drive from the development site (20407 SW Borchers Drive).

Full findings are included below that address the applicable off-street parking standards, including requirements for shared parking.

FINDINGS: This standard is met.

C. Options for Reducing the Required Parking Spaces

1. **Two (2) or more uses or, structures on multiple parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap, provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.**
 - a. **Within commercial, institutional and public, or industrial zones, shared parking may be provided on lots that are within five hundred (500) feet of the property line of the use to be served.**
 - b. **Shared parking is allowed if the application can show that the combined peak use is available by a parking study that demonstrates:**
 - (1) **There is a sufficient number of parking spaces to accommodate the requirements of the individual businesses; or**
 - (2) **That the peak hours of operation of such establishments do not overlap, and**
 - (3) **That an exclusive permanent easement over a delineated area has been granted for parking space use.**

ANALYSIS: In order to meet the perimeter landscaping requirement along the northeast property line, the applicant is proposing to remove the two parallel parking stalls shown in the original submittal. The two stalls will be shared with the Sherwood Ice Arena site located immediately across SW Borchers Drive which is within 500 ft. of the development site. The applicant has reached a private agreement with the Ice Arena owner (Exhibit A8) that indicates up to four (4) stalls can be shared. The agreement and applicant narrative does not adequately address subsections (b)(1) through (b)(3) above and is required as a Condition of Approval below.

FINDINGS: This standard is met as conditioned below.

CONDITION OF APPROVAL B7: Prior to Final Site Plan approval, provide documentation to the City that demonstrates there is a sufficient number of parking spaces to accommodate the requirements of the individual businesses subject to the shared parking agreement; or that the peak hours of operation of such establishments do not overlap, and that an exclusive permanent easement over a delineated area has been granted for parking space use.

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

- 2. For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within five hundred (500) feet of the use. The distance from the parking, area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.**

ANALYSIS: The four (4) required parking stalls will be located on private property on the site and within 500 ft. walking distance of the site. Exhibit D2 shows the a viable pedestrian route utizling private pedestrian pathways and public sidewalk facilities. The pedestrians will be required to cross SW Borchers Drive at one location. No prohibited uses are proposed for either parking area.

FINDINGS: These standards are met.

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.

ANALYSIS: The proposal will reconfigure the on-site parking and vehicular circulation pattern to add a second one-way drive-thru lane. Vehicles will enter from the southern driveway and exit from the northern driveway shared with the gas station. The southern access easement shall be striped to indicate a no vehicle queuing zone.

FINDINGS: This standard is met as conditioned below.

CONDITION OF APPROVAL B6: Prior to Final Site Plan approval, provide a final on-site vehicle marking plan that provides the flow of traffic while maintaining vehicular and pedestrian safety. The 24 ft. wide access easement at the south end of the site shall be marked or signed for no parking or vehicle queuing.

CONDITION OF APPROVAL G2: Prior to Final Occupancy, the site shall be marked to provide the flow of traffic while maintaining vehicular and pedestrian safety. The 24 ft. wide access easement at the south end of the site shall be marked or signed for no parking or vehicle queuing.

G. Surface and Drainage

1. All parking and loading areas shall be improved with a permanent hard surface such as asphalt, concrete or a durable pervious surface. Use of pervious paving material is encouraged and preferred where appropriate considering soils, location, anticipated vehicle usage and other pertinent factors.
2. Parking and loading areas shall include storm water drainage facilities approved by the City Engineer or Building Official.

ANALYSIS: The parking and vehicular use areas will be improved with asphalt and will be designed to accommodate storm drainage as required by the Engineering Department.

FINDINGS: This standard is met.

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. The Review Authority may determine alternate off - street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.

Table 1: Minimum and Maximum Parking Standards
(Metro spaces are based on 1 per 1,000 sq ft of gross leasable area)

Use	Minimum
Fast food drive-thru	9.9 (101 sf)

ANALYSIS: The original Notice of Decision required a minimum of four (4) off-street parking stalls based on a building size of 401.5 SF. The minimum parking requirement for the use has not changed and the required number of parking stalls is four (4).

