



NOTICE OF DECISION

TAX LOT: 2S132BC03100
CASE NO: 2021-005 SP / LA
DATE OF NOTICE: June 14, 2021

Applicant

AJK Investments
6244 SE Jess Ct.
Hillsboro, OR 97123

Owner

AJK Investments
6244 SE Jess Ct.
Hillsboro, OR 97123

NOTICE

Because you testified in writing or in person at the Planning Commission Public Hearing on this matter, you are receiving notice that on June 8, 2021, the Sherwood City Planning Commission approved the Land Use Application 2021-005 SP / LA. The approval is for a new three-story mixed-use building on a 0.11-acre site located at 22415 SW Pine St. The proposed building consists of five (5) single-family attached vertical live/work units, with ground floor commercial and two (2) floors of residential living space above. The decision was made after consideration of the staff report, application materials, and public testimony.

INFORMATION:

To obtain copies of file materials, go to <https://www.sherwoodoregon.gov/planning/project/pine-street-livework> or contact Eric Rutledge, Associate Planner, at 503-625-4242 or rutledgee@sherwoodoregon.gov

APPEAL

Pursuant to Sherwood Zoning and Community Development Code Section 16.72.010.B.3.d, an appeal of the Planning Commission decision may be made to the City Council. Pursuant to Section 16.76, any person who appeared before the local government, orally or in writing, on this matter may file a notice of intent to appeal to the City of Sherwood Planning Director not later than 14 days from the date of this notice. **An appeal of this decision must be filed no later than 5:00 PM on June 28, 2021.**

I, Eric Rutledge, for the Planning Department, City of Sherwood, State of Oregon, in Washington County, declare that the Notice of Decision LU 2021-005 SP / LA was placed in a U.S. Postal receptacle, or transmitted via electronic mail, on June 14, 2021.

Eric Rutledge, Associate Planner
City of Sherwood Planning Department

**CITY OF SHERWOOD
PLANNING COMMISSION FINDINGS
JUNE 8, 2021**



**PINE ST. LIVE-WORK
SITE PLAN REVIEW, LANDMARK ALTERATION
LU 2021-005 SP / LA**

Pre-App Meeting:	October 1, 2020
App. Submitted:	March 11, 2021
App. Complete:	May 3, 2021
Hearing Date:	June 8, 2021
120-Day Deadline:	August 31, 2021

On June 8, 2021, the Planning Commission (Commission) held a public hearing for the subject application. During the hearing, staff presented the staff report findings and the Commission accepted testimony from the applicant and public.

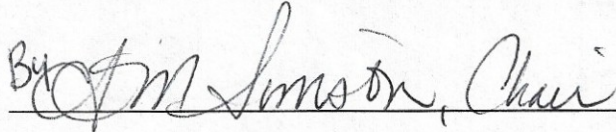
The Commission deliberations were focused on the design of the 2nd St. wall elevation. The Commission raised concerns that the proposed 2nd St. wall does not provide adequate articulation and visual interest for a street facing façade. The Commission discussed appropriate treatments to the wall that can be added to improve the aesthetic. Examples include the addition of canopies, shutters, and color that are compatible with the details on the primary Pine St. façade. The applicant indicated they understood the concern and they would be willing to add treatments to the wall to improve visual interest and aesthetic. The Commission directed staff to add findings and a Condition of Approval that requires the applicant to add articulation and architectural detail on the 2nd St. façade that is consistent with the design of the primary Pine St. façade. As a result, the findings for Commercial Design Standard 10 Secondary Elevations have been updated and Condition of Approval B6 has been added.

Condition of Approval B6: Prior to Final Site Plan approval, the applicant shall provide revised 2nd St. elevation drawings that add articulation and architectural detail to the façade. The treatments shall be compatible with the primary Pine St. façade.

One piece of written public testimony from Mr. Allred was read into the record and is included as Exhibit D1. The comment expressed concern that the alley is currently gravel and will not be improved with asphalt as part of the development. The testimony raised concern about dust and road safety with the increased traffic on the road. During the staff presentation, staff stated that per SZCDC § 16.106.020, street improvements along an existing right-of-way are only required between the centerline of the right-of-way and the property line of the lot proposed for development. Because a half-alley improvement would only include 7 ft. of asphalt, the improvement would not achieve a safe and proper design for vehicle travel. As permitted under SZCDC § 16.106.020(D), the City Engineer may accept a future improvement guarantee in lieu

of street improvements if a partial improvement may create a safety hazard to motorists or pedestrians. Therefore Condition of Approval G4 requires the applicant to either construct full width alley improvements along the subject property frontage or pay a fee in-lieu-of construction fee equal to 125% of the construction cost of half the alley pavement section.

After deliberation, the Commission unanimously approved the application as revised by findings and conditions related to the enhanced 2nd St. façade.

By  Chair

Jean Simson, Planning Commission Chair

PROPOSAL: The applicant is proposing a new three-story mixed-use building on a 0.11-acre site located at 22415 SW Pine St. The site is zoned Retail Commercial and is in Sherwood's Old Town Overlay District (Smockville Area). The proposed building consists of five (5) single-family attached vertical live/work units, with ground floor commercial and two (2) floors of residential living space above. The proposed building has been designed to conform to Sherwood's Old Town Smockville architectural design standards.

The development site has frontage on SW Pine St., SW 2nd St., and a midblock alley. The proposed building will be placed at the property line along all street frontages with a private 15 ft. wide one-way rear drive aisle for individual garage access. The building and primary entrances will be oriented to SW Pine St. The one-way private drive aisle at the rear of the building will be accessed from the mid-block alley with egress to SW 2nd St.

The applicant is proposing new sidewalks and street trees along SW Pine St and SW 2nd St. The midblock alley will be improved with gravel along the site frontage. Sanitary sewer, storm, and water connections will be provided from the midblock alley.

I. BACKGROUND

- A. Applicant: AJK Investments
6244 SE Jess Ct.
Hillsboro, OR 97123
- Owner: Same as applicant
- B. Location: 22415 SW Pine St.
Sherwood, OR 97140
(Tax Lot 2S132BC03100)

C. Review Type: The applicant is requesting approval of the following applications:

- Site Plan Review of new or existing structures in the Old Town Overlay District
- Landmark Alteration

Both applications are subject to the City's Type IV land use review procedures described in SZCDC § 16.72.010(B)(3). The Planning Commission is the Hearing Authority and the City Council is the Appeal Authority for all Type IV decisions.

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 May 19, 2021. Notice of the application was also published in a local newspaper (Tigard Times) on May 13 and June 3, 2021.

E. Review Criteria: Sherwood Zoning and Community Development (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 16.90 Site Planning, Chapter 16.92 Landscaping, Chapter 16.94 Off-Street Parking and Loading, Chapter 16.96 On-Site Circulation, Chapter 16.98 On-Site Storage, Chapter 16.106 Transportation Facilities, Chapter 16.108 Improvement Plan Review, Chapter 16.110 Sanitary Sewers, Chapter 16.112 Water Supply, Chapter 16.114 Storm Water, Chapter 16.116 Fire Protection, Chapter 16.118 Public and Private Utilities, Chapter 16.142 Parks, Trees, and Open Spaces, Chapter 16.146 Noise, Chapter 16.148 Vibrations, Chapter 16.150 Air Quality, Chapter 16.152 Odors, Chapter 15.154 Heat and Glare, Chapter 16.156 Energy Conservation, Chapter 16.162 Old Town Overlay District, Chapter 16.164 Landmark Review, Chapter 16.168 Landmark Alteration

F. History and Background: The subject lot was created as part of the Smock Addition plat in 1911 and is approximately 0.11 acres. Historic satellite imagery from Metro Maps indicates the site has been vacant since approximately 2007. In 2018 the site received land use approval for a new three-story mixed-use building with a ground floor restaurant and housing above (LA 18-05). The 2018 land use approval has expired, and the

applicant is requesting approval of a new Type IV Site Plan and Landmark Alteration application.

- G. Existing Conditions: The site is currently vacant with frontage along SW 2nd St., SW Pine St., and a public alley. Right-of-way improvements including sidewalks, street trees and roadway exist along SW Pine and SW 2nd St. The alley is unimproved. The site does not contain inventoried significant riparian, upland or wildlife habitat according to Metro's inventory of regionally significant habitat.
- A. Surrounding Land Uses: The surrounding zoning in all directions is Retail Commercial. The following land uses are located adjacent to the property:
- West: Single-family residence
 - South: Public alley; Symposium Coffee Shop
 - East SW Pine St.; Vine and Sparrow Wedding Venue
 - North SW 2nd St.; single-family residence
- B. Current Zoning: The property is zoned Retail Commercial (RC) and is in the Old Town Overlay District (Smockville Area)

II. AFFECTED AGENCY AND PUBLIC COMMENTS

- A. Notice of the application was sent to affected agencies via email on May 6, 2021. The following responses were received:
1. City of Sherwood Engineering Department provided comments dated May 25, 2021 (Exhibit B1). The comments address transportation, water, sewer, and other engineering requirements. The comments and Conditions of Approval are incorporated throughout the report under each applicable code section.
 2. Tualatin Valley Fire and Rescue (TVF&R) – TVF&R has provided comments on the proposal dated May 7, 2021 (Exhibit B2). The comments address requirements for fire apparatus access, water supply, hydrants, and building access and fire service features.
 3. Clean Water Services provided a memorandum dated May 25, 2021 (Exhibit B3). Development on the site is required to obtain CWS Storm Water Connection Permit Authorization and comply with CWS Design and Construction Standards.
 4. Pride Disposal Company – Pride Disposal provided comments dated May 12, 2021 (Exhibit B4). The comments state Pride will only be able

to service the site with residential style roll carts which will need to place curbside on 2nd St. or Pine St. for collection.

5. The following agencies acknowledged the application without expressing any issues or concerns: Sherwood Police Department.

B. Public Comments

1. As of the date of this report, no written public comments were 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:

4. Type IV

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

- a. Site Plan review and/or Fast Track Site Plan review of new or existing structures in the Old Town Overlay District

ANALYSIS: The applicant is proposing a new three-story mixed-use building on a private lot located in the Old Town Overlay District. The total floor area of the building is approximately 7,930 SF including the ground floor garages and commercial area.

FINDING: The application is subject to the Type IV land use review procedures and this criterion is met.

B. Hearing and Appeal Authority

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

- d. The Type IV Hearing Authority is the Planning Commission and the Appeal Authority is the City Council.

- (1) The Planning Commission 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 Planning Commission at the public hearing or submitted written comments prior to the close of the record may appeal the Planning Commission's decision.

ANALYSIS: The application is being processed as a Type IV quasi-judicial decision with the Planning Commission as the Hearing Authority. A public hearing will be held on the application on June 8, 2021 in accordance with SZCDC § 16.72.

FINDING: This criterion is met.

C. Approval Criteria

1. The approval criteria for each development permit application shall be the approval standards and requirements for such applications as contained in this Code. Each decision made by a Hearing Authority or Appeal Authority shall list the approval criteria and indicate whether the criteria are met. It is the applicant's burden to demonstrate to the Hearing Authority and Appeal Authority how each of the approval criteria are met. An application may be approved with conditions of approval imposed by the Hearing Authority or Appeal Authority. On appeal, the Appeal Authority may affirm, reverse, amend, refer, or remand the decision of the Hearing Authority.
2. In addition to Section 1 above, all Type IV quasi-judicial applications shall also demonstrate compliance with the Conditional use criteria of Section 16.82.020.

ANALYSIS: The approval criteria for the development is addressed throughout this report. The applicant has provided a detailed narrative and supporting plans and documents addressing the applicable criteria.

FINDING: This criterion is 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
Multi-family housing, subject to the dimensional requirements of the High Density Residential (HDR) zone in <u>16.12.030</u> when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings. ²	P
Business and professional offices	P
Medical and dental offices and urgent care facilities	P
Business support services such as duplicating, photocopying, mailing services, fax and computer facilities	P
Day cares, preschools, and kindergartens as a stand-alone use.	P
General retail trade, not exceeding 10,000 square feet of gross square footage	P

² The residential portion of a mixed use development is considered secondary when traffic trips generated, dedicated parking spaces, signage, and the road frontage of residential uses are all exceeded by that of the commercial component and the commercial portion of the site is located primarily on the ground floor.

ANALYSIS: The applicant is proposing a three-story mixed-use building that includes five (5) attached vertical live-work units.

The table above describes uses permitted in the underlying Retail Commercial zone. The Old Town Overlay District also permits “Residential apartments when located on the upper or basement floors, to the rear of, or otherwise clearly secondary to commercial buildings...” (SZCDC § 16.162.030(E)).

