

CITY OF SHERWOOD
May 17, 2022
REVISED PLANNING COMMISSION STAFF REPORT
Previous versions 9/7/21 and 1/14/22



Cedar Creek Plaza Multifamily
Major Modification to an Approved Site Plan
LU 2021-009 MM

To: City of Sherwood Planning Commission

From: Eric Rutledge, Associate Planner 

Pre-App Meeting: February 18, 2021
App. Submitted: May 5, 2021
App. Complete: August 3, 2021
Continued Hearing Dates: September 14 / October 12 / December 14, 2021 /
January 25, 2022 / March 22, 2022
Hearing Date: May 24, 2022
120-Day Deadline: August 3, 2022

PROPOSAL: The applicant is proposing a Major Modification to an Approved Site Plan for a new 3-story, 67-unit multi-family building located in the Cedar Creek Plaza Shopping Center. The building will be located on an existing vacant lot within the commercial center, identified as Tax Lot 2S130DA02200. In order to meet the minimum lot area requirements for the 67-unit building, the applicant is proposing to utilize the residential lot area entitlements from Tax Lot 2S130DA02700 within the commercial center. The units will be for rent and include 10 studio, 63 one-bedroom, and 11 two-bedroom units. Amenities including an outdoor pet area, central courtyard, covered patio, and bike storage are proposed. A total of 90 new vehicle parking stalls are proposed for a total of 596 stalls within the Cedar Creek Plaza center. Access to the site is proposed from the existing driveways along SW Edy Rd. and Hwy 99W. The original Site Plan approval for the Cedar Creek Plaza Shopping Center was issued under Land Use Case File SP 16-10 / CUP 16-06 / VAR 17-01.

REVISED PROPOSAL: The applicant submitted a revised application on March 21, 2022 that removed Lot 3 from the application and reduced the number of proposed units in the building from 84 to 67. Under the revised proposal, the site plan and building plan will remain the same but portions of the building will be reduced in height to account for the reduction in units. Revised architectural drawings, parking calculations, and traffic analysis were provided by the applicant. The revised application was re-routed to

affected agencies for comment and the staff recommendation, findings, and conditions of approval have been updated based on the revised proposal.

STAFF RECOMMENDATION: Based upon review of the applicant’s submittal, review of the applicable code, and agency comments, staff finds that the proposed Major Modification does not comply with the required standards and approval criteria, specifically **SZCDC § 16.12.030, 16.22.020 and 16.90.020(D)(1)**, and cannot be reasonably conditioned to comply.

Therefore, staff recommends denial of LU 2021-009 MM and adoption of the findings of non-compliance for SZCDC § 16.12.030, 16.22.020 and 16.90.020(D)(1).

However, if the commission determines the applicant has satisfied requirements of **SZCDC § 16.12.030, 16.22.020 and 16.90.020(D)(1)**, the commission can revise the findings for these sections and approve the application for the 67-unit proposal. The remaining findings of compliance and the Conditions of Approval below will allow the development to move forward under applicable City policy and development standards including building, engineering, and planning requirements.

As an additional alternative, the applicant may choose to revise the application to remove Lot 7 and propose 46-units or less on Lot 2. Under this scenario the applicant would also need revise the Commercial Design Review Matrix findings under SZCDC § 16.90.020(D) to show compliance with the applicable building design standards. This assumes the building footprint and site plan will remain the same. The revised proposal at 46-units or less would need to be approved by the Planning Commission at its June 14, 2022 meeting or earlier to stay within the current 120-day deadline.

I. BACKGROUND

A. Applicant: Deacon Development, LLC
901 NE Glisan St., Suite 100
Portland, OR 97232

Owner: DD Sherwood Two, LLC.
TL 2200 901 NE Glisan St., Suite 100
Portland, OR 97232

Owner: DD Sherwood One, LLC.
TL 2700 901 NE Glisan St., Suite 100
Portland, OR 97232

B. Location: 16840 and 16864 SW Edy Rd. (Tax Lots 2S130DA2700 and 2200). West corner of Hwy 99W and SW Edy Rd. (Cedar Creek Plaza)

- C. Current Zoning: Retail Commercial (RC)
- D. Review Type: Type IV Major Modification
- E. 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 August 25, 2021, January 5, 2022, and May 4, 2022. Newspaper notice was also provided in a newspaper of local circulation on August 19, 2021, September 9, 2021, December 30, 2021, January 20, 2022, May 5, 2022 and May 19, 2022. The application was re-noticed in January 2022 in order to update the hearing procedure and participation requirements pursuant to House Bill 2560. The application was re-noticed in May 2022 in response to the revised application.
- F. Review Criteria: Sherwood Zoning and Community Development Code (SZCDC) Chapter 16.12 Residential Land Use Districts; Chapter 16.22 Commercial Land Use Districts; Chapter 16.50 Accessory Structures, Architectural Features and Decks; Chapter 16.58 Clear Vision and Fence Standards; Chapter 16.60 Yard Requirements; 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
- G. History and Background: The Sherwood Providence Medical Plaza received Site Plan approval from the City in 2004 for a 42,000 SF medical office building (SP 04-04). In 2017 the medical center property and two other adjacent properties were redeveloped to create the Cedar Creek Plaza Shopping Center (Exhibit GG - SP 16-10 / CUP 16-06 / VAR 17-01). The resulting development was 13.17-acres and contained three commercial lots owned by Quarto LLC, Providence Health & Services – Oregon, and DD Sherwood One LLC (Deacon Development). The Quarto property is now occupied by The Ackerly Senior Living, the Providence property is occupied by Providence, and the Deacon property is occupied

by various commercial tenants. A lot line adjustment was approved to reconfigure the three lots in 2017 (Exhibit HH – LLA 17-02). The 6.38-acre Deacon property was subdivided in 2017 (Exhibit II - SUB 17-02) into seven (7) new commercial lots known as the Cedar Creek Plaza subdivision (Exhibit BB). Five of the seven lots in the Cedar Creek Plaza subdivision have been sold to new owners, with Deacon Development retaining ownership of two lots (Lots 2 and 7). Deacon Development is now proposing a new 67-unit multi-family building on Lot 2 of the Cedar Creek Plaza subdivision, utilizing residential lot area entitlements from Lots 2 and 7 to achieve the required minimum lot size requirements. Lot 2 is currently vacant while Lot 7 is improved with commercial buildings, parking, and landscaping.