1 stall per 101 SF of floor area

401.5 SF building area / 101 SF per stall = 3.97 stalls or 4

FINDINGS: This standard is met.

B. Dimensional and General Configuration Standards

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

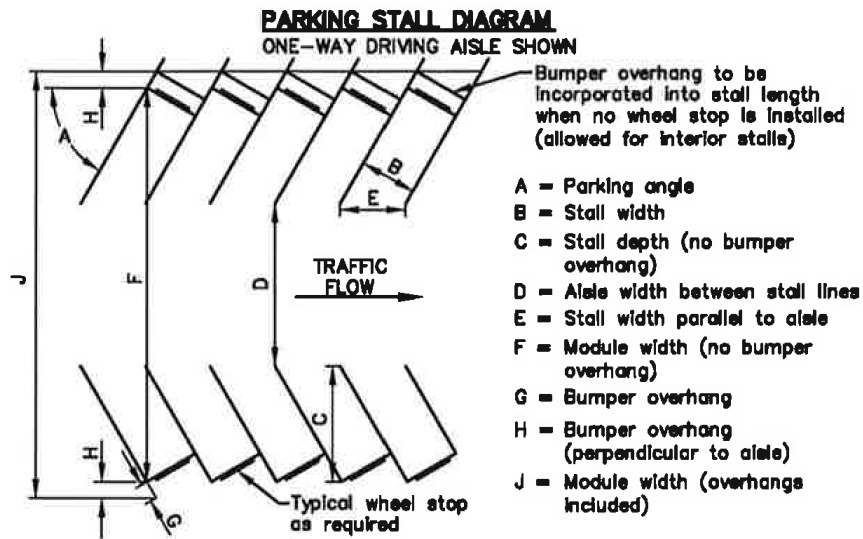
ANALYSIS: The parking and vehicular use areas will be improved with asphalt and will be designed to accommodate storm drainage as required by the Engineering Department. The applicant is proposing one compact stall and one ADA stall on-site. The compact stall will utilize 3 ft. the adjacent landscaping for a bumper overhang to obtain the minimum depth of 18 ft. The two off-site stalls are required to be standard size.

FINDINGS: This standard is met as conditioned below.

CONDITION OF APPROVAL B8: Prior to Final Site Plan approval, the applicant shall demonstrate that the two shared off-street stalls are a minimum of 20 ft. in length by 9 ft. wide.

2. Layout

Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicle turning and maneuvering. Groups of more than four (4) parking spaces shall be served by a driveway so as to minimize backing movements or other maneuvering within a street, other than an alley. All parking areas shall meet the minimum standards shown in the following table and diagram.



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

A	B	C	D	E	F	G	H	J
90°	8.0	18.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	20.0	24.0	9.0	58.0	3.0	3.0	64.0

ANALYSIS: As shown on the revised site plan (Exhibit D1 – Sheet R1), the applicant is proposing two 90° stalls. One of the 90° stalls will be a compact stall with a depth of 18 ft. and therefore requires a 26 ft. wide aisle behind the stall. The applicant has requested a 7.7% reduction to this standard for final width of 24 ft. The request meets the variance approval criteria as discussed in the findings for SZCDC § 16.84.

FINDINGS: This standard is met as described in the findings above, and by approval of the Class B Variance.

3. Wheel Stops

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

ANALYSIS: The two 90° stalls will be designed to overhang into the landscaped area south of the building. No wheel stops are required for these two stalls.

FINDINGS: This standard is met.

Chapter 16.96 - ON-SITE CIRCULATION

16.96.030 - Minimum Non-Residential Standards

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

- A. **Driveways**
 - 1. **Commercial: Improved hard surface driveways are required as follows:**

(abbreviated table)

Number of Required Parking Spaces	Minimum Number of Driveways	One-Way Pair (minimum width)	Two Way Drive Width
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1 - 49	1	15 feet	24 ft.
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ANALYSIS: The site has two existing driveways of SW Borchers Drive that provide ingress and egress to the site. Each driveway and the immediate area within the site are covered by an access easement benefiting the adjacent parcels to the north and south. The easements are designed to provide ingress and egress to those lots. The southern driveway and access easement is 24 ft. wide as shown on the existing conditions plan. The northern driveway width is approximately 21 ft. The width of the access easement providing ingress and egress to the gas station is not clearly provided on the recorded document (Washington County Document 2005-027801) (Exhibit D3). However, since no changes are proposed to the northern driveway or access easement, the driveway is legal non-conforming.