The applicant’s Building Plans (Exhibit A10) indicate the ground floor will be used for office / commercial space while the upper floors will be for residential living. Common ground floor uses for live-work units include at-home and professional offices, personal services (hair salon, nail salon, etc.), and small retail stores.

Based on the plans each vertical live-work unit will have separate entrances for the residential and commercial spaces. A commercial entrance is located at the front of the building along SW Pine St. and a residential entrance is located at the rear of the building for each unit.

The development is not required to show compliance with the “clearly secondary” standards (Footnote 2) because the residential portion of the development is limited to the upper floors.

FINDING: This criterion 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

ANALYSIS: The proposed development standards are shown in the right-hand column in the table below:

Development Standards by Zone	RC Zone	Proposed
Lot area	5,000 SF	5,000 SF
Lot width at front property line:	40 ft.	100 ft.
Lot width at building line:	40 ft.	100 ft.
Front yard setback⁹	0 ft.	0 ft.
When abutting residential zone	Same as abutting residential zone	N/A
Side yard setback⁹	None	0 ft.
When abutting residential zone or public park	10 ft.	N/A
Rear yard setback⁹	0 ft.	15 ft. ground floor 10 ft. upper floors
When abutting residential zone or public park	10 ft.	N/A
Corner lot⁹	(No standard listed)	N/A
Height^{10, 11}	50 ft.^{13,14}	40 ft.

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.

As described and shown in the table above, the proposed development meets the development standards of the RC zone.

Footnote 13 limiting the height of structures within 100 ft. of a residential zone is superseded by the Old Town Overlay District height standard which reads "*Limitations in the RC zone to the height of commercial structures adjoining residential zones, and allowances for additional building height as a conditional use, shall not apply in the OT overlay zone.*" (SZCDC § 16.162.060(C))

FINDING: These standards are met.

Chapter 16.58 - VISION CLEARANCE AND FENCE STANDARDS

16.58.010 Clear Vision Areas

- A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.**
- 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 will be located at the corner of SW Pine St. and SW 2nd St. A new driveway is proposed along SW 2nd St. to provide vehicle egress from the site. Clear vision areas are required at the following locations, except where impacted by the building:

- SW Pine St. and SW 2nd St.
- SW Pine St. and the public alley
- SW 2nd St. and the private driveway

The required clear vision area at the intersection of SW Pine and SW 2nd St. is shown on the Site Plan (Exhibit A11 – Sheet P3). The clear vision areas at the other two locations are not shown on the plans and are conditioned below. The proposed driveway is approximately 35 ft. from the intersection as required by the standard above.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B1: Prior to Final Site Plan approval, show the required clear vision areas in conformance with SZCDC § 16.58.010. Clear vision areas shall include the intersections of SW Pine St. and SW 2nd St., SW Pine St. and the public alley, and SW 2nd St. and the private driveway, except where impacted by the primary building.

CONDITION OF APPROVAL G1: Prior to Final Occupancy, the site shall provide clear vision areas in conformance with SZCDC § 16.58.010. Clear vision areas shall include the intersections of SW Pine St. and SW 2nd St., SW Pine St. and the public alley, and SW 2nd St. and the private driveway, except where impacted by the primary building.

16.58.020 - Fences, Walls and Hedges.

- A. Purpose:** The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effect of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.
- B. Reserved**

- C. Applicability:** The following standards apply to walls, fences, hedges, lattice, mounds, and decorative toppers. The standards do not apply to vegetation, sound walls and landscape features up to four (4) feet wide and at least twenty (20) feet apart.
- D. Location—Non-Residential Zone:**
1. Fences up to eight (8) feet high are allowed along front, rear and side property lines, subject to Section 16.58.010. (Clear Vision) and building department requirements.
 2. A sound wall is permitted when required as a part of a development review or concurrent with a road improvement project. A sound wall may not be taller than twenty (20) feet.
 3. Hedges up to twelve (12) feet tall are allowed, however, when the non-residential zone abuts a residential zone the requirements of section 16.58.030.d.6. shall apply.
- E. General Conditions—All Fences:**
1. Retaining, masonry, concrete, and modular retaining walls may not be constructed within the eight-foot public utility easement (PUE) located on the front and corner street side yards, without approval from the City Engineer.
 2. Fences must be structurally sound and maintained in good repair. A fence may not be propped up in any way from the exterior side.
 3. Chain link fencing is not allowed in any required residential front yard setback.
 4. The finished side of the fence must face the street or the neighboring property. This does not preclude finished sides on both sides.
 5. Buffering: If a proposed development is adjacent to a dissimilar use such as a commercial use adjacent to a residential use, or development adjacent to an existing farming operation, a buffer plan that includes, but is not limited to, setbacks, fencing, landscaping, and maintenance via a homeowner's association or managing company must be submitted and approved as part of the preliminary plat or site plan review process per Section 16.90.020 and Chapter 16.122.
 6. In the event of a conflict between this Section and the clear vision standards of Section 16.58.010, the standards in Section 16.58.010 prevail.
 7. The height of a fence or wall is measured from the actual adjoining level of finished grade measured six (6) inches from the fence. In the event the ground is sloped, the lowest grade

within six (6) inches of the fence is used to measure the height.

8. **Call before you dig (811) if placing a fence within the public utility easement (PUE) to have your utility lines located. This easement area is usually located eight (8) feet across the front yard and the side yard setback on a corner lot. Utility lines can be buried just beneath the surface.**

ANALYSIS: The Existing Conditions and Demolition Plan (Exhibit A11 – Sheet P2) indicates the existing chain link fence on the adjacent property will remain. The plans do not show new fences or walls as part of the development.

FINDING: These criteria are met as conditioned below.

CONDITION OF APPROVAL B2: Prior to Final Site Plan approval, show new fences and walls on the plans. New fences and walls shall comply with SZCDC § 16.58.020.

CONDITION OF APPROVAL G2: Prior to Final Occupancy, new fences and walls located on the site shall comply with SZCDC § 16.58.020.

Chapter 16.90 – SITE PLANNING

16.90.020 – Site Plan Review

A. Site Plan Review Required

Site Plan review is required prior to any substantial change to a site or use that does not meet the criteria of a minor or major modification, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use.

ANALYSIS: The proposal is for a new building which does not meet the criteria of a major or minor modification. Therefore, Site Plan Review is required.

FINDING: The application is required to comply with the Site Planning criteria and standards.

D. Required Findings

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

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

ANALYSIS: The proposed development meets or is conditioned to meet all of the applicable zoning district standards as discussed in this report.

FINDING: This criterion is met.

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

ANALYSIS: The subject site is located within City boundaries and can be adequately served by the required public services as demonstrated in this report under Division VII – Public Infrastructure and in the agency comments.

FINDING: This criterion is met.

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

ANALYSIS: The proposal is for a new mixed-use multi-family building. The applicant's narrative (Exhibit A2 – p. 9) states the building and on-site features will be maintained by the owner while an HOA will be established for management and maintenance of shared spaces. This description indicates a condominium plat will likely be pursued as the ownership method. A single-family subdivision would not be permitted based on the required lot size for each individual unit.

FINDING: This criterion is met as conditioned below.

CONDITION OF APPROVAL B3: Prior to Final Site Plan approval, the applicant shall provide draft Covenants, Conditions, and Restrictions (CC&Rs) that address common areas in the development. The final CC&Rs shall be recorded with the condominium plat.

4. **The proposed development preserves significant natural features to the maximum extent feasible, including but not**

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

ANALYSIS: The development site is currently vacant and does not contain significant natural features such as trees, wetlands, or natural drainage ways.

FINDING: This criterion is met.

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

ANALYSIS: The applicant's narrative states the development consists of five (5) attached residential units capable of generating approximately 18 average daily trips (ITE Code 231 Mid-Rise Residential with 1st-Floor Commercial). The building also contains 1,605 SF of live work space, with an expected trip generation of between 18 average daily trips (ITE Code 710 – General Office Building) and 61 average daily trips (ITE Code 820 – Shopping Center). Therefore, the total number of trips which may be generated by the project is not expected to exceed 80 average daily trips.

A Traffic Impact Analysis for the development was not required by the City Engineer.

FINDING: This criterion is met.

- 6. The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards include the following:**
 - a. Primary, front entrances are located and oriented to the street, and have significant articulation and treatment,**

via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.

ANALYSIS: The proposed building will be oriented towards SW Pine St. and each unit will have a recessed, covered entry (Exhibit A10 – Sheet A0.0). In addition to urban design standards required by this section, the development is required to comply with the Old Smockville standards which are addressed under SZCDC § 16.162.

FINDING: This standard is met.

- b. Buildings are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.**

ANALYSIS: The proposed building will be adjacent to and flush to the street along all street frontages including SW Pine St., SW 2nd St. and the public alley.

FINDING: This standard is met.

- c. The architecture of buildings are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding are prohibited. Street facing elevations have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.**

ANALYSIS: The proposed building is oriented towards SW Pine St. which is one of the main commercial corridors for pedestrians in Old Town. A 3 ft. deep recessed covered entry will provide shelter from the rain. The ground floor glazing plan (Exhibit A10 – Sheet A0.5) shows large storefront windows and a semi-transparent front door will be provided. The windows include fenestrations to break up the mass of each window. No prohibited building materials are proposed.

FINDING: This standard is met.

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

ANALYSIS: This standard applies to industrial developments.

FINDING: This standard does not apply.

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

ANALYSIS: A new driveway will be constructed along SW 2nd St. to provide vehicle egress from the rear drive aisle. The driveway will be opposite to private residential development and does not require alignment with any existing or planned streets.

FINDING: This standard is met.

E. Approvals

The application is reviewed pursuant to Chapter 16.72 and action taken to approve, approve with conditions, or deny the application for site plan review. Conditions may be imposed by the Review Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action must include appropriate findings of fact as required by Section 16.90.020. The action may be appealed to the Council in accordance with Chapter 16.76.

F. Time Limits

Site plan approvals are void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010. A site plan approval granted on or after

January 1, 2007 through December 31, 2009, is extended until December 31, 2013.

ANALYSIS: The applicant is required to comply with all conditions of approval included in the Notice of Decision. The site plan approval becomes void after two (2) years unless construction on the site has begun, as determined by the City.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL A4: The land use approval shall be void after two (2) years from the date of the Notice of Decision unless construction on the site has begun, as determined by the City.

Division IX. - HISTORIC RESOURCES

Chapter 16.158 - GENERAL PROVISIONS*

16.158.010 - Purpose

This Division is intended to protect, preserve, and otherwise properly manage the City's historic and cultural resources for the benefit and education of the general public, to retain and strengthen the community's historic heritage and unique identity, and to establish performance standards allowing the City to properly and uniformly assess the impact of residential, commercial, industrial, and institutional development and activities on the quality of the City's historic and cultural resources.

Chapter 16.162 - OLD TOWN (OT) OVERLAY DISTRICT*

16.162.010 - Purpose

The Old Town (OT) Overlay District is intended to establish objectives and define a set of development standards to guide physical development in the historic downtown of the City consistent with the Community Development Plan and this Code.

The OT zoning district is an overlay district generally applied to property identified on the Old Town Overlay District Map, and applied to the Sherwood Plan and Zone Map in the Smockville Subdivision and surrounding residential and commercial properties, generally known as Old Town. The OT overlay zone recognizes the unique and significant characteristics of Old Town, and is intended to provide development flexibility with respect to uses, site size,

setbacks, heights, and site design elements, in order to preserve and enhance the area's commercial viability and historic character. The OT overlay zone is designated a historic district as per Chapters 16.166 and 16.168. Furthermore, the OT District is divided into two distinct areas, the "Smockville" and the "Old Cannery Area," which have specific criteria or standards related to architectural design, height, and off-street parking.

16.162.020 - Objectives

Land use applications within the Old Town Overlay District must demonstrate substantial conformance with the standards and criteria below:

- A. Encourage development that is compatible with the existing natural and man-made environment, existing community activity patterns, and community identity.**

ANALYSIS: The applicant is proposing a three-story mixed-use building with office / commercial uses on the ground floor and residential living area on the upper floors. The proposed mixed-use design is compatible with Sherwood's Old Town District which is intended to be a walkable, mixed-use neighborhood.

The commercial ground floor spaces will be oriented towards SW Pine St. and provide new office and commercial opportunities within this key commercial corridor. The proposal is therefore compatible with the existing community patterns along SW Pine St. which features a coffee shop and public library, among other developments. The building height is limited to 3 stories and 40 ft. in order to be compatible with the residential development in Old Town.

FINDING: This standard is met.