- H. Existing Conditions: Cedar Creek Plaza is an existing 13.17-acre commercial shopping center with a variety of commercial buildings and uses. The development includes a 42,000 SF medical office building, 138 room senior care facility, and 47,500 SF of mixed commercial uses including retail, fitness, and restaurant. The commercial center contains eight (8) buildings, 506 parking stalls, vehicle and pedestrian ways, landscaping, and underground utilities. Access to development is provided via a fully signalized intersection at SW Borchers Rd. / SW Edy Rd. and a right-in only driveway from Hwy 99W. The proposed multifamily building will be located on Lot 2 of the Cedar Creek Plaza subdivision which is currently vacant.

Tax Lot 2200 (1.73 AC) – vacant, two parking stalls at west corner
Tax Lot 2700 (0.70 AC) – commercial building, 33 parking stalls

- I. Surrounding Land Uses: The site abuts two public streets including SW Edy Rd. to the north and Hwy 99W to the south. The zoning to the north is Retail Commercial (RC) and Medium Density Residential High (MDRH), to the south / southeast is General Commercial (GC), and to the west is High Density Residential with a Planned Unit Development Overlay (HDR-PUD).

II. AFFECTED AGENCY AND PUBLIC COMMENTS

- A. Notice of the application was sent to affected agencies via email on August 16, 2021 and April 26, 2022. The following responses were received:

1. City of Sherwood Engineering Department provided revised comments dated April 29, 2022 (Exhibit T) and an Internal Memorandum dated December 6, 2021 (Exhibit TT). The comments address traffic and transportation, public utilities (water, sanitary sewer, storm water), and other engineering requirements. The comments and Conditions of Approval are incorporated throughout the report under each applicable code section. The Internal Memorandum provides analysis on the expected trip generation demand of the previously proposed 84-unit apartment building (proposal now for 67-units) versus a 94-room hotel. The analysis concludes the AM peak hour, PM peak hour, and average daily trips will with the proposed apartment building than the previously proposed hotel.
 - a. Revised comments were received and are included as Exhibit T.
2. City of Sherwood Police Department provided comments dated August 17, 2021 (Exhibit U). The comments express concern regarding parking management and enforcement, noise and privacy between the existing neighborhood and proposed development, and traffic congestion at SW Edy Rd. and SW Borchers Drive. The comments conclude that police services and responses will increase as a result of the development.
 - a. Revised comments were not received.
3. Washington County Land Use and Transportation provided comments dated August 27, 2021 (Exhibit V). The comments state the County concurs with the Trip Generation Memo provided by the applicant.
 - a. Revised comments were not received.
4. Tualatin Valley Fire and Rescue provided comments during the completeness review process which are dated May 7, 2021 (Exhibit W). The comments are in regard to fire hydrants, water supply, and fire apparatus access. Final compliance with the fire marshal's letter and all fire code regulations is required as a condition of approval.
 - a. Revised comments were not received.
5. The Oregon Department of Transportation provided comments dated May 21, 2021 (Exhibit X). The comments state no significant impacts to the state highway will occur as a result of the development. The anticipated traffic trips generated by the multi-family building is lower than the traffic trips generated by the hotel that was assumed in the original Transportation Impact Analysis (TIA).
 - a. Revised comments were not received.
6. Clean Water Services provided a memorandum dated August 31, 2021 (Exhibit Y). The memorandum provides Conditions of Approvals related to CWS regulations for stormwater and erosion control. The applicant has provided also a Sensitive Area Pre-Screening Site

Assessment (Exhibit N) that indicates a no site assessment or service provider letter is required.

- a. Revised comments were not received.
 7. Pride Disposal Company – Pride Disposal provided comments dated August 30, 2021 (Exhibit Z). The applicant is required to comply with Pride Disposal standards for trash enclosure design and vehicle access.
 - a. Revised comments were not received.
 8. The Oregon Department of Transportation Outdoor Advertising Sign Program provided comment dated August 17, 2021 (Exhibit AA). The comments referred the property owner and developer to the Oregon Revised Statutes (ORS) Chapter 377 regarding signage visible to a state highway for any future signs on the property.
 - a. Revised comments were not received.
- B. Notice of the application was provided in accordance with SZCDC § 16.72 for a Type IV hearing. The following public testimony was received:

1. Harold Cox submitted testimony dated August 31, 2021 and December 3, 2021 (Exhibit LL - 16852 SW Edy Rd.) – Mr. Cox owns Lot 1 of the Cedar Creek Plaza subdivision which is currently occupied by Planet Fitness. The testimony states Mr. Cox is opposed to the Major Modification because the developer represented that Lot 2 would be developed with a compatible commercial use. The testimony expresses concern over the development's potential to reduce property values in the commercial center and impact loans which are based on the current CC&R's.

The comments also raise concerns about the actual number of existing parking stalls compared to what is stated in the staff report and application, the restrictions on parking stated in the CC&R's, the parking study created by Kittelson and Associates, the City's parking ratios, and the application procedures for a Major Modification,

Staff Response: The proposed multi-family residential use is permitted in the Retail Commercial zone. The impact of property values as a result of any new development is not an applicable development code standard or approval criteria.

Staff concurs with Mr. Cox that the actual number of existing parking stalls on the site is different than described in the applicant's original submittal. To clarify the number of parking stalls within the Cedar Creek Plaza development, staff conducted its own analysis using GIS and a web service called CONNECTExplorer. Exhibit QQ shows the

actual number of parking stalls on the site. The number of existing parking stalls is 506. The applicant is proposing an additional 90 parking stalls on Lot 2 for a total of 596 proposed parking stalls within the entire Cedar Creek Plaza development. The applicant's revised Narrative (Exhibit S) and revised Final Parking Study (Exhibit UU) incorporate the corrected parking counts provided by staff.

The comment also raises a concern regarding the City approving a Major Modification which proposes something different than what was anticipated or represented at the time of the original land use approval. While Lot 2 was not a part of the original land use approval, a Major Modification is being pursued because the original approval met the City's development code through a shared approach to parking, landscaping, and vehicle access and circulation, etc. In order to receive approval for the Major Modification, the applicant is required to show how all of the applicable development code standards and approval criteria have been met including for public improvements, traffic, parking, and loading.

2. Mark Light submitted testimony dated September 1, 2021, September 19, 2021, October 6, 2021, January 13, 2022, March 31, 2022, and April 24, 2022 (Exhibit JJ / AM / AO – 17117 SW Robinwood Place) - Mr. Light lives in the adjacent townhomes to the south/west of the proposed development. The testimony raises issues with the development as it relates to egress, carbon footprint, logistical concerns with regard to fire access and public safety, and general inconveniences to the surrounding residents as a result of the development.