Once on the subject site and outside of the easements, the applicant is proposing two one-way drive thru lanes. The development code does not provide a minimum width for drive-thru lanes and the proposed 10 ft. lanes are sufficient for a slow moving vehicle travel lane. The code also does not require a separate drive aisle for vehicle circulation adjacent to drive-thru lanes. As vehicles leave the paired drive-thru lanes, the width of the one-way drive aisle is 20.7 ft. as indicated on the revised plans. Therefore, proposed configuration of two driveways with vehicle ingress and egress for the adjacent parcels, combined with the two-one way drive-thru lanes and one-way drive aisle egress lane on the subject site, meet all applicable code requirements.

FINDINGS: This standard is met.

B. Sidewalks and Curbs

1. **A private pathway/sidewalk system extending throughout the development site shall be required to connect to existing development, to public rights-of-way with or without improvements, to parking and storage areas, and to connect all building entrances to one another. The system shall also connect to transit facilities within five hundred (500) feet of the site, future phases of development, and whenever possible to parks and open spaces.**
2. **Curbs shall also be required at a standard approved by the Hearing Authority. Private pathways/sidewalks shall be connected to public rights-of-way along driveways but may be allowed other than along driveways if approved by the Hearing Authority.**
3. **Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other pervious durable surface. Primary pathways connecting front**

entrances to the right of way shall be at least 6 feet wide and conform to ADA standards. Secondary pathways between buildings and within parking areas shall be a minimum of four (4) feet wide and/or conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). At a minimum all crosswalks shall include painted striping.

4. **Exceptions.** Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

ANALYSIS: Direct pedestrian access to the site is provided from SW Borchers Rd. A walk-up order window faces SW Borchers Drive and can be accessed via a concrete sidewalk. No changes are proposed to the pedestrian walkways to and from this right-of-way.

The on-site ADA parking stall will be relocated from the south side of the lot adjacent to Hwy 99W, to a location immediately south of the coffee stand building. This will eliminate the need for a pedestrian crossing over the drive-thru lane(s) from the parking stall to the building. Two (2) parking stalls are proposed at the north end of the site, parallel to the one-way drive aisle egress. The plans do not show pedestrian striping where pedestrians would cross the drive aisle to enter the building from these parking stalls.

FINDINGS: These standards are met as conditioned below.

CONDITION OF APPROVAL B5: Prior to Final Site Plan approval, the on-site vehicle marking plan shall provide pedestrian striping that connects the parallel parking stalls to the front walkway of the existing building.

16.96.040 - On-Site Vehicle Circulation

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 [See also Chapter 16.108]

Two (2) or more uses, structures, or parcels of land are strongly encouraged to utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfy 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. In some cases, the City may require a joint access to improve safety, vision clearance, site distance, and comply with access spacing standards for the applicable street classification.

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. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

FINDINGS: The on-site vehicle circulation pattern will be reconfigured to include two one-way drive thrus. The site will maintain the two existing access points with SW Borchers Drive. Both driveways and their associated access easements will not be changed by the proposal. A sidewalk is provided from SW Borchers Drive to the walk-up window of the building.

ANALYSIS: These standards are met.