- B. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:**
 - 1. The scale, mass, height, areas, appearances and architectural design of buildings and other development structures and features.**

ANALYSIS: The Old Town District features a variety of residential, commercial, and mixed-use buildings ranging from one- to three-stories in height. Mixed-use and multi-family buildings in Old Town are typically three stories and are located flush with the street. Examples include the Old Town Lofts at SW Main and SW Railroad St. and building occupied by "Sherwood Family Law" at the corner of SW 1st St. and SW Washington St. The proposed building is on a key commercial corridor and is consistent in scale, mass, and height with other mixed-use buildings in Old Town.

The proposed building is also required to comply with the Old Town (Smockville Area) architectural design standards in SZCDC § 16.162.090 in order to ensure the design of the building is compatible with other development in Old Town.

FINDING: This standard is met.

2. Vehicular and pedestrian ways and parking areas.

ANALYSIS: The development will be oriented towards SW Pine St. with each vertical live-work unit providing a ground floor entrance. A private, rear drive aisle accessed from the mid-block public alley will provide vehicle access to the building. A rear loaded garage is proposed for each unit, accessible from the private drive aisle. This approach to pedestrian and vehicular access is compatible with the Old Town District which prioritizes ground floors and sidewalks for pedestrians.

FINDING: This standard is met.

3. Existing or proposed alteration of natural topographic features, vegetation and waterways.

ANALYSIS: The proposed addition will not adversely impact any natural topographic features, vegetation and/or waterways. The site is relatively level and minimal grading will be required. No significant natural features are located on the site.

FINDING: This standard is met.

16.162.030 - Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Division VIII:

- A. Uses permitted outright in the RC zone, Section 16.28.020; the HDR zone, Section 16.20.020; and the MDRL zone, Section 16.16.020; provided that uses permitted outright on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by this Section and Section 16.162.040.
- B. In addition to the home occupations permitted under Section 16.42.020, antique and curio shops, cabinet making, arts and crafts galleries, artists cooperatives, and bookshops, are permitted subject to the standards of Chapter 16.42 and this Chapter, in either the underlying RC or MDRL zones.

- C. Boarding and rooming houses, bed and breakfast inns, and similar accommodations, containing not more than five (5) guest rooms, in the underlying RC, HDR and MDRL zones.
- D. Motels and hotels, in the underlying RC zone only.
- E. Residential apartments when located on upper or basement floors, to the rear of, or otherwise clearly secondary to commercial buildings, in the underlying RC zone only.
- F. Other similar commercial uses or similar home occupations, subject to Chapter 16.88.
- G. Offices or architects, artists, attorneys, dentists, engineers, physicians, accountants, consultants and similar professional services.
- H. Uses permitted outright in the RC zone are allowed within the HDR zone when limited to the first floor, adjacent to and within 100 feet of, Columbia Street within the Old Town Overlay District.

ANALYSIS: The proposed mixed-use building will feature ground floor office / commercial uses with housing on the upper floors. The proposed use is permitted under subsection (E) above and the use table under SZCDC § 16.22.020.

FINDING: This criterion is met.

16.162.060 - Dimensional Standards

In the OT overlay zone, the dimensional standards of the underlying RC, HDR and MDRL zones shall apply, with the following exceptions:

- A. **Lot Dimensions - Minimum lot area (RC zoned property only):**
Twenty-five hundred (2,500) square feet.

ANALYSIS: The property is zoned RC and the lot size is 5,000 SF.

FINDING: This standard is met.

- B. **Setbacks - Minimum yards (RC zoned property only):** None, including structures adjoining a residential zone, provided that Uniform Building Code, Fire District regulations, and the site design standards of this Code, not otherwise varied by this Chapter, are met.

ANALYSIS: The proposed building setback is 0 ft. along SW Pine St., SW 2nd St., and the mid-block alley. The rear setback is 15 ft. for the ground floor and 10 ft. for the upper stories. Tualatin Valley Fire & Rescue has provided comments included as Exhibit B2.

The development will be required to comply with building and fire code prior to occupancy.

FINDING: This standard is met.

- C. Height - The purpose of this standard is to encourage 2 to 4 story mixed-use buildings in the Old Town area consistent with a traditional building type of ground floor active uses with housing or office uses above.**

Except as provided in Section 16.162.080, subsection C below, the maximum height of structures in RC zoned property shall be forty (40) feet (3 stories) in the "Smockville Area" and fifty (50) feet (4 stories) in the "Old Cannery Area". Limitations in the RC zone to the height of commercial structures adjoining residential zones, and allowances for additional building height as a conditional use, shall not apply in the OT overlay zone. However, five foot height bonuses are allowed under strict conditions. Chimneys, solar and wind energy devices, radio and TV antennas, and similar devices may exceed height limitations in the OT overlay zone by ten (10) feet. **Minimum height: A principal building in the RC and HDR zones must be at least sixteen (16) feet in height.**

ANALYSIS: The site is zoned RC and is in the Smockville Area of Old Town. The maximum permitted height is 40 ft or 3 stories. As shown in Exhibit A10 – Sheet A0.1, the proposed height of the building is 40 ft. with 3 stories.

FINDING: This standard is met.

16.162.070 - Community Design

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

- A. Generally**

In reviewing site plans, as required by Chapter 16.90, the City shall utilize the design standards of Section 16.162.080 for the "Old Cannery Area" and the "Smockville Design Standards" for all proposals in that portion of the Old Town District.

ANALYSIS: The property is in the Smockville Area of Old Town and the design standards under SZCDC § 16.92.090 apply. This applicable standards are addressed below.

FINDING: This standard is met.

B. Landscaping for Residential Structures

1. **Perimeter screening and buffering, as per Section 16.92.030, is not required for approved home occupations.**
2. **Minimum landscaped areas are not required for off-street parking for approved home occupations.**
3. **Landscaped strips, as per Sections 16.92.030 and 16.142.030A, may be a minimum of five (5) feet in width, except when adjoining alleys, where landscaped strips are not required.**
4. **Fencing and interior landscaping, as per Section 16.92.030, are not required.**

ANALYSIS: The site is zoned RC and applicant is proposing a mixed-use building.

FINDING: This section does not apply.

C. Off-Street Parking

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

ANALYSIS: The applicant is proposing five (5) off-street parking spaces, or one single-car garage for each vertical live-work unit. Three (3) public, on-street parking stalls will also be available immediately in front of the building along SW Pine St. While the development will be providing off-street parking, the property is located in the Smockville Area of Old Town and off-street parking is not a requirement of development approval.

FINDING: This standard is met.

D. Off-Street Loading

1. **Off-street loading spaces for commercial uses in the "Old Cannery Area" may be shared and aggregated in one or**

several locations in a single block, provided that the minimum area of all loading spaces in a block, when taken together, shall not be less than sixty-five percent (65%) of the minimum standard that is otherwise required by Section 16.94.030B.

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

ANALYSIS: The property is located in the Smockville Area of Old Town and off-street loading is not required. While off-street loading is not required, the rear drive aisle and individual garages will provide opportunities for convenient vehicle access to the ground floor commercial spaces.

FINDING: This standard is met.

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

ANALYSIS: No signs are proposed as part of the development. Any signs installed on the property in the future is required to obtain a sign permit, if one required by the development code.

FINDING: This standard is met.

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

ANALYSIS: The lot and proposed building meet or are conditioned to meet the requirements of the development as described in this report. A nonconforming lot, use, or structure is not proposed.

FINDING: This standard does not apply.

- G. **Downtown Street Standards - All streets shall conform to the Downtown Street Standards in the City of Sherwood Transportation**

System Plan and Downtown Streetscape Master Plan, and as hereafter amended. Streetscape improvements shall conform to the Construction Standards and Specifications, and as hereafter amended.

ANALYSIS: The site is located in Old Town Sherwood which is an established city block with 60 ft. wide public street and 14 ft. wide public alleys. The City of Sherwood Engineering Comments (Exhibit B1) and the Transportation Facilities section below provides details on the existing conditions of each abutting street and improvement requirements for the development.

FINDING: This standard is met.

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

ANALYSIS: The color palette for the exterior surfaces has been provided on Sheet A.01 of Exhibit A10. The proposed colors are earth-toned.

FINDING: This standard is met.

16.162.090 - Old Town Smockville Design Standards

A. Purpose

The purpose of the Old Town Smockville Design Standards is to respect and enhance the character of Sherwood's original business district and core area while maintaining the city's traditional, small town, vernacular architectural heritage. The Old Town area has been the commercial and residential heart of the community since Sherwood's settlement in the late 1800s and it is the intent of the City to retain a strong connection with that history as new construction, alteration, or additions to existing structures occurs.

Building upon previous studies in the City, the Cultural Resources Inventory (1989), and the adopted Natural Resources Element of the Comprehensive Plan (1991), the Old Town Smockville Design Standards are based upon common architectural designs, materials, and other built characteristics typical of Sherwood's original building forms. Using these historic models as a template for new construction allows growth and development that respects Sherwood's history and builds upon our vaunted quality of life. It is not the intent of the design standards to freeze time and halt progress or restrict an individual property owner's creativity,

but rather to guide proposals and provide a set of parameters for new construction and remodeling within the Old Town area to assure compatibility with and respect for their historic surroundings. The Old Town Smockville Design Standards do direct new design toward the modest architectural character that is traditional in the Old Town area, specifically prohibiting certain materials and design elements to avoid the introduction of overly grandiose designs at variance with our history. However, within those limitations, personal choice can and should be expressed within the basic framework of the standards.

The Old Town Smockville Design Standards also direct exterior remodeling projects to retain the modest, traditional character that exists by retaining original architectural elements on structures within the Old Town Overlay District. To this end, the design standards will provide the exterior design framework for property owners that want to participate in the Urban Renewal District's Facade Grant program.

That is, the Standards ensure that any remodeling efforts of existing vintage buildings retain their modest architectural characteristics by retaining as many original parts as possible. In the same way that an old car becomes a valuable collector's classic because it retains its original parts, so it goes with vintage buildings. The building that retains all its original parts, including windows, doors, chimneys and trim, and keeps them maintained, grows in value for both the property owner and the community. As an incentive, historic renovations that meet the applicable local standards are more likely to meet federal and state historic designation standards and therefore qualify for various city incentive programs.

Under the procedures of the City's Design Review Process established by this Division of this Code an applicant must demonstrate the proposal meets all of the following design standards in order for the decision making body to approve the proposal. As such, the standards should help increase objectivity and reduce subjectivity. As per Chapter 16.160, the Landmarks Advisory Board, which includes the Planning Commission, is the decision-making authority for applications under the following Standards. The Landmarks Advisory Board reviews and values all comments, suggestions, and recommendations prior to approval or denial of any application.

B. Applicability

The following standards are intended as an "overlay" to the underlying Old Town Overlay zoning district and shall be used as part of the land use approval process when exterior remodeling and new development is proposed in the "Smockville" portion of the Old Town Overlay District. Except in specific situations described herein, these Standards shall apply equally to all projects within the Smockville portion of the Old Town District. Applicants seeking variance from these Standards must demonstrate to the review body that compliance would result in an unnecessary and unavoidable hardship. Variances from the Standards will not be allowed unless such hardship is adequately demonstrated and proven by the applicant. The variance process is provided in Chapter 16.84 of the SZCDC. These standards are not required for the "Old Cannery Area" portion of the Old Town District, but may be used in lieu of Section 16.162.080. The Old Cannery Area portion is still subject to the design standards in Section 16.162.080.

E.

COMMERCIAL STRUCTURES:

The traditional commercial core area of Sherwood, including those properties in the Smockville Plat and First Addition Plat, reflect the historic character of the community as a small, agricultural service area. Buildings here have historically been of modest scale and construction, consistent with the community's vernacular design heritage. In order to maintain that basic character in the core the following standards govern all new commercial construction and remodeling projects requiring a structural building permit.

NOTE: The City encourages applicants to consider mixed-use projects. The following standards covering commercial structures shall apply for all mixed-use projects in the Old Town Smockville Area. The massing of a building includes its overall bulk, orientation, and placement on the site, forming the visual relationship between the building and its surroundings. Individual aspects of massing, particularly height, are subject to specific Standards below:

Commercial Standard 1: Volume & Mass

- a. **Orientation:** All buildings will be sited with the primary facade facing the public right-of-way. For corner buildings with a corner-facing entry, both street-facing elevations will be considered "facades" for purposes of this Standard.