The comments also raise concern about the compatibility of the proposed multi-family building with the CC&R's recorded against the Deacon tract in 2019. The comments state that CC&R's state the development is intended to be a commercial use and that prohibited uses include any of those which are objectionable to the development as a high quality retail and/or commercial center. The comments also raise concerns related to traffic assumptions, trash, and ownership type of the new units.

The comments also raise concerns about the number of new parking stalls needed to accommodate the proposed development and indicates the applicant's Parking Study is not accurate based on a site visit and photos completed Mr. Light.

Staff Response: The proposed multi-family building will be located in an existing commercial center with approved egress at the fully signalized intersection of SW Edy Rd. and SW Borchers Dr. The development complies with the Energy Conservation, Noise, Odor, and other environmental impact standards in SZCDC § 16.146 - .156, as discussed in this report. The development will also be required to meet fire access requirements prior to receiving occupancy, per Condition of Approval G11.

The proposed multi-family residential use is permitted in the Retail Commercial zone, subject to the dimensional requirements of the High Density Residential zone. The City is not responsible for interpreting, implementing, or enforcing the CC&Rs and cannot adjudicate many of the specific issues raised. The City can only consider the existing and proposed private agreements as they relate to specific development code standards and approval criteria. The sections of the development code that require evidence of private agreements are addressed in this report under each applicable section.

Specifically, the findings and conditions of approval in the following sections demonstrate the application conforms to the required development regulations under each section:

- SZCDC § 16.106.080 Traffic Impact Analysis
- SZCDC § 16.94 Off-Street Parking and Loading
- SZCDC § 16.116 Fire Protection

As discussed in this report, the application has not demonstrated compliance with all applicable standards and approval criteria in the following sections:

- SZCDC § 16.90 Site Planning
- SZCDC § 16.12 Residential Land Use Districts
- SZCDC § 16.22 Commercial Land Use Districts

The testimony also raises concern about the number of parking stalls provided and the parking ratio proposed by the developer. As demonstrated in the applicant's Revised Final Parking Study (Exhibit UU) and this staff report, the applicant has demonstrated compliance with the City's minimum parking requirements in SZCDC § 16.94. The testimony from Mr. Light does not address specific parking standards in the City's code and how the minimum requirements have not been satisfied.

3. Bruce Bebb provided testimony dated September 6, 2021 (Exhibit LL – 21233 SW Houston Drive) – Mr. Bebb lives in the adjacent residential neighborhood to the west of the proposed development. The testimony is in opposition to the application and raises concern about traffic at the intersection of SW Borchers Rd. and SW Edy Rd. During both the rush hours (AM / PM) and sometimes mid-day, the intersection is blocked with traffic heading east on Edy Rd. towards Hwy 99W.

Staff Response: The original land use application for Cedar Creek Plaza development included a Transportation Impact Analysis (TIA) for the entire commercial center including Lot 2. The TIA assumed that Lot 2 would be developed with a 94-room hotel generating 768 daily trips. The applicant has provided a Revised Trip Update Letter (Exhibit L) that shows the daily trips generated by the 67-unit multi-family building is 452. Therefore, at build-out of Lot 2, the proposed 67-unit residential building will result in a reduction of 316 daily trips compared to the 94-room hotel. Agency comments provided by the Oregon Department of Transportation (Exhibit X), Washington County Land Use & Transportation (Exhibit V), and City of Sherwood Engineering (Exhibit T and TT) concur with the trip generation report provided by the applicant.

4. Julia Light provided testimony dated September 21, 2021 (Exhibit KK) 17117 SW Robinwood Place) - Ms. Light lives in the adjacent townhomes to the south/west of the proposed development. The testimony raises concerns related to traffic, moving trucks, emergency vehicle access, vehicle emissions, trash, pets, architectural design, and the rental nature of apartments.

Staff Response: The Sherwood Zoning and Community Development Code covers many of the topics raised as concerns including traffic, loading, emergency vehicle access, waste, building design, and land use. Issues raised that are not requirements of development cannot be considered (e.g. residents leaving the property to walk dogs on public property in the Maderia neighborhood). Outside agencies including Pride Disposal, Tualatin Valley Fire and Rescue, and the Oregon Department of Transportation have all reviewed and provided comment on the application.

The findings and conditions of approval in the following sections demonstrate the application conforms to the required development regulations under each section:

- SZCDC § 16.106.080 Traffic Impact Analysis
- SZCDC § 16.94 Off-Street Parking and Loading
- SZCDC § 16.116 Fire Protection

As discussed in this report, the application has not demonstrated compliance with all applicable standards and approval criteria in the following sections:

- SZCDC § 16.90 Site Planning
- SZCDC § 16.12 Residential Land Use Districts
- SZCDC § 16.22 Commercial Land Use Districts

5. Bob Barman provided testimony dated December 3, 2021 (Exhibit OO) – 16826 SW Edy Rd, Suite 137) - Mr. Barman owns the Hops n Drops property located in the Cedar Creek Plaza development and the testimony is in opposition to the proposed development. The comments state that a hotel was originally planned for Lot 2 and that a hotel was clearly represented to Planning Commission during the original hearing in May 2017. The testimony also raises concerns about the traffic assumptions and parking study and concludes the development will result in spill over impacts to the adjacent residential neighborhood.

Staff Response: Mr. Barman is correct that the owner and developer of Lot 2 intended to construct a hotel on the property, however, the City did not approve any development for Lot 2 in the 2017 approval. In order to provide a complete picture of the final traffic counts for the commercial center, the applicant included traffic counts and implemented traffic mitigation measures for a 94-room hotel. Under this approach the developer was able to identify all of the required traffic mitigation measure for the entire development upfront, instead of re-studying and potentially re-constructing recently completed road improvements. The applicant has provided an updated trip analysis for Lot 2 (Exhibit L) that indicates the apartment project will result in less daily trips than the previously proposed hotel. Regarding the parking impacts and potential spillover to adjacent neighborhoods, the applicant has provided a Revised Final Parking Study (Exhibit UU) that demonstrates the City's minimum parking requirements have been satisfied. The testimony provided by Mr. Barman does not

specify how the City's minimum parking requirements in SZCDC § 16.94 have not been satisfied.

6. Chris Koback provided testimony dated December 3, 2021, December 7, 2021, and February 21, 2022 (Exhibit NN / AJ – 1331 NW Lovejoy St., Suite 950) - Mr. Koback represents three property owners in the Cedar Creek Plaza center. The testimony is in opposition to the application and expresses concern that residential apartments are not a permitted use, that the proposal does not meet off-street parking requirements, and that the proposed parking is not on the lot or development as the residential use.

The testimony states that as part of the original 2017 approval the City placed a Condition of Approval on the application that Lot 2 be developed with a hotel and that the current application is proposing to remove that condition without addressing the required criteria.