Chapter 16.106 - TRANSPORTATION FACILITIES

ANALYSIS: The subject property has frontage on Highway 99W (principal arterial) to the southeast and SW Borchers Drive (collector street) to the northwest. Both Highway 99W and SW Borchers Drive are developed street sections with sidewalk along the frontage of the subject property. The street width of SW Borchers Drive is approximately 40 feet from curb to curb along the subject property frontage. This exceeds city standards for a 2-lane collector with no parking which has an overall width of 34 feet (two 11-foot wide lanes with two 6-foot wide bike lanes), however it is less than what is necessary for a 2-lane collector with parking which requires an overall width of 50 feet. Currently SW Borchers Drive is not signed for no parking. This area of SW Borchers

Drive does not appear to have a need for off-site parking as aerial photos don't show vehicles parking on-street. Since on-street parking is not needed in this area and since the width of the street is adequate for a collector status street with no on-street parking, no street frontage improvements are required. The developer will need to install no-parking signs along the frontage of the subject property on both sides of the street so that the street width is in compliance with city standards.

The subject property currently has 2 existing driveways onto SW Borchers Drive. The subject development is proposing to modify the existing drive-through to allow for a one-way dual drive-through. Vehicles will enter the subject property via the southern driveway and exit back out to SW Borchers Drive via the northern driveway.

The City of Sherwood Police Department provided comment that expressed concern regarding the potential of vehicles waiting in the drive-thru lanes to back up onto SW Borchers Drive. The original traffic study for the application (Exhibit D5 – p. 21) addresses on-site circulation and queuing. The report states that on-site queuing space for six (6) vehicles is adequate given the size of the coffee stand and that space for seven (7) stalls was provided. The modified site plan will provide on-site queuing space for a total of eight (8) vehicles as shown in Exhibit D1 – Sheet R3. The size of the building has not changed and therefore the vehicle queuing capacity has been increased with the modification.

FINDINGS: The Transportation Facilities standards are met as conditioned below.

CONDITION OF APPROVAL C3: Prior to Approval of the Engineering Public Improvement Plans, the developer shall design for the installation of “No Parking” signs meeting the approval of the Sherwood Engineering Department.

Chapter 16.114 – STORM WATER

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

ANALYSIS: Currently a 12-inch diameter public storm sewer exists within SW Borchers Drive along the subject property frontage. There is also a 12-inch diameter public storm sewer within Highway 99W. Currently the subject property is connected to the public storm sewer within SW Borchers Drive. The surrounding properties all currently have public sanitary sewer service. No extension of the public storm sewer is required. Currently the subject property has a water quality/detention pond. As part of the development of the subject property the developer proposes to remove the existing facility and replace it with a proprietary system. The new water quality treatment system shall provide treatment for all existing, modified and new impervious area within the

subject property. The detention will not need to be replaced as there is no known downstream deficiency and the runoff from the sight is not significant enough to warrant on-site detention due to the small size of the subject property. However, if the subject development creates/modifies impervious area in the amount of 1,000 square feet or greater, then the subject development will either need to provide for hydro-modification or a payment-in-lieu thereof.

FINDINGS: The Storm Water Facilities standards are met as conditioned below.

CONDITION OF APPROVAL C4: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to provide storm water quality treatment in compliance with Clean Water Services' standards.

CONDITION OF APPROVAL C5: Prior to Approval of the Engineering Public Improvement Plans, if the amount of new/modified impervious area is 1,000 square feet or greater, then the proposed development shall design to provide storm water hydro-modification in compliance with Clean Water Services' standards or a payment-in-lieu thereof.

CONDITION OF APPROVAL F2: Prior to Acceptance of Public Improvements, private water quality/hydro-modification facilities shall have a recorded Private Storm Water Facility Access and Maintenance Covenant. An Operation and Maintenance Plan for all private water quality/hydro-modification facilities is also required to be submitted to the Sherwood Engineering Department.

CONDITION OF APPROVAL E1: Prior to Issuance of a Plumbing Permit, the proposed development shall design for private storm water runoff within the subject property to be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code.

Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES

16.118.010 Purpose

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

ANALYSIS: PUE exists along SW Borchers Drive and Highway 99W along the subject property frontage. Therefore no PUE dedication is required. Sherwood Broadband exists aerially around/over the subject property. There are no broadband conduits along the subject property frontage of SW Murdock Road or Highway 99W. Due to no building construction being performed on the subject property, installation of Sherwood Broadband vaults and conduit is not required except as necessary to bring service to the building if desired.