- b. **Setback:** All buildings will be located directly upon the property line with zero setback from the public right-of-way. Portions of the facade, such as recessed entryways or similar features, are exempted from this Standard provided they total less than 50% of the total facade width.
- c. **Width:** Buildings shall extend from side lot line to side lot line to create a solid streetscape along the public right-of-way. An exception to this standard may be granted to provide for plazas, courtyards, dining areas, or pedestrian access. [See Standard 5, below, regarding vertical divisions).

APPLICANT'S RESPONSE: The proposed building has been sited with the primary façade facing SW Pine Street, with each of the 5 units featuring an individual pedestrian door opening onto the street via a covered entry. Each unit also has a private entrance from the alley to the rear of the building. The building has been located directly upon the property line with zero setback from the public right-of-way along both SW Pine Street and SW Second Street. The building extends from side lot line to side lot line to create a solid streetscape along Pine Street and Second Street. The requirements of this section have been met.

ANALYSIS: Staff concurs with the applicant's response above. Detailed building elevations supporting the analysis are provided in Exhibit A10.

FINDING: This standard is met.

Commercial Standard 2: Openings

To maintain and insure a pedestrian-friendly scale within Sherwood's traditional commercial core, storefronts and upper facades shall reflect the following:

- a. **Verticality:** All facade window openings shall maintain a generally vertical proportion (1.5:1 height/width ratio or greater, i.e. a 24" wide window must be a minimum 36" tall). An exception to this standard is allowed for large fixed storefront windows. Transom panels, spanning the entire storefront glazed area, are encouraged.

APPLICANT RESPONSE: The applicant has submitted building elevation plans with this land use application. The proposed façade window openings will maintain a vertical proportion of at least 1.5:1 with both vertical and horizontal dividing elements to visually break up the area. The requirements of this section have been met.

ANALYSIS: Staff concurs with the applicant's response above.

FINDING: This standard is met.

- b. Transparency: Ground floor storefronts should be predominately "transparent," with a minimum of 75% glazed surface area, including entry doors.**

APPLICANT RESPONSE: Storefront is not described in the Sherwood SZCDC, but is generally considered to be the first story area of the façade that provides access or natural illumination into a space used for retail or other commercial purposes. In this case, each proposed unit has a storefront of approximately 130 square feet. This approach is consistent with previous approvals. The applicant has submitted elevation plans which illustrates the proposed glazed surface area. The glazed areas of the proposed ground floor storefronts are predominately transparent, with each unit providing glazing areas with 80% transparency.

Each unit provides 104 sf ($10.5' \times 8.5' = 89.25 \text{ sf} + 2.083' \times 7.083' = 14.75 \text{ sf}$) of transparent glazed area, or 80% of the storefront.

The requirements of this section have been met.

ANALYSIS: Staff concurs with the applicant's responsive above.

FINDING: This standard is met.

- c. Symmetry: Openings should generally reflect the bi-lateral symmetry of the traditional commercial development pattern. Asymmetrical facades that result from corner or other non-central entryways, or that result from varied massed forms joined into a single use are excluded from this Standard.**

APPLICANT RESPONSE: The applicant has submitted building elevation plans with this land use application. The proposed façade is located on a corner with non-central entryways, however symmetrical design elements have been integrated into the proposed design. The requirements of this section have been met.

ANALYSIS: Staff concurs with the applicant's response above. Specifically, the upper floor windows along SW Pine St. for each unit are symmetrical.

FINDING: This standard is met.

- d. Prohibited Opening Types: To maintain the traditional commercial character of the core area, the following are prohibited:**

1. **Sliding or "French" entry door sets on the Facade (such doors are permitted on side and rear elevations only).**
2. **Roll-up garage doors (metal or wood), on the Facade (such doors are permitted on side and rear elevations only). Uses requiring large garage openings on the facade may use sliding or bi-fold doors, or metal with six over six windows. Wood and glass doors are encouraged.**
3. **Reflective glazing, "mirror glass" and similar.**
4. **Horizontal slider windows (i.e. vertically oriented slider windows).**
5. **Arched or "fan light" type windows, except where inset into an articulated structural opening.**

RESPONSE: The applicant has submitted building elevations with this land use application. The proposed façade will not feature any of the prohibited openings listed above. The requirements of this section have been met.

ANALYSIS: Staff concurs with the applicant's response above.

FINDING: This standard is met.

Commercial Standard 3: Height

In order to increase opportunities to transit, reduce transportation impacts, and promote pedestrian activity, multiple story commercial or mixed-use construction is encouraged. All new commercial and mixed-use construction in the zone is subject to the following standards:

- a. **Maximum: No building may be greater than 40 feet in overall height.**
- b. **Minimum: No single story building shall have a plate height of less than 16 feet high at the public right-of-way.**
- c. **Variation: Building height shall be differentiated a minimum of 6" from the average height of adjacent buildings to avoid a solid street wall of uniform height. An exception to this standard will be made for buildings that incorporate a projecting vertical division in the facade treatment that visually separates the facade from adjacent buildings, such as a column, pilaster or post.**

ANALYSIS: The proposed height of the building is 40 ft., as shown in Exhibit A10 – Sheet A0.1. The applicant's narrative (Exhibit A2 – p. 50) a 5 ft. height bonus has been added per Commercial Standard 9, however, the application does not demonstrate compliance with the requirements of Standard 9 in order to be granted the bonus. Therefore, the maximum allowed height of the building is 40 ft.

FINDING: This standard is met.

Commercial Standard 4: Horizontal Facade Rhythm

To maintain the rhythm of Sherwood's traditional architecture, all new commercial construction shall respect the three-part "base-shaft-capital" facade system common to pre-WWII commercial designs.

- a. **Base:** Buildings shall provide a visually articulated foundation or "base" feature, at ground level, typically rising to the bottom of the sill height. A "base" may be created by detail or a change in material or form that differentiates the base from the upper portions of the facade. (i.e. a brick or tiled "base" on a concrete building, or a paneled wood base on a horizontal sided wood building) This standard may also be met by projecting elements or change in surface planes that employ a common material, i.e. a projecting brick sill and "apron" on a brick wall or a cast concrete shoulder that projects away from a concrete wall.

ANALYSIS: A cultured stone base is proposed to create a visually articulated foundation at the ground level.

FINDING: This standard is met.

- c. **Stringcourse:** Prominent horizontal lines shall be maintained between all floor levels, visually dividing the facade into horizontal sections that reflect the interior levels. Such features may be projecting or incised bands of common materials (as in brick or concrete) or applied trim, as in a wooden "bellyband."

ANALYSIS: A belly band is proposed to divide the façade into horizontal sections that reflect the interior of levels. The belly bands are present on all street and alley facing facades.

FINDING: This standard is met.

- d. **Cornice Details:** All buildings shall have a "cap" element at the uppermost portion of the facade that visually terminates the main facade surface. Cornice details may be integrated into a stepped or decorative parapet or consist of an articulated line that projects from the main surface plane. Modest marker blocks stating building name and date of construction are strongly encouraged.

ANALYSIS: The top of the building facing SW Pine St. will include a “cap” element to visually terminate the main façade. A cornice detail has been provided on Sheet A0.1 (Exhibit A10).

FINDING: This standard is met.

Commercial Standard 5: Vertical Facade Rhythm

Reflecting the narrow underlying land divisions common in Sherwood's downtown and creating visual interest that enhances the pedestrian scale, commercial facades shall have strong and clearly articulated vertical elements.

- a. **Multiple Bays:** All storefronts shall be divided into vertical "bays" through the use of structural members such as columns, pilasters, and posts, or by the use of other surface detailing that divides large walls into narrower visual panels. No structure shall have a single "bay" larger than 30 feet, based upon the lot width of the "Original Smockville Plat" of the Town of Sherwood. Buildings occupying one or more original town lots (i.e., greater than 30 feet in width) shall be visually divided into multiple bays of 30' or one-half the overall lot width, whichever is the lesser. For example, the facade of a 50-foot wide structure shall be visually divided into two 25' wide bays. An 80' foot structure may be divided into two 30' bays and one 20' bay or into four 20' bays, either of which will meet this standard.

APPLICANT RESPONSE: The applicant has submitted elevation plans showing compliance with this section. The proposed building frontage is divided into five vertical “bays” using surface detailing that divides the walls of each unit into visual panels. The proposed bays do not exceed 24 feet in width. The requirements of this section have been met.

ANALYSIS: Staff concurs with the applicant’s response above.

FINDING: This standard is met.

- b. **Edge Definition:** All storefronts shall use a pilaster, engaged column, or other structural or decorative vertical element at each side lot line, to create visual division from the adjacent structure. (See Standard 3(C), above, regarding the use of projecting elements) For structures that do not extend from sideline to sideline (as per Standard 1(C) above) the outermost building corner will be treated as the edge for compliance with this Standard.

APPLICANT RESPONSE: The applicant has submitted elevation plans with this application. Edge definition has been provided at the corner of Pine Street and the mid-

block alley, as well as at the corner of the building on Second Street, where the building meets the neighboring property. The corner of Second Street and Pine Street has been wrapped to provide for continuation of the building façade. The requirements of this section have been met.

ANALYSIS: Staff concurs with the applicant's response above.

FINDING: This standard is met.

Commercial Standard 6: Sense of Entry

All commercial buildings shall have a clearly defined "sense of entry," with the primary public access serving as a focal point in the visual organization of the facade. This can be accomplished via structural articulation, such as in a recessed entry, or through the use of trim, materials, or other elements. A clear and defined sense of entry facilitates retail activity and adds significantly to the pedestrian interest of the street.

- a. **Doors: Primary commercial entrances shall be primarily "transparent with no less than 50% of the total surface consisting of glass.**
- b. **Integration: Entryways shall be architecturally integrated into the vertical and horizontal rhythms of the facade.**
- c. **Depth: Recessed porches shall be no less than three (3) feet in depth.**

APPLICANT RESPONSE: The proposed entries will be recessed from the front façade and will be recessed into the building to provide for a covered entryway. All of the unit entrances will be transparent with no less than 50% of the total surface consisting of glass. The entries have been integrated into the vertical and horizontal rhythm of the façade. The requirements of this section have been met.

ANALYSIS: Staff concurs with the applicant's response and adds the recessed entry is 3 ft. deep.

FINDING: This standard is met.

Commercial Standard 7: Roof Forms

Traditional commercial roof forms, including flat, single-slope, or bowstring and other trussed roofs, are all typical of downtown Sherwood. Other roof forms, particularly gables, were screened from the public right-of-way.

- a. **Gable, hipped or similar residential style roof forms are prohibited for commercial buildings unless screened from the public right-of-way by a parapet or false front facade.**

- b. **Mansard-type projecting roof elements, other than small, pent elements of 6/12 pitch or less that are incorporated into a cornice treatment, are prohibited for commercial buildings in the Old Town Area.**

ANALYSIS: The proposed roof is single-slope roof.

FINDING: This standard is met.

Commercial Standard 8: Exterior Surface Materials

Exterior building materials shall be consistent with those traditionally used in commercial construction in Old Town Sherwood. These materials include but are not limited to:

- **Horizontal wood siding, painted (concrete fiber cement siding, or manufactured wood-based materials are acceptable under this standard provided they present a smooth finished surface, not "rustic" wood grain pattern)**
- **True board and batten vertical wood siding, painted**
- **Brick: Traditional use of red brick laid in common bond is preferred. Rustic, split-faced or "Roman" brick may be appropriate for bulkheads or detail treatments but is prohibited as a primary building material. Highly decorative "washed", glazed, or molded brick forms are prohibited.**
- **Stucco (for foundations and decorative panels only)**
- **Poured concrete (painted or unpainted)**
- **Concrete block: Split faced concrete block is appropriate for foundations, bulkhead, or detail treatments but is prohibited as a primary building material. Smooth-faced Concrete Masonry Units (CMU) is prohibited when visible from the public right-of-way.**
- **Ceramic tile, as a detail treatment, particularly for use in bulkhead or storefront areas.**

ANALYSIS: The proposed building materials are shown on Sheet A0.1 (Exhibit A10). The following building materials will be used:

- 7" horizontal wood siding
- 4" horizontal wood siding
- True vertical board and batten
- Hardie trim
- Faux stone
- Metal roof awning

FINDING: This standard is met.

Use of the following exterior materials are specifically prohibited within the zone:

- **Stucco, as a primary wall surface**
- **Stucco-clad foam (EIFS) and similar foam-based systems**
- **Standing seam metal sheet goods for siding or visible roofing**
- **T-111 or similar 4' × 8' sheet materials and plywood**
- **Horizontal metal or vinyl siding**
- **Metal/Glass curtain wall construction**
- **Plastic (vacuum-formed or sheetgoods)**
- **Faux stone (slumpstone, fake marble, cultured stone) and all similar stone veneer surface treatments) with the exception of 10% of frontal area is allowed of a brick-type faux material**
- **Shingle siding, log construction, fake "rustic" wood, pecky cedar and similar products designed to create a "Frontier" era effect.**

ANALYSIS: The building proposes to use faux stone to accentuate the base of the building as required by Commercial Standard 4a above. The applicant's narrative indicates the faux stone represents less than 10% of the frontal area as permitted in the standard above. No other prohibited materials are proposed.