Staff Response: Many of the issues raised by Mr. Koback are related to interpreting the CC&R's that bind the private parties in the commercial center. The City is not responsible for interpreting, implementing, or enforcing the CC&Rs and cannot adjudicate many of the specific issues raised. The City can only consider the existing and proposed private agreements as they relate to specific development code standards and approval criteria. The sections of the development code that require evidence of private agreements are addressed in this report under each applicable section.

Off-Street Parking Requirements

SZCDC § 16.94.010(E)(1) requires residential off-street parking to be located on the "same lot or development" as the residential use. Mr. Koback's testimony states that the word "development" is not defined in the context of this code section and application, and in this instance the City should define development as "Lot 2". Mr. Koback's argument ignores other sections of the parking code that clearly permit residential uses to share parking with other uses including those on other lots and in other developments. The narrow definition proposed in the testimony does not take into account the parking rights in the CCRs related to shared parking on adjacent lots. If the City agreed with the analysis in Mr. Koback's testimony, the City's findings related to parking would be in conflict with other portions of the City's development code that permit shared parking.

Mr. Koback's testimony also argues that the proposed multi-family building requires 92 additional spaces that are not located on the Deacon Tract. To support this argument the testimony states the Deacon Tract is currently lacking 51 stalls based on the existing uses and required parking minimums. This approach assumes that all users of the Deacon Tract including commercial customers are required to park on the Tract. The 2017 CC&Rs allow shared parking across all three Tracts for customers and guests. Because customers and guests of the Deacon Tract can park on the other two Tracts, the calculations provided in the testimony are incomplete and inaccurate.

Mr. Koback's testimony also argues that by approving the application, the Ackerly's Conditional Use permit for an assisted living facility may fall out of compliance because the original application stated the facility would host approximately 85-90 employees. While the application did make this statement, the application also provided a letter clarifying the demand for parking for the assisted living use specifically to determine parking requirements under the code. The letter (Exhibit RR) states approximately half of the 98 stalls would be used for residents and the other half would be split between employees and guests. This evidence was accepted by the City at the time of the original approval in order to determine minimum parking requirements.

Finally, Mr. Koback's testimony raises the fact that employees are required to park on the Tract which they are associated based on the parking restrictions in the 2017 CCRs. The first staff report released on the application did specifically raise this issue. Staff agrees that the CC&R's provide clear restrictions for employee parking. The applicant has provided a revised, Revised Final Parking Study dated February 9, 2022 that takes into account all of the restrictions in the 2017 and 2019 CCRs, including those for employees. Staff concurs with the conclusions of the Final Parking Study that the City's minimum parking requirements have been met.

The second piece of testimony from Mr. Koback raises concern about a specific Condition of Approval related to a hotel use being changed by the Major Modification application but does not specify which Condition of Approval from SP 16-10 is being changed. The application is going through the Major Modification review process which permits changes to the original approval and any specific Conditions of Approval placed on the application including those related to use, traffic, and parking. The applicant narrative and staff

report address all of the Major Modification criteria and find the approval criteria have been met.

8. Richard Jaffe (Exhibit PP) – Mr. Jaffe owns Lot 5 of the Cedar Creek Plaza subdivision where IHOP and Sherwood Eye Health are located. The testimony raises concern about the amount of parking being provided by Lot 2 and the potential impact to customer parking. Mr. Jaffe states up to two (2) stalls should be required per unit.

Staff Response: The comment raises concern about the amount of parking being proposed on Lot 2 and suggests a minimum parking standards per unit. The City’s Development Code contains clear minimum parking standards that all applicant’s are required to comply with. The applicant has provided a Final Parking Study (Exhibit UU) that demonstrates how the Cedar Creek Plaza development will meet the City’s applicable parking code requirements. The testimony from Mr. Jaffe does not address specific parking standards in the City’s code and how the minimum requirements have not been satisfied.

III. APPLICABLE CODE PROVISIONS

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

Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS

16.22.010 – Purpose

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

16.22.020 - Uses

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

of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.

- D. Additional limitations for specific uses are identified in the footnotes of this table.

***(*Abbreviated table*)

Uses	RC Zone
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, 3}	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.

³ Except in the Adams Avenue Concept Plan area, where only non-residential uses are permitted on the ground floor.

ANALYSIS: The applicant is proposing a new 67-unit multifamily building in the Retail Commercial (RC) zone. Multifamily housing is a permitted use in the zone, subject to the dimensional requirements of the High Density Residential (HDR) zone when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.

The multifamily building will be located on Lot 2 of the Cedar Creek Plaza subdivision (Exhibit BB) which is located behind the existing commercial buildings in the Cedar Creek Plaza development. As shown in the applicant’s Aerial-Vicinity Map (Exhibit B), the proposed residential building will be screened from SW Edy Rd. and Hwy 99W by one or more commercial buildings including the Providence medical office building at the corner.

Because the commercial use table references § 16.12.030 as setting forth “Dimensional Standards”, as contrasted with the “density standards” as articulated in § 16.12.010, all of the development standards included under § 16.12.030 apply to multifamily housing in the RC zone. As part of the amended application, the applicant concedes that § 16.12.030 is applicable.

FINDING: The commercial use table requires multi-family housing in the Retail Commercial zone to meet the dimensional requirements in SZCDC § 16.12.030. The application has not demonstrated compliance with the dimensional standards in SZCDC § 16.12.030 and this standard is not met.

16.12.030 - Residential Land Use Development Standards

A. Generally

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

B. Development Standards

Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas) Chapter 16.44 (Townhomes), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.

C. Development Standards per Residential Zone

Development Standard	HDR
Minimum lot area (multifamily, first 2 units)	8,000 SF
Minimum lot area (multifamily, each additional unit after first 2)	1,500 SF
Minimum Lot width at front property line	25 ft.
Minimum Lot width at building line ^[1] (multifamily)	60 ft.
Lot depth	80 ft.
Maximum Height ^[2]	40 or 3 stories
Front yard setback ^[4]	14
Interior side yard (multifamily, over 24 ft. height)	§ 16.68 infill
Rear yard	20

¹Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard.

²Maximum height is the lesser of feet or stories

³Some accessory structures, such as chimneys, stacks, water towers, radio or television antennas, etc. may exceed these height limits with a conditional use permit, per Chapter 16.62 (Chimneys, Spires, Antennas and Similar Structures).

⁴Reductions in front yard setbacks for architectural features as described in 16.50.050 are not permitted in the MDRL, MDRH, or HDR zoning districts.