If Sherwood Broadband is desired for the subject development, then it should be coordinated with the City of Sherwood.

FINDING: These standards are met.

Chapter 16.142 Parks, Trees and Open Space
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.

ANALYSIS: The site has frontage on SW Borchers Drive (collector) and Hwy 99W (arterial).

SW Borchers Drive

A 10 ft. wide visual corridor on private property was required along the site frontage with SW Borchers Drive as part of the initial development. No changes are proposed to the visual corridor along this frontage.

Hwy 99W

The existing visual corridor width along Hwy 99W is 24.5 ft., including 14.5 ft. within the right-of-way and 10 ft. on the subject site. The initial land use decision allowed the

visual corridor to be placed within the right-of-way consistent with the development pattern and approvals of the surrounding properties.

The applicant has requested a Class B Variance to reduce the visual corridor width from 24.5 ft. to 21.9 ft in order to add a second one-way drive-thru lane. The reduction represents a 12.4% change from the underlying visual corridor standard of 25 ft. The request meets the variance approval criteria as discussed in the findings for SZCDC § 16.84.

FINDINGS: This standard is met as described in the findings above, and by approval of the Class B Variance.

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 16.142.060, 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.

ANALYSIS: The visual corridor along Hwy 99W currently contains a concrete sidewalk, grass, trees, and shrubs (Exhibit C6 – Google Street View June 2019). Some of the existing on-site shrubs will be relocated within the on-site portion of the visual corridor, as shown in the landscaping plan. There are currently three (3) Raywood Ash Trees along the Hwy 99W frontage. The mature canopy spread for this species is between 20 – 30 ft. The site has approximately 90 ft. of frontage along Hwy 99W and the existing trees will provide a continuous visual and acoustical buffer between the street and developed use when the trees are fully mature.

FINDINGS: This standard is met.

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.

ANALYSIS: The highway median paralleling the subject frontage is planted with grass. No changes are proposed to the median.

FINDINGS: This standard is met.

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.

ANALYSIS: There are currently three (3) deciduous Raywood Ash Trees planted within the visual corridor along Hwy 99W. The site frontage is approximately 90 ft. in length and therefore the tree spacing is approximately 30 ft.

FINDINGS: This standard is met.

16.142.070 - Trees on Property Subject to Certain Land Use Applications

B. Applicability

All applications including a Type II - IV land use review, shall be required to preserve trees or woodlands, as defined by this Section to the maximum extent feasible within the context of the proposed

land use plan and relative to other codes, policies, and standards of the City Comprehensive Plan.

ANALYSIS: The application requires Type III land use review and approval. The applicable sections of the chapter are addressed below.

FINDINGS: The application requires Type III land use review and this chapter applies.

- D. Retention requirements**
 - 1. Trees may be considered for removal to accommodate the development including buildings, parking, walkways, grading etc., provided the development satisfies of D.2 or D.3, below.**

ANALYSIS: No trees are proposed to be removed as part of the development project.

FINDINGS: The standard is met.

- 3. Required Tree Canopy - Non-Residential and Multi-family Developments**
 Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.
 The canopy requirement 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 required 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.

	Residential (single family & two family developments)	Old Town & Infill developments	Commercial, Industrial, Institutional Public and Multi-family
Canopy Requirement	40%	N/A	30%
Counted Toward the Canopy Requirement			

Street trees included in canopy requirement	Yes	N/A	No
Landscaping requirements included in canopy requirement	N/A	N/A	Yes
Existing trees onsite	Yes x2	N/A	Yes x2
Planting new trees onsite	Yes	N/A	Yes
Mature Canopy in Square Feet Equation πr^2 or $(3.14159 * \text{radius}^2)$ (This is the calculation to measure the square footage of a circle. The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half.			
Canopy Calculation Example: Pin Oak Mature canopy = 35' $(3.14159 * 17.5^2) = 962$ square feet			

ANALYSIS: Portions of the existing on-site landscaping will be removed or relocated as part of the development. The commercial lot is required to achieve a 30% canopy over the net development site.