FINDING: This standard is met.

Commercial Standard 9: Awnings and Marquees

Awnings and marquees projecting from the facade over the public right-of-way are a traditional commercial element and enhance pedestrian interest and use by providing shelter. Such features are encouraged but are not required in the zone. Where awnings or marquees are an element in a proposal they shall conform to the following and are eligible to receive a five foot height bonus:

- a. **Scale:** Awnings and marquees shall be proportionate in size to the facade and shall not obscure architectural detail.
- b. **Placement:** Awnings should fit entirely within the window or door openings, retaining the vertical line of columns and wall surfaces. Storefront awnings may be full width, crossing interior posts, to a maximum of 25 feet, provided the edge-definition (See Standard 5(B), above) remains visible.
- c. **Materials: Awnings**
 1. **Cotton, acrylic canvas, or canvas-like materials are required for use in the zone. The use of vinyl awnings is specifically prohibited.**
 2. **Fixed metal awnings of corrugated metal are permitted provided the pitch is 5/12 or less.**

3. Wood shingle awnings are permitted provided the pitch is 5/12 or less.
- d. **Materials: Marquees**
 1. Natural or painted metal surfaces over an internal structural framework are traditional marquee design and are preferred.
 2. Painted wood marquees are permitted.
 3. Plastic panels or any form of internally illuminated marquees are prohibited.
 4. Glass or transparent elements that reveal other light sources are prohibited.
- e. **Shapes:** Traditional single-slope awnings are preferred. "Bubble" or rounded shapes are specifically prohibited except when used with rounded structural openings of the facade wall such as arch-topped windows.
- f. **Lighting:** Internal awning lighting is prohibited.
- g. **Signage:** Signs or painted graphics are limited to the valance or "edge" of the awning or marquee only.
- h. **Height Bonus:** In addition to awnings or marquees, the overall design shall include at least one of the following amenities:
 - Public art installation subject to Cultural Arts Commission and City Council approval.
 - Additional public bike parking: 1 additional space per residential unit.
 - A courtyard or plaza facing the street open to the public subject to Commission approval.

ANALYSIS: The applicant is proposing painted metal awnings along the transition from the 2nd to 3rd floors for Units 1, 3, and 5. The awnings span both of the 2nd floor windows on Units 1, 3, and 5 and help to further delineate each individual live-work unit. The proposed pitch of the awnings is 5/12. No prohibited materials are proposed. The application has not demonstrated compliance with criteria (h) above and is therefore not eligible for the height bonus.

FINDING: This standard is met.

Commercial Standard 10: Secondary Elevations

By nature, non-street or alley-facing elevations were less detailed than the primary facade. Rear and sidewall elevation should accordingly be significantly less detailed than storefronts and built of simple materials.

- a. **Public Rear Entrance:** When a rear or alley entry serves as the primary or secondary public entrance, modest detail or highlight should create a "sense of entry" as in Standard 6, above. Rear entrances, even when intended as the primary entrance to the use,

should remain essentially functional in character, reinforcing the primacy of the street-facing elevation.

- b. **Corner Entrances:** When a storefront includes a corner entry, both adjacent facades facing the public right-of-ways shall be treated as the "facade" for purposes of these Standards. When a storefront has a visible sidewall elevation as the result of Standard 1(C), above, that elevation shall be treated as a facade in addition to the primary facade.

APPLICANT RESPONSE: The façade facing the rear alley will have secondary entries for egress purposes. These entries have been treated modestly. The façade along Second Street is a secondary street facing façade, and does not incorporate a corner entrance. The Second Street façade has been provided with modest detailing including a belly band, window trim, and the use of 2 different siding materials in order to provide pedestrian interest while still providing less articulation than the SW Pine Street frontage. The requirements of this section have been met.

PLANNING COMMISSION FINDINGS: The 2nd St. wall is a street facing elevation and should be treated as a façade. The façade will be at a prominent location within Old Town and visible from vehicles traveling on SW Pine St. The proposed wall is flat and does not provide adequate articulation or architectural detail for a street facing façade. Treatments to the wall that can be added to improve the aesthetic include canopies, shutters, and color that are compatible with the details on the primary Pine St. façade.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B6: Prior to Final Site Plan approval, the applicant shall provide revised 2nd St. elevation drawings that add articulation and architectural detail to the façade. The treatments shall be compatible with the primary Pine St. façade.

Commercial Standard 11: Additions to Existing Buildings

Additions to existing commercial buildings in the Old Town Sherwood area are subject to the same standards as new construction, except as limited by the following:

ANALYSIS: The site is currently vacant and an addition to an existing building is not proposed.

FINDING: This standard does not apply.

Commercial Standard 12: Front-Facing Presentation

Traditionally, the portions of a structure facing the public right of way were considered the most important for presenting an aesthetically pleasing appearance. Skylights were not used, and there was very little venting since the structures were not tightly enclosed and wrapped as they are today. Therefore, keeping all modern looking venting and utilities to the side that is not visible from the public right of way is important and greatly adds to the appearance.

- a. **Skylights:** Skylights shall be placed on the side of the structure not visible from the public right of way, and shall be of a low profile design.
- b. **Roof vents:** Roof vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material. Where possible, a continuous ridge vent is preferred over roof jacks for venting purposes. In the case of using a continuous ridge vent with a vintage structure, care should be taken in creating inconspicuous air returns in the eave of the building.
- c. **Plumbing vents:** Vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material.

APPLICANT RESPONSE: The applicant is not proposing skylights, roof vents, or plumbing vents that will be visible from the public right-of-way. The requirements of this section have been met.

ANALYSIS: Staff concurs with the applicant's response above.

FINDING: This standard is met.

16.164.010 - GENERALLY

The Planning Commission shall act as the Landmarks Advisory Board (LAB) and the designated review and approval authority for historic and cultural landmarks unless otherwise stated herein; and

- A. Recommend to the Council the designation of certain historic and cultural resources, structures, buildings, places, sites, landscapes and areas as landmarks or historic districts, in accordance with Chapter 16.166. Subject to the approval of the Council, the City Manager or designee may employ the services of a qualified architect or historian in the designation process. The landmark alteration criteria contained in Chapter 16.168 shall only apply to designated landmarks or historic districts.
- B. Review and take action, or make policy recommendations, on new building applications in accordance with Chapter 16.168. If a proposed addition is less than 250 SF, and/or is an exterior renovation only of a designated

landmark, the application shall be processed as a Type 2 administrative review consistent with Section 16.72.010B. The latter requires a third party review by a qualified professional in historic preservation. All other proposals shall be processed as a Type 4 consistent with Chapter 16.72. Landmark designation applications shall be Type 5 and follow Chapter 16.166.

- C. Cooperate with and enlist the assistance of persons, organizations, corporations, foundations, and public agencies in matters involving historic preservation, rehabilitation, and reuse.
- D. Advise and assist owners of landmarks on the physical and financial aspects of historic preservation, rehabilitation, and reuse, especially with respect to publishing or making available guidelines on historic preservation, and identifying and publicizing tax benefits, as well as grant and loan opportunities.
- E. Determine an appropriate system of marks and signs for designated landmarks and historic districts subject to Council approval.

ANALYSIS: The application is subject to the City's Type IV land use review procedures with the Planning Commission serving as the Landmarks Advisory Board.

FINDING: This criterion is met.

Chapter 16.168 - LANDMARK ALTERATION*

ANALYSIS: This chapter addresses alterations to existing landmarks. The site is vacant and does not contain an existing landmark.

FINDING: This standard does not apply.

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: This site will be fully developed with a new mixed-use building with 0 ft. setbacks along all street frontages, as required by the Old Town standards. The rear of the site will be improved with a 15 ft. wide paved drive aisle for vehicle ingress and egress. No landscaping is proposed or required as part of the development.

FINDING: While this chapter applies, no on-site landscaping is required based on the design of the site.

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 applicant is proposing five (5) off-street parking spaces or one single-car garage for each vertical live-work unit. Three (3) public, on-street parking stalls will also be available immediately in front of the building along SW Pine St. While the development will be providing off-street parking, the property is located in the Smockville Area of Old Town and off-street parking is not a requirement of development approval.

FINDING: The requirements of this section do not apply.

16.94.020 Off-Street Parking Standards

C. Bicycle Parking Facilities

1. General Provisions

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

parking provides employees, students, residents, commuters, and others who generally stay at a site for at least several hours a weather-protected place to park bicycles.

- c. **Minimum Number of Spaces.** The required total minimum number of bicycle parking spaces for each use category is shown in Table 4, Minimum Required Bicycle Parking Spaces.
- d. **Minimum Number of Long-term Spaces.** If a development is required to provide eight (8) or more required bicycle parking spaces in Table 4, at least twenty-five (25) percent shall be provided as long-term bicycle with a minimum of one (1) long-term bicycle parking space.
- e. **Multiple Uses.** When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.

2. Location and Design.

a. General Provisions

- (1) Each space must be at least two (2) feet by six (6) feet in area, be accessible without moving another bicycle, and provide enough space between the rack and any obstructions to use the space properly.
- (2) There must be an aisle at least five (5) feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
- (3) **Lighting.** Bicycle parking shall be at least as well lit as vehicle parking for security.
- (4) **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- (5) **Bicycle parking in the Old Town Overlay District** can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" or staple design is appropriate. Alternative, creative designs are strongly encouraged.

- (6) **Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.**
- b. **Short-term Bicycle Parking**
 - (1) **Provide lockers or racks that meet the standards of this section.**
 - (2) **Locate inside or outside the building within thirty (30) feet of the main entrance to the building or at least as close as the nearest vehicle parking space, whichever is closer.**

Table 4: Minimum Required Bicycle Parking Spaces

Use Categories	Minimum Required Spaces
Housing living	Multi-dwelling – 2 or 1 per 10 auto spaces
Retail sales / service office	2 or 1 per 20 auto spaces

ANALYSIS: Based on the table above, the development is required to provide four (4) short-term vehicle parking stalls. No long-term bicycle facilities are required. The Site Plan (Exhibit A11 – Sheet P3) shows two new bike racks will be provided in front of the building, within the sidewalk along SW Pine St. Each rack serves as two spaces. Details on the type of racks and maneuvering area for the bicycles have not provided.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B4: Prior to Final Site Plan approval, provide details on the type of bike racks proposed for the public sidewalk along SW Pine St. The bicycle parking shall be installed in accordance with SZCDC § 16.94.020(C)(2) including a space 2x6’ for each bicycle.

CONDITION OF APPROVAL G3: Prior to Final Occupancy, four (4) short-term bicycle parking shall be installed within the public sidewalk along SW Pine St. The bicycle parking shall be installed in accordance with SZCDC § 16.94.020(C)(2) including a space 2x6’ for each bicycle.

16.94.030 - Off-Street Loading Standards

ANALYSIS: Off-street loading is not required in the Smockville Area of Old Town. No off-street loading is proposed by the applicant.

FINDING: This standard does not apply.

Chapter 16.96 - ONSITE CIRCULATION

16.92.010 – On-Site Pedestrian and Bicycle Circulation

A. Purpose

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

B. 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.

C. Joint Access

Two (2) or more uses, structures, or parcels of land may utilize the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfied the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use.

D. 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 with paved sidewalk.
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.

ANALYSIS: The building will be oriented towards SW Pine St. with a 0 ft. setback. Front doors will be provided for each vertical live-work unit with direct access to SW Pine St. The front entrances will serve the commercial space and are anticipated to be used by

customers and the public. A rear entrance for each unit will also be provided to serve the residential portion of the development.

FINDING: These standards are met.

- E. Maintenance of Required Improvements**
Required ingress, egress and circulation improvements shall be kept clean and in good repair.

ANALYSIS: Maintenance of the required circulation improvements will be addressed after construction. Any issues related to maintenance will fall under the City’s Code Compliance program.

FINDING: This standard is met.

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:**

Parking Spaces	# Driveways	One Way Drive Width	Two Way Drive Width
1 - 49	1	15 feet	24 feet

ANALYSIS: While off-street parking is not required, the applicant is proposing five (5) off-street spaces. A one-way rear drive aisle is proposed to provide vehicle access to the vehicle parking stall located in each garage. The proposed width is 15 ft. in conformance with the standard above.