ANALYSIS: The applicant is proposing a 67-unit multifamily building to be located on Lot 2 of the Cedar Creek Plaza subdivision. The applicant is proposing to meet the minimum lot area by including Lots 2 and 7 of the Cedar Creek Plaza subdivision (Tax Lots 2S130DA2200 and 2700) in the lot area calculations. The applicant’s revised narrative (Exhibit S, p. 11) references the City’s definition of “lot” in SZCDC § 16.10 in support of utilizing more than 1 lot to achieve the minimum lot area. The definition is included below for reference.

SZCDC 16.10 Definitions

Lot: A parcel of land of at least sufficient size to meet the minimum zoning requirements of this Code, and with frontage on a public street, or easement approved by the City. A lot may be:

- A. A single lot of record; or a combination of complete lots of record, or complete lots of record and portions of other lots of record.*
- B. A parcel of land described by metes and bounds; provided that for a subdivision or partition, the parcel shall be approved in accordance with this Code.*

While the definition of “lot” may allow “a combination of complete lots of record” to be defined as a lot¹, when this definition is read in the context of the City’s code, it is clear that those lots would need to be contiguous and undeveloped—which is not the case for Lots 2 and 7.

Moreover, the definition of “lot” is not controlling. The more specific and applicable definition of “lot area” is: “The total horizontal area within the lot lines of a lot, exclusive of streets and access easements to other property.” The reference in this definition to “area within the lot lines” is premised on the idea that the area in question would be surrounded by a single set of lot lines.

¹ Note that staff believes that the meaning of the term “parcel” as referenced in the definition of “lot” is similar to the term “tract” as used in ORS 215.010(2), which includes “one or more contiguous lots or parcels under the same ownership.”

Further, the purpose of maintaining minimum development standards is to establish a floor amount of space necessary to accommodate a development. That minimum area is not available if it is not abutting the area slated for development and has otherwise been assigned to and developed for another use. If the applicant is able to borrow lot area from other developed, non-contiguous parcels, it could do so again and again, frustrating the minimums required by code.

Additionally, the definition of “lot” also requires a lot to be “a parcel of land”. Lots 2 and Lot 7 of the Cedar Creek Plaza subdivision are not a parcel of land because they are not contiguous and do not form a single polygon that could be described through a singular metes and bounds description as a single parcel. As shown in Exhibit EE, Lot 2 is located at the north corner of the subdivision while lot 7 is located at the southern corner of the subdivision and developed commercial center. Lots 2 and 7 do not form a singular parcel of land because they are separated by 3 different lots under separate ownership.

If, as the applicant claims, “lot” includes both Lots 2 and 7 for purposes of “minimum lot area,” this same “lot” would control for the remainder of the applicable development standards which would not make sense in the case of non-contiguous lots. For example, the minimum lot width requirements cannot be achieved by proposing development on a 10’ wide lot of record but borrowing an addition 15’ from a commonly owned lot located on the other side of town. The minimum lot width at the front or from building lines or depth is entirely frustrated if it were construed to apply in the case of non-contiguous lots. The applicant and City cannot choose which dimensional standards to apply when multiple lots are included under the City’s definition of “lot”. Under the applicant’s proposal “minimum lot area” would apply but not the other development standards. Applying such a malleable definition of the term “lot” interjects a value-laden policy judgment which would violate the clear and objective decision-making obligations for needed housing as prescribed by ORS 197.307(4).

Because including Lot 7 solely for purposes of establishing the “minimum lot area” frustrates the City’s obligation to process the application in a clear and objective manner and because lots 2 and 7 cannot be used together to form a single “parcel of land”, the application cannot include Lot 7 to meet the minimum lot area requirements of the zone.

When only using Lot 2 to meet the minimum lot area requirements as the area where development is proposed, a maximum of 46 units are permitted on the vacant lot prior to removing the lot area dedicated for shared access. Per the definition of “lot area”, access easements to other properties are required to be excluded from the final calculations. The application has not removed the access easement on Lot 2 of the Cedar Creek Plaza subdivision from the lot area calculations (Exhibit BB – Sheet 3, Note 4). The size of the easement appears to be approximately 2,000 SF and after

removing this area from the lot area calculations, the final permitted unit count on the property is likely lower than 46 units.

The applicant is proposing 67 units which exceeds the number of units allowed on Lot 2.

Number of Residential Units Permitted Based on Lot Area

Lot	Lot Area	Lot Area Used for Residential Units	Units	Remaining Lot Area Not Used for Residential
Lot 2	75,359 SF*	8,000 SF (first 2 units) 66,000 SF (next 44 units)	46**	1,359 SF

**Includes access easement on Lot 2 of the Cedar Creek Plaza plat that cannot be counted towards the minimum lot area*

***Actual unit count is lower depending on the size of the access easement*

Required and Proposed Development Standards

Development Standard	HDR	Proposed (Lot 2)*
Minimum lot area (multifamily, first 2 units)	8,000 SF	See above
Minimum lot area (multifamily, each additional unit after first 2)	1,500 SF	See above
Minimum Lot width at front property line	25 ft.	294 ft.
Minimum Lot width at building line (multifamily)	60 ft.	294 ft.
Lot depth	80 ft.	245 ft.

Development Standard	HDR	Proposed (Lot 2)*
Maximum Height	40 or 3 stories	3 stories, 36 ft. 5 inches
Front yard setback	14	287 ft. from Hwy 99W
Interior side yard (multifamily, over 24 ft. height)	§ 16.68 infill** Final building height is 36.5 ft., requiring a 11.20 ft. interior side yard setback**	13 ft. (south / west) 56.6 ft. (north / west)
Rear yard	20	68 ft.

**The application does not address dimensional standards for Lot 7*

****16.68.030 - Building Design on Infill Lots**

Structures exceeding twenty four (24) feet in height shall conform to the following standards:

- B. Interior Side Setback and Side Yard Plane. When a structure exceed twenty four (24) feet in height:*
 - 1. The minimum interior side setback is five (5) feet, provided that elevations or portions of elevations exceeding twenty four (24) feet in height shall be setback from interior property line(s) an additional one-half (½) foot for every one (1) foot in height over twenty four (24) feet (see example below)*

36.41 ft. – 24 ft. = 12.41 ft.; 12.41 ft. x 0.5 ft. = 6.20 ft.; 6.20 ft. + 5 ft. = 11.20 ft.

In addition to the residential building, the applicant is proposing carport structures for the rear parking aisle along the west property line. Building permits are required for the accessory structures, as conditioned below.