The narrative and plans indicate a 30" pine tree with a canopy spread of 40 ft. is located at the northwest corner of the site. Mature trees retained as part of the development count as double canopy coverage. Therefore, the total tree canopy provided with retention of the tree is 2,512 SF.

Minimum required canopy	2,091 SF	(Lot area 6,969 SF x 0.30)
Proposed canopy	2,512 SF	(Existing pine with 40 ft. wide canopy)

FINDINGS: The standard is met.

**

- 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 D of this Section, which may be removed or shall be retained as**

per subsection D of this Section and any limitations or conditions attached thereto.

ANALYSIS: The 30" pine tree located at the northwest corner of the site is required to be retained as part of the site redevelopment.

FINDINGS: The standard is met as conditioned below.

CONDITION OF APPROVAL A11: The 30" pine tree located at the northwest corner of the site, adjacent to the northern driveway, shall remain and be protected through site development.

IV. STAFF RECOMMENDATION & CONDITIONS OF APPROVAL

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's submittal, staff finds that the proposed site plan does not fully comply with the standards but can be conditioned to comply. **Therefore, the application LU 2020-023 MM / VAR ZIGGIS COFFEE is recommended for approval subject to the following conditions of approval:**

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. The development shall substantially comply with the submitted preliminary plans and narrative except as indicated in the conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.
3. The developer is responsible for all costs associated with 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.
4. This approval is valid for a period of two (2) years from the date of the decision notice. Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
6. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.

7. All new utilities to be installed for the development of the subject property shall be underground.
8. Retaining walls within public easements or the public right-of-way shall require engineering approval.
9. The developer shall comply with the CWS Pre-Screening Site Assessment dated August 8, 2020 (File #20-002066), the CWS memorandum dated February 15, 2021 and all CWS Design and Construction Standards (R&O 19-5).
10. A sign permit shall be obtained for any new or modified signs requiring land use approval. The Major Modification and Variance approval do not grant permits for any signage on the property.
11. The 30" pine tree located at the northwest corner of the site, adjacent to the northern driveway, shall remain and be protected through site development.

B. Prior to Final Site Plan Approval

1. Prior to Final Site Plan approval, revise the Landscape Plan to provide ground cover plants in all landscaped areas not covered by trees and shrubs.
2. Prior to Final Site Plan approval, a Landscape Architect of certified landscape professional shall verify the plantings are suitable for the Pacific Northwest climate. As an alternative, the applicant can revise the plans to provide native shrubs and ground cover as indicated in the Portland Plant List (June 2016).
3. Prior to Final Site Plan approval, provide planting specifications for new and relocated vegetation to ensure landscaping will be established and maintained in a healthy condition.
4. Prior to Final Site Plan approval, provide specifications for topsoil and subsoil preparations to ensure new and relocated plantings will be established and maintained in a healthy condition.
5. Prior to Final Site Plan approval, the on-site vehicle marking plan shall provide pedestrian striping that connects the parallel parking stalls to the front walkway of the existing building. The 24 ft. wide access easement at the south end of the site shall be marked or signed for no parking or vehicle queuing.
6. Prior to Final Site Plan approval, provide a final on-site vehicle marking plan that provides the flow of traffic while maintaining vehicular and pedestrian safety. The 24 ft. wide access easement at the south end of the site shall be marked or signed for no parking or vehicle queuing.
7. Prior to Final Site Plan approval, provide documentation to the City that demonstrates there is a sufficient number of parking spaces to accommodate the requirements of the individual businesses subject to the shared parking agreement; or that the peak hours of operation of such establishments do not overlap, and that an exclusive permanent easement over a delineated area has been granted for parking space use.
8. Prior to Final Site Plan approval, the applicant shall demonstrate that the two shared off-street stalls are a minimum of 20 ft. in length by 9 ft. wide.