FINDING: This standard is met.

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.

ANALYSIS: A private, rear drive aisle accessed from the mid-block public alley will provide vehicle access to the building. A rear loaded garage is proposed for each unit, accessible from the private drive aisle. Joint access with an adjacent property is not proposed. The proposed access connects directly to a public street as required by the section above. Maintenance of the drive aisle and driveway is the ongoing responsibility of the property owner(s).

FINDING: These standards are met.

Chapter 16.98 - ONSITE STORAGE

16.98.020 Solid Waste and Recycling Storage

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

obscuring fence or masonry wall and shall be easily accessible to collection vehicles.

ANALYSIS: Pride Disposal has provided comment on the application (Exhibit B4). The comments state Pride will only be able to service the site with residential style roll carts which will need to place curbside on 2nd St. or Pine St. for collection. The applicant's narrative states the solid waste and recycling receptacles will be located in the garage of each unit. No exterior storage of waste or recycling is proposed.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL A10: The roll carts provided for waste and recycling shall be stored within the garage of each unit. The roll carts shall be placed curbside on 2nd St. or Pine St. for collection.

16.98.030 - Material Storage

- A. Generally. Except as otherwise provided herein, external material storage is prohibited, except in commercial and industrial zones where storage areas are approved by the Review Authority as part of a site plan or per Section 16.98.040.**
- B. Standards. Except as per Section 16.98.040, all service, repair, storage, and merchandise display activities carried on in connection with any commercial or industrial activity, and not conducted within an enclosed building, shall be screened from the view of all adjacent properties and adjacent streets by a six (6) foot to eight (8) foot high, sight obscuring fence subject to chapter 16.58.020. In addition, unless adjacent parcels to the side and rear of the storage area have existing solid evergreen screening or sight-obscuring fencing in place, new evergreen screening no less than three (3) feet in height shall be planted along side and rear property lines. Where other provisions of this Code require evergreen screening, fencing, or a landscaped berm along side and rear property lines, the additional screening stipulated by this Section shall not be required.**
- C. Hazardous Materials. Storage of hazardous, corrosive, flammable, or explosive materials, if such storage is otherwise permitted by this Code, shall comply with all local fire codes, and Federal and State regulations.**

ANALYSIS: The applicant's narrative states outdoor material storage associated with the ground floor office / commercial spaces is not proposed. If future owners or tenants of the ground floor space wish to display materials outside, compliance with the section will be required.

FINDING: These standards are met.

Chapter 16.106 - TRANSPORTATION FACILITIES

16.106.010 - Generally

A. Creation

Public streets shall be created in accordance with provisions of this Chapter. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional street classification, as shown on the Transportation System Plan (TSP) Map (Figure 17) and other applicable City standards. The following table depicts the guidelines for the street characteristics.

16.106.020 - Required Improvements

A. Generally

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits. Right-of-way requirements are based on functional classification of the street network as established in the Transportation System Plan, Figure 17.

B. Existing Streets

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

C. Proposed Streets

1. Except as otherwise provided, when a development includes or abuts a proposed street, in no event shall the required street improvement exceed a pavement width of forty (40) feet.
2. **Half Streets:** When a half street is created, a minimum of 22 feet of driving surface shall be provided by the developer

D. Extent of Improvements

1. Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications

included in the City of Sherwood Construction Standards. Streets shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicant may be required to dedicate land for required public improvements only when the exaction is directly related to and roughly proportional to the impact of the development, pursuant to Section 16.106.090.

2. If the applicant is required to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist, as determined by the City:
 - a. A partial improvement is not feasible due to the inability to achieve proper design standards;
 - b. A partial improvement may create a potential safety hazard to motorists or pedestrians.
 - c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;
 - d. The improvement would be in conflict with an adopted capital improvement plan;
 - e. The improvement is associated with an approved land partition on property zoned residential use and the proposed land partition does not create any new streets;
or
 - f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project that would contribute only a minor portion of the anticipated future traffic on the street.

ANALYSIS: The City of Sherwood Engineering Comments (Exhibit B1) state “The subject property fronts SW Pine Street (northeast side), SW 2nd Street (northwest side), a City alley (southeast side), and a residential property (southwest side). SW Pine Street is classified as an arterial road in the City’s Transportation System Plan (TSP), with SW 2nd Street being classified as a standard residential street.

SW Pine Street has an existing 60-foot right-of-way consisting of a 40-foot wide paved width (two 12-foot wide travel lanes and two 8-foot wide parking lanes), two 8-foot wide

curb-tight sidewalks with tree wells, and two 2-foot clear spaces between back of sidewalk and the right-of-way line. The City standard for an arterial street is between 60 and 64 feet. No additional right-of-way dedication is required for SW Pine Street. The physical condition of the curblines fronting SW Pine Street (excluding the intersection curb return with SW 2nd Street) is in good condition and does not require replacement.

SW 2nd Street has an existing 60-foot right-of-way consisting of a 28-foot wide paved width (two 10-foot travel lanes and one 8-foot wide parking lane) centered within the existing right-of-way. Survey exhibit indicates that the existing curblines are located 12.5-feet from the right-of-way centerline. As a residential street section is 28-feet from curb to curb, with a half street distance of 14-feet, the existing southern curblines shall be relocated 1.5-feet south to match the residential street standard.

The existing sidewalk fronting SW 2nd Street is 4-feet wide, which does not meet minimum City standards. The existing sidewalk is in poor condition and shall be replaced. The pavement condition along SW 2nd Street is in poor condition with longitudinal cracking and alligating and will be removed and replaced with new asphalt up to the half-street width.

The curb return between SW 2nd Street and SW Pine Street shall be reconstructed to meet City standards. The curb return reconstruction shall also include construction of two ADA ramps meeting City standards as the existing ADA ramps do not meet FHWA standards.

The mid-block alley is located within an existing 14-foot public right-of-way. The alley surface is compacted aggregate and is in poor condition. The proposed development will not be required to reconstruct half the alley pavement section to meet City standards but if not constructed will be required to pay a fee-in-lieu of construction fee for a full pavement section half alley improvement. The amount of the fee in-lieu-of construction shall be 125% of the estimated construction cost. The construction cost estimate shall be prepared by a registered Civil Engineer in the State of Oregon and submitted to the City Engineer for review and approval. If the developer desires to have a paved alley in front of the development, then the developer will be responsible to construct a full alley street section along the frontage of the subject property and design the profile for the full length of the alley to show how the remainder of the alley can be constructed for matching neighboring properties and how future drainage will be accommodated. The alley pavement section shall match the alley on the opposite side of SW Pine Street which has one-foot wide concrete edge strips along the alley right-of-way line with 12 feet of asphalt pavement.”

FINDING: These criteria are met as conditioned below.

CONDITION OF APPROVAL C1: Prior to final engineering plan approval, the proposed development shall design the curblines fronting SW 2nd Street for being reconstructed and relocated 1.5-feet south, so that face of curb shall be 14-feet from the centerline of the SW 2nd Street right-of-way.

CONDITION OF APPROVAL C2: Prior to final engineering plan approval, the proposed development shall design the existing pavement fronting SW 2nd Street for being removed and replaced with asphalt section meeting City standard, up to a half-street width (14-feet).

CONDITION OF APPROVAL C3: Prior to final engineering plan approval, the proposed development shall design the installation of two ADA ramps at the southern corner of the intersection of SW 2nd Street and SW Pine Street, in accordance with City Engineering Standards.

CONDITION OF APPROVAL C4: Prior to final engineering plan approval, sidewalk along SW 2nd Street shall be designed to meet City Engineering Standards, and the sidewalk along SW Pine Street shall be designed to meet City Engineering Standards for a curb-tight sidewalk.

CONDITION OF APPROVAL G4: Prior to Grant of Occupancy the development shall either construct full width alley improvements along the subject property frontage meeting the approval of the City of Sherwood Engineering Department or pay a fee in-lieu-of construction fee equal to 125% of the construction cost of half the alley pavement section meeting City engineering standards. The applicant shall provide the City Engineer with a construction cost estimate prepared by a registered Civil Engineer registered in the State of Oregon, for review and approval.

16.106.040 - Design

J. Transit Facilities

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

- 1. Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.**
- 2. Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.**

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

ANALYSIS: The development site is located along SW Pine St. which serves as an existing transit route for Trimet bus lines 93 and 94. Trimet Stop 4451 is located across SW 2nd St. from subject site and Trimet Stop 4452 is located across SW Pine St. from subject site. The developer is required to provide new sidewalks meeting City standards and two new ADA ramps at the corner of SW Pine and SW 2nd St. which will serve transit users crossing the street at this intersection. The bus stops are not located immediately adjacent to the development site and no additional improvements are required.

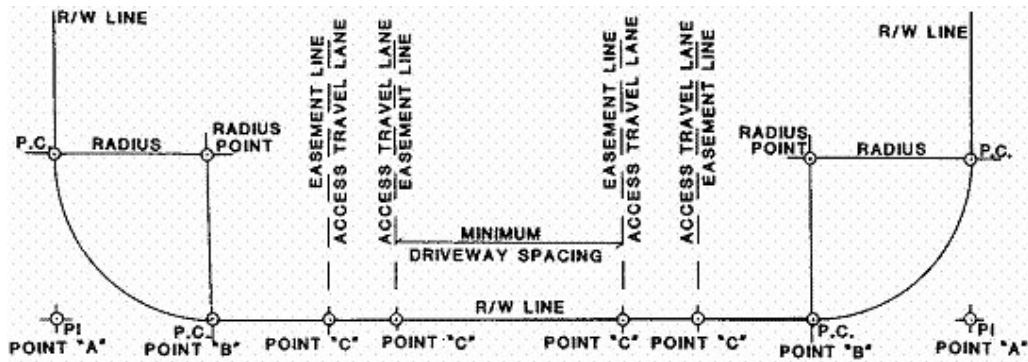
FINDING: This standard is met.

M. Vehicular Access Management

All developments shall have legal access to a public road. Access onto public streets shall be permitted upon demonstration of compliance with the provisions of adopted street standards in the Engineering Design Manual.

1. **Measurement: See the following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.**
 - a. **Minimum right-of-way radius at intersections shall conform to City standards.**
 - b. **All minimum distances stated in the following sections shall be governed by sight distance requirements according to the Engineering Design Manual.**
 - c. **All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.**
 - d. **All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.**

- e. Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:



2. Roadway Access

No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.

a. Local Streets:

Minimum right-of-way radius is fifteen (15) feet. Access will not be permitted within ten (10) feet of Point "B," if no radius exists, access will not be permitted within twenty-five (25) feet of Point "A." Access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than ten (10) feet.

d. Arterials and Highway 99W - Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Figure 1 of the Community Development Plan, Part II, shall be limited as follows:

- (1) Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W or arterials. If alternative public access is not available at the time of development, provisions shall be made for

temporary access which shall be discontinued upon the availability of alternative access.

- (2) Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage roads. When alternatives do not exist, access shall comply with the following standards:
 - (a) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').
 - (b) The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.
- (3) All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local, neighborhood route or collector streets, including frontage or backage roads, consistent with the

**Transportation Plan Map and Chapter 6 of
the Community Development Plan**

3. **Exceptions to Access Criteria for City-Owned Streets**
 - a. **Alternate points of access may be allowed if an access management plan which maintains the classified function and integrity of the applicable facility is submitted to and approved by the City Engineer as the access management plan must be included as part of the land use submittal or an application for modification as described in § 16.106.020 E. (Transportation Facilities Modifications).**
 - b. **Access in the Old Town (OT) Overlay Zone**
Access points in the OT Overlay Zone shown in an adopted plan such as the Transportation System Plan, are not subject to the access spacing standards and do not need a variance. However, the applicant shall submit a partial access management plan for approval by the City Engineer. The approved plan shall be implemented as a condition of development approval.

ANALYSIS: The subject site abuts SW Pine St., SW 2nd St. and a public alley. A private one-way drive aisle is proposed for vehicle access to the site. The vehicles will enter from the public alley and egress onto SW 2nd St. No new access points or driveways are proposed along SW Pine St. (arterial). The applicant has provided a preliminary access plan that shows the vehicle circulation plans in conformance with the criteria.

FINDING: These criteria are met.

16.106.060 - Sidewalks

- A. **Required Improvements**
 1. **Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.**
 2. **For Highway 99W, arterials, or in special industrial districts, the City Manager or designee may approve a development without sidewalks if alternative pedestrian routes are available.**
 3. **In the case of approved cul-de-sacs serving less than fifteen (15) dwelling units, sidewalks on one side only may be approved by the City Manager or designee.**
- B. **Design Standards**
 1. **Arterial and Collector Streets**

Arterial and collector streets shall have minimum six (6) or eight (8) foot wide sidewalks/multi-use paths, located as required by this Code. Residential areas shall have a minimum of a six (6) foot wide sidewalk and commercial industrial areas shall have a minimum of an eight (8) foot wide sidewalk.