FINDING: The applicant is proposing a total of 67-units which exceeds the number of units permitted on Lot 2 by a minimum of 21 units. In addition, the applicant has not removed the access easement on Lot 2 from the lot area calculations as required by the definition of “lot area”. The applicant has not been conditioned to lower the unit count based on the analysis above because the design of the site and building may change and the application would need to be revised to show compliance with the applicable standards. This standard is not met.

CONDITION OF APPROVAL A10: The applicant shall obtain building permits for any carports and accessory structures on Lot 2.

16.22.030 - Development Standards (Commercial Land Use Districts)

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 subject lots (2 and 7 of Cedar Creek Plaza subdivision) showed conformance with the applicable development standards of the Retail Commercial zone as part of the Site Plan approval and subsequent subdivision. The proposed development is for a multifamily residential use and the development standards of the HDR zone apply.

FINDING: The proposed multi-family building is subject to the development standards of the HDR zone per the use table in SZCDC § 16.22.020. These standards do not apply.

6.22.040 - Community Design

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

ANALYSIS: The applicable Community Design standards are addressed in this report.

FINDING: The application complies or is conditioned to comply with the applicable Community Design 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 is located at the rear of an existing commercial shopping center. Clear vision areas at public street and driveway intersections were required as part of the original land use approval. No new clear vision areas are required.

FINDING: This standard is met.

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.
- E. 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.
- F. General Conditions—All Fences:**
1. Fences must be structurally sound and maintained in good repair. A fence may not be propped up in any way from the exterior side.
 2. Chain link fencing is not allowed in any required residential front yard setback.
 3. The finished side of the fence must face the street or the neighboring property. This does not preclude finished sides on both sides.
 4. 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.
 5. 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.
 6. Fences and walls cannot be located within or over a public utility easement without an approved right-of-way permit.
 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.

ANALYSIS: The development is proposed on Lot 2 of the Cedar Creek Plaza subdivision and commercial center. A residential townhome development zoned HDR-PUD is located adjacent to Cedar Creek Plaza to the west. As required by subsection (4) above, the applicant has provided a detailed landscape plan (Exhibit G) that shows the existing and proposed buffering between Lot 2 and the townhome development. An existing 6 ft. tall wooden fence and row of evergreen trees is located along the shared property line. Some of the trees are dead and are required to be replaced prior to occupancy per Condition of Approval G4.

A grove of six (6) mature Douglas Fir trees are located at the northern corner of Lot 2. The original site plan approval (SP 16-10 / CUP 16-06 / VAR 17-01) proposed removing the trees with preservation dependent on field verification of the tree trunk location. The trees have not been removed and the updated Landscape Plans (Exhibit G – Sheet L1.00) indicate five (5) of the trees will be preserved while tree “T16” will be removed. The five trees now shown as being preserved will provide a valuable natural buffer between the proposed multi-family building and the existing residential development to the west. The five trees are required to be protected through site development per Condition of Approval A11.

Maintenance of the existing and proposed vegetation is the responsibility of the property owner. The adjacent properties in all other directions are zoned commercial and do not require buffering from each other based on the standard above.

FINDING: This standard is met by Condition of Approval A11 and G4.

Division V. - COMMUNITY DESIGN

Chapter 16.90 – SITE PLANNING

16.90.030 - Site Plan Modifications and Revocation

A. Modifications to Approved Site Plans

1. Major Modifications to Approved Site Plans

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

- (1) A change in land use (i.e. residential to commercial, commercial to industrial, etc.);**
- (2) An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;**
- (3) A change in setbacks or lot coverage by more than ten (10) percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;**

- (4) A change in the type and/or location of access-ways, drives or parking areas negatively affecting off-site traffic or increasing Average Daily Trips (ADT) by more than 100;
- (5) An increase in the floor area or height proposed for non-residential use by more than ten (10) percent;
- (6) A reduction of more than ten (10) percent of the area reserved for common open space; or
- (7) Change to a condition of approval that was specifically applied to this approval (i.e. not a "standard condition"), or a change similar to items identified in Section 16.90.030.A.1.a.(1)—(2) as determined by the Review Authority.

ANALYSIS: The applicant is proposing a new 67-unit multi-family building in the existing Cedar Creek Plaza development. The original land use approval (SP 16-10 / CUP 16-06 / VAR 17-01) did not include a multi-family housing use as identified in the commercial use table under SZCDC § 16.22.020. The 138-assisted living and memory care facility was approved as a “Residential care facility. The proposed 67-units represent an increase in the density in the development by more 10%.”

	Lot Size	Multifamily dwelling units	Density per acre	% Increase in Density
Original approval	13.17 AC	0	0	
Proposed (Cedar Creek Plaza Commercial Center)	13.17 AC	67	5.08	100%
Proposed (Lots 2 and 7 only)	2.43 AC	67	27.57	100%
Lot 2 only	1.73	67	38.72	100%

The proposal does not represent an increase in Average Daily Trips (ADT) by more than 100 because the original TIA for the development assumed a greater daily trip count than the multi-family building will create (Exhibit L – Trip Update Letter).

FINDINGS: The proposed development will increase density on Lots 2, 7, and within the Cedar Creek Plaza center at-large by more than 10%. As such a Major Modification approval is required.

- b. **Approval Criteria. An applicant may request a major modification as follows:**
- (1) **Upon the review authority determining that the proposed modification is a major modification, the applicant must submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The review authority may require other relevant information, as necessary, to evaluate the request.**
 - (2) **The application is subject to the same review procedure (Type II, III or IV), decision making body, and approval criteria used for the initial project approval, except that adding a Conditional Use to an approved Type II project is reviewed using a Type III procedure.**
 - (3) **The scope of review is limited to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification. For example, a request to modify a parking lot requires site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping.**
 - (4) **Notice must be provided in accordance with Chapter 16.72.020.**
 - (5) **The decision maker approves, denies, or approves with conditions an application for major modification based on written findings of the criteria.**

ANALYSIS: The original land use application was processed under the City's Type IV procedure with the Planning Commission as the decision-making body. The proposed Major Modification is being processed as a Type IV application as required by the criteria above. Notice has been provided in accordance with SZCDC § 16.72.020 including mailed notice to property owners within 1,000 ft. of the site. The applicable sections of the City's development code are addressed throughout this report. The proposal meets or is conditioned to meet all of the applicable criteria.

FINDINGS: These criteria are met.

16.90.020 - Site Plan Review

D. Required Findings

No site plan approval will 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 Cedar Creek Plaza commercial center is located in the RC zone and is required to all applicable zoning district and community design standards. The RC zone requires multifamily housing to meet the dimensional requirements of the HDR zone. As discussed in the findings for SZCDC § 16.12.030, the application has not demonstrated compliance with the dimensional standards for the multifamily building.