C. Prior to Approval of the Engineering Public Improvement Plans

1. Prior to Approval of the Engineering Public Improvement Plans, a Storm Water Connection Permit Authorization shall be obtained.
2. Prior to Approval of the Engineering Public Improvement Plans or Issuance of Building Permits, an Engineering Compliance Agreement shall be obtained from the Sherwood Engineering Department.
3. Prior to Approval of the Engineering Public Improvement Plans, the developer shall design for the installation of “No Parking” signs meeting the approval of the Sherwood Engineering Department.
4. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to provide storm water quality treatment in compliance with Clean Water Services’ standards.
5. Prior to Approval of the Engineering Public Improvement Plans, if the amount of new/modified impervious area is 1,000 square feet or greater, then the proposed development shall design to provide storm water hydro-modification in compliance with Clean Water Services’ standards or a payment-in-lieu thereof.
6. Prior to Approval of the Engineering Public Improvement Plans, if any water fixtures are to be added, water flows calculations (domestic, irrigation and fire) shall be provided by the developer.
7. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design for the installation of a Backflow Assembly meeting Sherwood Engineering Department standards.
8. Prior to Approval of the Engineering Public Improvement Plans, the applicant shall demonstrate an appropriately sized grease interceptor/removal device exists as part of the site plumbing, or design to provide an appropriately sized grease interceptor/removal device.

D. Prior to Issuance of a Grading Permit

1. Prior to Grading Permit, the subject development shall obtain approval of a site erosion control plan from the Sherwood Engineering Department.
2. Prior to Issuance of Site Grading or Building Permits, the applicant shall obtain a Class B Variance for the 2 ft. reduction in perimeter landscaping proposed for the southern property line.

E. Prior to Issuance of Building Permits

1. Prior to Issuance of a Plumbing Permit, the proposed development shall design for private storm water runoff within the subject property to be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code.
2. Prior to Issuance of a Plumbing Permit, the applicant shall demonstrate an appropriately sized grease interceptor / removal device exists as part of the site plumbing, or design to provide an appropriately sized grease interceptor / removal device.

F. Prior to Acceptance of Public Improvements

1. Prior to Final Acceptance of the Constructed Public Improvements, any public water facilities located on private property shall have a recorded public water line easement encompassing the related public water infrastructure meeting Sherwood Engineering standards.
2. Prior to Acceptance of Public Improvements, private water quality/hydro-modification facilities shall have a recorded Private Storm Water Facility Access and Maintenance Covenant. An Operation and Maintenance Plan for all private water quality/hydro-modification facilities is also required to be submitted to the Sherwood Engineering Department.

G. Prior to Receiving Occupancy

1. Prior to Occupancy, the subject development shall receive Final Acceptance of Public Improvements.
2. Prior to Final Occupancy, the site shall be marked to provide the flow of traffic while maintaining vehicular and pedestrian safety. The 24 ft. wide access easement at the south end of the site shall be marked or signed for no parking or vehicle queuing.
3. Prior to Receiving Occupancy, all landscaping must be installed and have an irrigation system in accordance with SZCDC § 16.92.040(C).
4. Prior to Issuance of Occupancy, all mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets.

V. EXHIBITS

A. Applicant's Submittal

1. Land Use Form
2. Narrative
3. Plans
4. Drainage Report
5. Clean Water Services SPL
6. Title Report
7. Neighborhood Meeting Materials
8. Shared Parking Agreement with Ice Rink

B. Agency Comments

1. City of Sherwood Engineering Comments
2. City of Sherwood Police Department Comments
3. Tualatin Valley Fire and Rescue Comments
4. Clean Water Services Comments

C. Additional Information

1. Tax Map
 2. Aerial Map Large Scale
 3. Aerial Map Small Scale
 4. Survey of Subject Lot 2006
 5. Survey of Six Corners Area 1989
 6. Site Landscaping Photo
 7. Portland Plant List (June 2016)
 8. Notice of Decision for SP 06-12 / VAR 06-03
- D. Revised Submittal Exhibits
1. Revised Plans
 2. Walking Distance to / from Shared Parking
 3. Washington County Document No. 2005-027801
 4. Washington County Document No. 2008-003821
 5. Original Traffic Study for SP 06-12 / VAR 06-03
 6. Oregon Department of Transportation Comments
 7. Corrected City of Sherwood Engineering Comments
 8. Letter from Lancaster Engineering dated February 26, 2007