2. Local Streets

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

3. Handicapped Ramps

Sidewalk handicapped ramps shall be provided at all intersections.

ANALYSIS: The applicant's Site Plan (Exhibit A11 – Sheet P3) shows a 7 ft. wide sidewalk proposed for SW 2nd St. (local residential) and an 8.8 ft. wide sidewalk proposed for SW Pine St. (arterial). Condition of Approval C3 requires new handicap ramps at the intersection of SW Pine St. and SW 2nd St.

FINDING: These standards are met.

16.106.090 - Rough Proportionality

A. Purpose

The purpose of this section is to ensure that required transportation facility improvements are roughly proportional to the potential impacts of the proposed development. The rough proportionality requirements of this section apply to both frontage and non-frontage improvements. A proportionality analysis will be conducted by the City Engineer for any proposed development that triggers transportation facility improvements pursuant to this chapter. The City Engineer will take into consideration any benefits that are estimated to accrue to the development property as a result of any required transportation facility improvements. A proportionality determination can be appealed pursuant to Chapter 16.76. The following general provisions apply whenever a proportionality analysis is conducted.

B. Mitigation of impacts due to increased demand for transportation facilities associated with the proposed development shall be provided in rough proportion to the transportation impacts of the proposed development. When applicable, anticipated impacts will be determined by the TIA in accordance with Section 16.106.080. When

no TIA is required, anticipated impacts will be determined by the City Engineer.

- C. The following shall be considered when determining proportional improvements:
1. Condition and capacity of existing facilities within the impact area in relation to City standards. The impact area is generally defined as the area within a one-half-mile radius of the proposed development. If a TIA is required, the impact area is the TIA study area.
 2. Existing vehicle, bicycle, pedestrian, and transit use within the impact area.
 3. The effect of increased demand on transportation facilities and other approved, but not yet constructed, development projects within the impact area that is associated with the proposed development.
 4. Applicable TSP goals, policies, and plans.
 5. Whether any route affected by increased transportation demand within the impact area is listed in any City program including school trip safety; neighborhood traffic management; capital improvement; system development improvement, or others.
 6. Accident history within the impact area.
 7. Potential increased safety risks to transportation facility users, including pedestrians and cyclists.
 8. Potential benefit the development property will receive as a result of the construction of any required transportation facility improvements.
 9. Other considerations as may be identified in the review process pursuant to Chapter 16.72.

ANALYSIS: All of the required transportation improvements as part of the land use approval are adjacent to the site and will directly benefit the proposed development. The required public improvements are roughly proportional to the scope and intensity of the development, as described in this report and the agency comments.

FINDING: These criteria are met.

Chapter 16.110 – SANITARY SEWERS

Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Provided, however, that when impractical to immediately connect to a trunk sewer system, the use of septic tanks may be approved, if sealed sewer laterals are installed for future

connection and the temporary system meets all other applicable City, Clean Water Services, Washington County and State sewage disposal standards.

16.110.020 - Design Standards

A. Capacity

Sanitary sewers shall be constructed, located, sized, and installed at standards consistent with this Code, the Sanitary Sewer Service Plan Map in the Sanitary Sewer Master Plan, and other applicable Clean Water Services and City standards, in order to adequately serve the proposed development and allow for future extensions.

B. Over-Sizing

1. When sewer facilities will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.
2. Reimbursement shall be in an amount estimated by the City to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the development, for a period of ten (10) years from the time of installation of the sewers. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.

ANALYSIS: The City of Sherwood Engineering Comments (Exhibit B1) state “There is an existing 8-inch diameter public sanitary sewer within the public alley adjacent to the subject property. This is the only sanitary sewer to which that the proposed site development has access. Connection to the public sanitary main line shall conform to City engineering standards. All adjacent lots have access and connection to existing public sanitary sewer service, therefore, no extension of any public sanitary sewer mainline is required.”

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C5: Prior to engineering plan approval, the proposed development shall design to provide a sanitary sewer service lateral for the development, which shall connect to the public sanitary sewer mainline located within the public alley. The connection to the public sanitary mainline shall be in conformance with City engineering standards.

CONDITION OF APPROVAL G5: Prior to Grant of Occupancy, any private sanitary sewer piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.

Chapter 16.112– WATER SUPPLY

16.112.010 Required Improvements

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

16.112.020 - Design Standards

A. Capacity

Water lines providing potable water supply shall be sized, constructed, located and installed at standards consistent with this Code, the Water System Master Plan, the City's Design and Construction Manual, and with other applicable City standards and specifications, in order to adequately serve the proposed development and allow for future extensions.

B. Fire Protection

All new development shall comply with the fire protection requirements of Chapter 16.116, the applicable portions of Chapter 7 of the Community Development Plan, and the Fire District.

C. Over-Sizing

- 1. When water mains will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.**
- 2. Reimbursement shall be in an amount estimated by the City to be the proportionate share of the cost of each connection made to the water mains by property owners outside the development, for a period of ten (10) years from the time of installation of the mains. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.**
- 3. When over-sizing is required in accordance with the Water System Master Plan, it shall be installed per the Water System Master Plan. Compensation for over-sizing may be provided**

through direct reimbursement, from the City, after mainlines have been accepted. Reimbursement of this nature would be utilized when the cost of over-sizing is for system wide improvements.

ANALYSIS: The City of Sherwood Engineering Comments (Exhibit B1) state “There is an existing 8-inch public water mainline located within SW Pine Street, this line has the capacity and pressure to service the site. The subject development shall provide for domestic water and fire service as necessary. All adjacent lots have access and connection to existing public water service, therefore, no extension of any public water mainline is required.”

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C6: Prior to engineering plan approval, the proposed development shall receive confirmation of water service lateral, meter set, and backflow assembly sizes and locations from Public Works.

CONDITION OF APPROVAL C7: Prior to engineering plan approval, the proposed development shall design to provide a domestic water service with backflow prevention and fire service as necessary for the development, which shall connect to the public water mainline located within SW Pine Street. The connection to the public water mainline shall be in conformance with City engineering standards.

CONDITION OF APPROVAL G6: Prior to Grant of Occupancy, any private water piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.

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.

16.114.020 - Design Standards

A. Capacity

Storm water drainage systems shall be sized, constructed, located, and installed at standards consistent with this Code, the Storm Drainage Master Plan Map, attached as Exhibit E, Chapter 7 of the Community Development Plan, other applicable City standards, the Clean Water Services Design and Construction standards R&O 04-9

or its replacement, and hydrologic data and improvement plans submitted by the developer.

B. On-Site Source Control

Storm water detention and groundwater recharge improvements, including but not limited to such facilities as dry wells, detention ponds, and roof top ponds shall be constructed according to Clean Water Services Design and Construction Standards.

C. Conveyance System

The size, capacity and location of storm water sewers and other storm water conveyance improvements shall be adequate to serve the development and accommodate upstream and downstream flow. If an upstream area discharges through the property proposed for development, the drainage system shall provide capacity to the receive storm water discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in storm water caused by new development, provisions shall be made by the developer to increase the downstream capacity or to provide detention such that the new development will not increase the storm water caused by the new development.

16.114.030 - Service Availability

Approval of construction plans for new storm water drainage facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing storm water drainage systems shall include certification by the City that existing or proposed drainage facilities are adequate to serve the development.

ANALYSIS: The City of Sherwood Engineering Comments (Exhibit Q) state “The proposed site development is located within the Downtown area that is allowed to have zero lot line offsets. The proposed building shown covers the majority of the lot, The proposed stormwater service lateral is shown connecting to the 18-inch diameter storm mainline located within SW 2nd Street. All adjacent lots have access to or are connected to existing public storm sewer service, therefore, no extension of any public storm sewer mainline is required.

There is an existing 8-inch stormwater mainline located within the alley, but this line is undersized with a flat flow line. This line is also located extremely close in proximity to the proposed building foundation and is not the preferred line for connection to public stormwater facilities.

On-site water quality treatment and hydro-modification meeting Clean Water Services standards are required for all new/modified on-site impervious area unless approved for

a payment in lieu by the City of Sherwood and Clean Water Services. Off-site impervious area that is replacement of existing impervious area due to existing pavement/sidewalk conditions will not count as modified impervious area. Additional off-site new impervious area or modified impervious area due to paving the alley will require a payment-in-lieu for hydro-modification. Water quality for new/modified off-site impervious area is already provided for in a public regional facility. Any on-site water quality/hydro-modification facilities will require a recorded Private Stormwater Facility Access and Maintenance Covenant and an O&M plan.”

“The lot area is identified as being 0.11 acres. This area is less than the one acre, therefore a NPDES 1200CN permit is not required. The applicant will only need to obtain a City issued grading permit from the Building Department for site grading.”

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C8: Prior to engineering plan approval, the proposed development shall design to provide a storm sewer service lateral for the development, which shall connect to the public storm sewer mainline located within SW 2nd Street. The connection to the public storm mainline shall be in conformance with City engineering standards.

CONDITION OF APPROVAL C9: Prior to final engineering plan approval, the proposed development shall either design for providing on-site water quality facility and/or hydro-modification facility meeting Clean Water Services standards. A payment fee in lieu of construction may be made in place of construction of an onsite facility if approved by City of Sherwood and Clean Water Services. A payment fee in lieu of constructing a hydro-modification facility for off-site new/non-maintenance modified impervious area is required.

CONDITION OF APPROVAL C10: Prior to final engineering plan approval, a stormwater connection permit shall be obtained from CWS.

CONDITION OF APPROVAL F1: Prior to Acceptance of the public improvements, a Private Stormwater Facility Access and Maintenance Covenant meeting City of Sherwood standards shall be recorded at Washington County for any on-site water quality/hydro-modification facilities.

CONDITION OF APPROVAL F2: Prior to Acceptance of the public improvements, an O&M Plan meeting City of Sherwood standards shall be provided to the city.

CONDITION OF APPROVAL G7: Prior to Grant of Occupancy, any private stormwater piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.

CONDITION OF APPROVAL D1: Prior to issuance of a Grading Permit from the Building Department, receive review and approval from the Engineering Department of grading and erosion and sediment control plans for the project.

Chapter 16.116 - FIRE PROTECTION

16.116.010 Required Improvements

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

A. Capacity

All fire protection facilities shall be approved by and meet the specifications of the Fire District, and shall be sized, constructed, located, and installed consistent with this Code, Chapter 7 of the Community Development Plan, and other applicable City standards, in order to adequately protect life and property in the proposed development.

B. Fire Flow

Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty (20) pounds per square inch residual pressure. Water supply for fire protection purposes shall be restricted to that available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists.

C. Access to Facilities

Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting

equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.

D. Hydrants

Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.

ANALYSIS: Tualatin Valley Fire and Rescue (TVF&R) – TVF&R has provided comments on the proposal dated May 7, 2021 (Exhibit B2). The comments address requirements for fire apparatus access, water supply, hydrants, and building access and fire service features.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL G8: Prior to Receiving Occupancy, the site shall comply all applicable with the Tualatin Valley Fire & Rescue comments dated May 7, 2021, and receive final approval from the fire department.

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.

16.118.020 Standard

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

public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).

- D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.
- E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.
- F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.

16.118.030 - Underground Facilities

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

16.118.040 - Exceptions

Surface-mounted transformers, surface-mounted connection boxes and meter cabinets, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at fifty thousand (50,000) volts or more may be located above ground. The City reserves the right to approve location of all surface-mounted transformers.

ANALYSIS: Overhead telecommunication and electrical lines are located in the right-of-way along SW 2nd St. and at the southeast corner of the property. The applicant's Composite Utility Plan (Exhibit B11 – Sheet P4) shows new public and private utilities will be located underground with the exception of the overhead electrical lines along SW 2nd St. The overhead lines along SW 2nd St. are required to be installed underground, as conditioned below.

FINDING: These standards are as conditioned below.

CONDITION OF APPROVAL E1: Prior to issuance of any building permits, the developer shall execute an Engineering Compliance Agreement for the public improvements related to the project.

CONDITION OF APPROVAL A11: Prior to Issuance of an Engineering Compliance Agreement, final engineering plan approval by the Engineering Department is required.

CONDITION OF APPROVAL G9: Prior to Grant of Occupancy, final acceptance of the constructed public improvements shall be obtained from the Engineering Department.