FINDINGS: This criterion is not 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 Cedar Creek Plaza commercial center was approved in 2016 under SP 16-10 / CUP 16-06 / VAR 17-01. The development has received occupancy from the City of Sherwood and is fully operational including having adequate water, sanitary sewer, storm, solid waste, electric power, and communications facilities. As described in the City of Sherwood Engineering Comments (Exhibit T), adequate water, sanitary sewer, storm, transportation, and communication facilities are available to serve the increase in demand generated by the proposed residential building.

Pride Disposal provided comments (Exhibit Z) indicating the development can be served with solid waste services.

The Sherwood Police Department provided comments (Exhibit U) expressing concern over public safety as a result of the development. The concerns include parking management, traffic congestion at SW Edy Rd. and SW Borchers Rd., and noise and privacy issues between the proposed building and the adjacent residential neighborhood. The comments state police services will likely increase as a result of the development. The Police Department did not issue additional comments based on the revised application.

When considering negative impacts of a development such as parking, traffic, and noise, the City is required to issue a decision based on the applicable development code criteria. The development code includes provisions to address noise and privacy

concerns including a minimum rear setback of 20 ft. (actual setback on Lot 2 is 68 ft.), height limitations (40 ft.), a 6 ft. tall fence or hedge, and a 10 ft. landscape buffer between commercial and residential uses. Regarding traffic, the applicant has provided a Trip Update Letter (Exhibit L) that demonstrates the transportation improvements constructed with re-development of commercial center in 2016 will function as designed and in conformance with City standards upon completion of the multi-family building.

Regarding the stated parking concerns from the Police Department, the applicant has provided a Revised Final Parking Study (Exhibit QQ) that demonstrates the City's minimum parking standards have been met for the mixed-use center. Full findings and analysis for parking related standards are provided later in the report.

FINDINGS: 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 applicant has provided two sets of Covenants, Conditions, and Restrictions (CC&Rs) for the Cedar Creek Plaza center that address ownership and maintenance for commonly held improvements including parking, landscaping, and utilities.

- 2017 CCRs "Declaration of Easements and Restrictive Covenants" recorded as Washington County document 2017-059133 (Exhibit P)
- 2019 CCRs "Declaration and Establishment of Protective Covenants, Conditions, Restrictions, and Grant of Easements" recorded as Washington County document 2019-026258 (Exhibit P)

As discussed in detail in the findings for SZCDC § 16.94 Off-Street Parking and Loading, the 2017 CCRs place detailed restrictions on the type of users that can park on each Tract within the Cedar Creek Plaza center. The applicant has provided a Revised Final Parking Study (Exhibit UU) that demonstrates the City's minimum parking requirements have been satisfied when taking into account the 2017 and 2019 CCR restrictions. The existing CCRs also address management responsibilities for other shared improvements such as drive aisles, landscaping, and utilities.

FINDINGS: This criterion is met.

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: Lot 2 is vacant with the exception of existing vegetation along the west property line, adjacent to the HDR-PUD zone. A row of evergreen trees, shrubs, and ground cover were planted along the shared property line as part of the original commercial center development.

A small grove of six (6) mature Douglas Fir trees are located at the northern corner of Lot 2. The original site plan approval (SP 16-10 / CUP 16-06 / VAR 17-01) proposed removing the trees with preservation dependent on field verification of the tree trunk location. The trees have not been removed and the updated Landscape Plans (Exhibit G – Sheet L1.00) indicate five (5) of the trees will be preserved while tree “T16” will be removed. No wetlands, floodplains, or other significant natural features are present on the site. Mature trees are a significant natural feature that provide shade, screening and buffering between properties, as well as scenic opportunities for the surrounding developed area.

FINDINGS: This criterion is met as conditioned below.

CONDITION OF APPROVAL A11: The existing grove of mature Douglas Fir trees at the northern corner of Lot 2, identified on the plans as trees T14, T15, T17, T18, and T19 shall be protected and preserved through site development as shown in Exhibit G – Sheet L1.00.

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 original land use application for Cedar Creek Plaza development (SP 16-10 / CUP 16-06 / VAR 17-01) included a Transportation Impact Analysis (TIA) for the entire commercial center including Lot 2. The TIA assumed that Lot 2 would be

developed with a 94-room hotel generating 768 daily trips including 718 external trips (on or off the site) and 50 internal trips (within the commercial site). The transportation improvement and traffic mitigation requirements for the original approval were based on full build-out of the commercial center including the 94-room hotel. The required transportation improvements have been made as indicated in the City of Sherwood Engineering comments.

The applicant has provided a Trip Generation Letter (Exhibit L) that shows the daily trips generated by the 67-unit multi-family building is 452, including 399 external trips and 53 internal trips. Therefore, at build-out of Lot 2, the proposed 67-unit residential building will result in a reduction of 316 daily trips compared to the assumed 94-room hotel use. No additional transportation improvement or traffic mitigation measures are required.

FINDINGS: 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.**
 - b. Buildings are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.**
 - 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.**
 - d. As an alternative to the standards in Section 16.90.020.D.6.a—c, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this**

matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.a—c. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

ANALYSIS: The original approval for the mixed-use development utilized the Commercial Design Review Matrix to comply with the Site Plan urban design standards. The proposed multi-family building and development on Lot 2 has been incorporated into the previous analysis and an updated matrix for the entire commercial center is provided. Detailed analysis and findings for each category is provided below for the proposed 67-unit building.

COMMERCIAL DESIGN REVIEW MATRIX					
Design Criteria	Possible Points				
	0	1	2	3	4
Building Design (21 Total Points Possible; Minimum 12 Points Required) These standards may be applied to individual buildings or developments with multiple buildings.					
Materials¹	Concrete, artificial materials (artificial or "spray" stucco, etc.)	Cultured stone, brick, stone, decorative patterned masonry, wood	A mixture of at least two (2) materials (i.e. to break up vertical facade)	A mixture of at least three (3) materials (i.e. to break up vertical facade)	A mixture of at least three (3) of the following materials: brick, stone, cultured stone, decorative patterned masonry, wood

¹No aluminum or T-111 siding permitted.

PREVIOUS ANALYSIS: Each of the proposed buildings will contain a mixture of at least three materials on the exterior walls.

The assisted living/memory care facility has been designed to include smooth fiber cement panel reveal siding, cedar wood lap siding or cedar wood panel, and a simulated-wood fiber cement lap siding. Each facade contains three different siding materials (Exhibit A).