CONDITION OF APPROVAL A12: Per City of Sherwood standards, all new utilities shall be placed underground.

CONDITION OF APPROVAL F2: Prior to Acceptance of the public improvements, the overhead utility lines along SW 2nd Street and the adjacent alley shall be relocated to be underground.

CONDITION OF APPROVAL C11: Prior to engineering plan approval, the proposed development shall design to provide Sherwood Broadband utilities (vaults and conduit) along the subject property's frontage of SW 2nd Street and SW Pine Street per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074.

Chapter 16.142 Parks, Trees and Open Space

16.142.060: STREET TREES

- A. Installation of Street Trees on New or Redeveloped Property.**
Trees are required to be planted to the following specifications along public streets abutting or within any new development or re-development. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.
- 1. Location:** Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.
 - 2. Size:** Trees shall have a minimum trunk diameter of two (2) caliper inches, which is measured six inches above the soil line, and a minimum height of six (6) feet when planted.
 - 3. Types:** Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.

- 4. Required Street Trees and Spacing:**
- a. The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in section 16.142.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.**
 - b. All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.**
 - c. A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:**
 - (1) Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or**
 - (2) There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and**
 - (3) The street trees are spaced as close as possible given the site limitations in (1) and (2) above.**
 - (4) The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.**
 - (5) For arterial and collector streets, the City may require planted medians in lieu of paved twelve-foot wide center turning lanes, planted with trees to the specifications of this subsection.**

ANALYSIS: The development site will have frontage on two public streets that require street trees – SW Pine St. and SW 2nd St. The applicant’s Site Plan (Exhibit B11 – Sheet P3) indicates two new street tree wells are proposed for SW Pine St. and one street tree well is proposed for SW 2nd St. The species is not provided.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B5: Prior to Final Site Plan approval, provide a street tree planting plan in conformance with SZCDC § 16.142.060.

CONDITION OF APPROVAL G10: Prior to Final Occupancy, street trees shall be installed in conformance with SZCDC § 16.142.060.

Chapter 16.146 - Noise

16.146.010 - Generally

All otherwise permitted commercial, industrial, and institutional uses in the City shall comply with the noise standards contained in OAR 340-35-035. The City may require proof of compliance with OAR 340-35-035 in the form of copies of all applicable State permits or certification by a professional acoustical engineer that the proposed uses will not cause noise in excess of State standards.

16.146.020 - Noise Sensitive Uses

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

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

ANALYSIS: The mixed-use building will feature ground floor office and commercial space with residential living above. The ground floor spaces are likely to be occupied by small businesses such as professional offices, beauty services, and retail with limited

noise, odor, vibration, and light impacts to surrounding property. Proof of compliance with OAR 340-35-035 is not required at this time. Since the site is surrounded by commercial zoning in all directions, section (020) above does not apply.

FINDING: This standard is met.

Chapter 16.148 - Vibrations

16.148.010 - Vibrations

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

ANALYSIS: The mixed-use building will feature ground floor office and commercial space with residential living above. The ground floor spaces are likely to be occupied by small businesses such as professional offices, beauty services, and retail with limited noise, odor, vibration, and light impacts to surrounding property.

FINDING: This standard is met.

Chapter 16.150 - Air Quality

16.150.010 – Air Quality

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

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

ANALYSIS: The mixed-use building will feature ground floor office and commercial space with residential living above. The ground floor spaces are likely to be occupied by small businesses such as professional offices, beauty services, and retail with limited noise, odor, vibration, and light impacts to surrounding property.

FINDING: This standard is met.

Chapter 16.152 - Odors

16.152.010 - Odors

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

ANALYSIS: The mixed-use building will feature ground floor office and commercial space with residential living above. The ground floor spaces are likely to be occupied by small businesses such as professional offices, beauty services, and retail with limited noise, odor, vibration, and light impacts to surrounding property.

FINDING: This standard is met.

Chapter 16.154 - Heat and Glare

16.154.010 – Heat and Glare

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

ANALYSIS: The mixed-use building will feature ground floor office and commercial space with residential living above. The ground floor spaces are likely to be occupied by small businesses such as professional offices, beauty services, and retail with limited noise, odor, vibration, and light impacts to surrounding property.

The applicant's narrative states that exterior lighting will be limited to typical residential style porch lighting at the front and rear doors of each unit. The lights will be directed away from adjoining properties and will not cause glare or lights to shine off-site in excess of one-half foot candle.

FINDING: This standard is met.

Chapter 16.156 - Energy Conservation

16.156.020 Standards

- A. Building Orientation - The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the**

hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.

- B. Wind - The cooling effects of prevailing summer breezes and shading vegetation shall be accounted for in site design. The extent solar access to adjacent sites is not impaired vegetation shall be used to moderate prevailing winter wind on the site.**

ANALYSIS: The applicant's narrative the proposed development has been designed to occupy the entire subject site, maximizing exposure to the sun along the southern exposure.

FINDING: This standard is met.

IV. 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, staff recommends approval of application LU 2021-005 SP / LA Pine St. Live Work 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. The land use approval shall be void after two (2) years from the date of the Notice of Decision unless construction on the site has begun, as determined by the City.
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. Retaining walls within public easements or the public right-of-way shall require engineering approval.
8. Any departure from approved plans not authorized by the Hearing Authority shall be cause for revocation of applicable building and occupancy permits.
9. The developer shall comply with conditions described in the CWS Memorandum dated May 25, 2021 and all applicable CWS Design and Construction Standards (R&O 19-5).
10. The roll carts provided for waste and recycling shall be stored within the garage of each unit. The roll carts shall be placed curbside on 2nd St. or Pine St. for collection.
11. Prior to Issuance of an Engineering Compliance Agreement, final engineering plan approval by the Engineering Department is required.
12. Per City of Sherwood standards, all new utilities shall be placed underground.

B. Prior to Final Site Plan Approval

1. Prior to Final Site Plan approval, show the required clear vision areas in conformance with SZCDC § 16.58.010. Clear vision areas shall include the intersections of SW Pine St. and SW 2nd St., SW Pine St. and the public alley, and SW 2nd St. and the private driveway, except where impacted by the primary building.
2. Prior to Final Site Plan approval, show new fences and walls on the plans. New fences and walls shall comply with SZCDC § 16.58.020
3. Prior to Final Site Plan approval, the applicant shall provide draft Covenants, Conditions, and Restrictions (CC&Rs) that address common areas in the development. The final CC&Rs shall be recorded with the condominium plat.
4. Prior to Final Site Plan approval, provide details on the type of bike racks proposed for the public sidewalk along SW Pine St. The bicycle parking shall be installed in accordance with SZCDC § 16.94.020(C)(2) including a space 2x6' for each bicycle.
5. Prior to Final Site Plan approval, provide a street tree planting plan in conformance with SZCDC § 16.142.060.
6. Prior to Final Site Plan approval, the applicant shall provide revised 2nd St. elevation drawings that add articulation and architectural detail to the façade. The treatments shall be compatible with the primary Pine St. façade.

C. Prior to Approval of the Engineering Public Improvement Plans

1. Prior to final engineering plan approval, the proposed development shall design the curblin fronting SW 2nd Street for being reconstructed and relocated 1.5-feet south, so that face of curb shall be 14-feet from the centerline of the SW 2nd Street right-of-way.
2. Prior to final engineering plan approval, the proposed development shall design the existing pavement fronting SW 2nd Street for being removed and replaced with asphalt section meeting City standard, up to a half-street width (14-feet).

3. Prior to final engineering plan approval, the proposed development shall design the installation of two ADA ramps at the southern corner of the intersection of SW 2nd Street and SW Pine Street, in accordance with City Engineering Standards.
4. Prior to final engineering plan approval, sidewalk along SW 2nd Street shall be designed to meet City Engineering Standards, and the sidewalk along SW Pine Street shall be designed to meet City Engineering Standards for a curb-tight sidewalk.
5. Prior to engineering plan approval, the proposed development shall design to provide a sanitary sewer service lateral for the development, which shall connect to the public sanitary sewer mainline located within the public alley. The connection to the public sanitary mainline shall be in conformance with City engineering standards.
6. Prior to engineering plan approval, the proposed development shall receive confirmation of water service lateral, meter set, and backflow assembly sizes and locations from Public Works.
7. Prior to engineering plan approval, the proposed development shall design to provide a domestic water service with backflow prevention and fire service as necessary for the development, which shall connect to the public water mainline located within SW Pine Street. The connection to the public water mainline shall be in conformance with City engineering standards.
8. Prior to engineering plan approval, the proposed development shall design to provide a storm sewer service lateral for the development, which shall connect to the public storm sewer mainline located within SW 2nd Street. The connection to the public storm mainline shall be in conformance with City engineering standards.
9. Prior to final engineering plan approval, the proposed development shall either design for providing on-site water quality facility and/or hydro-modification facility meeting Clean Water Services standards. A payment fee in lieu of construction may be made in place of construction of an onsite facility if approved by City of Sherwood and Clean Water Services. A payment fee in lieu of constructing a hydro-modification facility for off-site new/non-maintenance modified impervious area is required.
10. Prior to final engineering plan approval, a stormwater connection permit shall be obtained from CWS.
11. Prior to engineering plan approval, the proposed development shall design to provide Sherwood Broadband utilities (vaults and conduit) along the subject property's frontage of SW 2nd Street and SW Pine Street per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074.

D. Prior to Issuance of a Grading Permit

1. Prior to issuance of a Grading Permit from the Building Department, receive review and approval from the Engineering Department of grading and erosion and sediment control plans for the project.

E. Prior to Issuance of Building Permits

1. Prior to issuance of any building permits, the developer shall execute an Engineering Compliance Agreement for the public improvements related to the project.

F. Prior to Acceptance of Public Improvements

1. Prior to Acceptance of the public improvements, a Private Stormwater Facility Access and Maintenance Covenant meeting City of Sherwood standards shall be recorded at Washington County for any on-site water quality/hydro-modification facilities.
2. Prior to Acceptance of the public improvements, an O&M Plan meeting City of Sherwood standards shall be provided to the city.
3. Prior to Acceptance of the public improvements, the overhead utility lines along SW 2nd Street and the adjacent alley shall be relocated to be underground.

G. Prior to Receiving Occupancy

1. Prior to Final Occupancy, the site shall provide clear vision areas in conformance with SZCDC § 16.58.010. Clear vision areas shall include the intersections of SW Pine St. and SW 2nd St., SW Pine St. and the public alley, and SW 2nd St. and the private driveway, except where impacted by the primary building.
2. Prior to Final Occupancy, new fences and walls located on the site shall comply with SZCDC § 16.58.020.
3. Prior to Final Occupancy, four (4) short-term bicycle parking shall be installed within the public sidewalk along SW Pine St. The bicycle parking shall be installed in accordance with SZCDC § 16.94.020(C)(2) including a space 2x6' for each bicycle.
4. Prior to Grant of Occupancy the development shall either construct full width alley improvements along the subject property frontage meeting the approval of the City of Sherwood Engineering Department or pay a fee in-lieu-of construction fee equal to 125% of the construction cost of half the alley pavement section meeting City engineering standards. The applicant shall provide the City Engineer with a construction cost estimate prepared by a registered Civil Engineer registered in the State of Oregon, for review and approval.
5. Prior to Grant of Occupancy, any private sanitary sewer piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.
6. Prior to Grant of Occupancy, any private water piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.
7. Prior to Grant of Occupancy, any private stormwater piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.
8. Prior to Receiving Occupancy, the site shall comply all applicable with the Tualatin Valley Fire & Rescue comments dated May 7, 2021, and receive final approval from the fire department.

9. Prior to Grant of Occupancy, final acceptance of the constructed public improvements shall be obtained from the Engineering Department.
10. Prior to Final Occupancy, street trees shall be installed in conformance with SZCDC § 16.142.060.

V. EXHIBITS*

- A. Applicant Submittal**
 1. Application Form
 2. Written Narrative
 3. Pre-Application Notes
 4. Neighborhood Meeting Information
 5. Mailing Label Information
 6. Clean Water Services Pre-Screen Site Assessment Form
 7. Preliminary Storm Drainage Report
 8. Tax Map
 9. Title Report
 10. Building / Elevation Plans
 11. Preliminary Engineering Plan
- B. Agency Comments**
 1. City of Sherwood Engineering Department
 2. Tualatin Valley Fire and Rescue
 3. Clean Water Services
 4. Pride Disposal
- C. Supporting Material**
 1. Site Map
 2. Zoning Map
- D. 1. Public Testimony from Tim Allred (16044 SW 2nd St.)**

**The complete application materials are available in the paper project file at City Hall.*