Each of the retail, commercial, and restaurant buildings has been designed to include a mixture of smooth face masonry block, split face masonry block, hardi panel siding, and wood veneer. At least three of these materials is proposed on each building elevation (Exhibit A)

UPDATED ANALYSIS: The applicant has provided Architectural Plans (Exhibit H) and Architectural Perspective Renderings (Exhibit I) with details on the proposed multi-family building. The building design will include a mixture of fiber cement lap siding, fiber cement panel siding, and corrugated vertical metal siding. At least three materials are proposed on each building elevation.

FINDING: The existing and proposed buildings provide a sufficient mixture of exterior materials to receive three (3) points.

Design Criteria	Possible Points				
	0	1	2	3	4
Roof Form ²	Flat (no cornice) or single-pitch (no variation)	Distinctive from existing adjacent structures (not applicable to expansion of same building) or either variation in pitch or flat roof with cornice treatment	Distinctive from existing adjacent structures (not applicable to expansion of same building) and either variation in pitch or flat roof with cornice treatment	N/A	N/A

²Pictures and/or artistic renderings must be submitted for review by the Planning Commission if metal roofs are proposed.

PREVIOUS ANALYSIS: As shown on Exhibit A (Attachment J Sheets A7.4 and A7.5), the roof for the assisted living/memory care facility contains shed and flat (with parapet) sections. The shed roof over portions of each wing is oriented in different directions in

order to provide articulation and visual interest across the entire structure. None of the existing building adjacent to the site utilize this design.

Each of the retail buildings is designed to include a flat roof with stepped parapet and/or cornice. Buildings “A,” “C,” and “E” also include “shed roof” sections along the parapet walls to emulate the roof design of the assisted living/memory care facility (Exhibit A, Attachment J, Sheets A1.2 through A6.2). These designs are distinctive from existing buildings adjacent to the site.

UPDATED ANALYSIS: The proposed multi-family building will feature a sloped roof with a pitch of 4:12. Multiple roof slopes at 4:12 are proposed to break up the appearance of a large single roof. The roof is also distinct from the existing and adjacent buildings within the commercial center.

FINDING: The roof form of the existing and proposed buildings is sufficient to receive two (2) points.

Design Criteria	Possible Points				
	0	1	2	3	4
Glazing ³	0—20% glazing on street-facing side(s)	>20% glazing on at least one street-facing side (inactive, display or façade windows)	>20% glazing on all street-facing sides (inactive, display or façade windows)	>20% glazing on at least one street-facing side (active glazing—actual windows)	>20% glazing on all street-facing sides (active glazing—actual windows)

³ Two (2) points if there is only one street-facing side and it is >20% glazing with inactive windows.

PREVIOUS ANALYSIS: The assisted living/memory care facility and each of the retail, commercial, and restaurant buildings will have inactive windows along one or more street-facing elevations. The glazing proposed along the elevation of the assisted living/memory care facility that faces SW Edy Road is 22 percent of the total area (Exhibit A, Attachment J, Sheets A7.4 and A7.5). The total street-facing glazing for all retail, commercial, and restaurant buildings equates to 21 percent of the corresponding façade area (Exhibit A, Attachment J, Sheets A1.2 through A6.2).

UPDATED ANALYSIS: The proposed multi-family building is located interior to the side and does not abut a public street. No change in points will occur as a result of new building.

FINDING: The existing and proposed glazing is sufficient to receive one (1) point.

Design Criteria	Possible Points				
	0	1	2	3	4
Fenestration on street-facing elevation	One distinct "bay" with no vertical building elements	Multiple "bays" with one or more "bay" exceeding 30 feet in width	Vertical building elements with no "bay" exceeding 30 feet in width	Vertical building elements with no "bay" exceeding 20 feet in width	N/A

PREVIOUS ANALYSIS: Each of the proposed buildings will have multiple “bays” formed by façade articulation or differentiation of exterior wall materials (Exhibit A, Attachment J). However, some “bays” are more than 30 feet in length.

UPDATED ANALYSIS: The proposed multi-family will be located interior to the site and does not face a public street. No change in points will occur as a result of new building.

FINDING: The fenestration of street-facing elevations on existing and proposed buildings is sufficient to receive one (1) point.

Design Criteria	Possible Points				
	0	1	2	3	4
Entrance Articulation	No weather protection provided	Weather protection provided via awning, porch, etc.	N/A	Weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance but not covered	Weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance and covered

PREVIOUS ANALYSIS: Canopies are proposed at the entrance to assisted living/memory care facility and at each of the retail, commercial, and restaurant buildings. A set of benches will be located just east of the main entrance to the assisted

living/memory care facility, near the bocce court. Outdoor patios are proposed immediately adjacent to the entrance for Buildings “B,” “C,” “D,” “E,” and “F”. A portion of the patio that is proposed between Buildings “E” and “F” will be covered by canopies that extend along the corresponding elevations. Tables and chairs will be provided at this patio and those near Buildings “B,” “C,” and “D” for use by patrons and others visiting the shopping center.

UPDATED ANALYSIS: The applicant’s revised architectural plans propose benches outside of the main entrances to the building along the north and south sides. The bench on the north side is uncovered. The development therefore qualifies for three (3) points.

FINDING: Based on the entrance articulation and pedestrian amenities provided for the existing and proposed building, the development is eligible to receive one (3) points.

Design Criteria	Possible Points				
	0	1	2	3	4
Structure Size to discourage "big box" style development ⁴	Greater than 80,000 square feet	60,000 - 79,999 square feet	40,000 - 59,999 square feet	20,000 - 39,999 square feet	Less than 20,000 square feet

⁴ If multiple buildings are proposed, average the building sizes in the development.

PREVIOUS ANALYSIS: *As noted above, the proposed assisted living/memory care facility is roughly 143,400 square feet, while the total gross floor area of the retail, commercial, and restaurant buildings is approximately 46,000 square feet, resulting in 190,000 square feet of new floor area. Divided evenly among the seven buildings, this equates to an average gross floor area of approximately 27,000 square feet (27,142 square feet).*

UPDATED ANALYSIS: The applicant’s narrative states that the “big box” style development standard should only count the ground floor footprint of each building because big box stores are generally one-story in height with a large ground floor. However, the standard refers to the “structure size” and does not specifically state that only the ground floor area should be counted. Large multi-story buildings have a significant impact on the overall appearance of a neighborhood and commercial development and the entire floor area should be counted. In addition, the original findings for the Cedar Creek Plaza development took into account the entire size of the buildings including the upper floors.

Therefore, the existing and proposed building sizes are as follows:

Assisted Living building	143,400 SF
Multi-family building	57,189 SF
Retail, restaurant, fitness buildings (combined)	47,678 SF
TOTAL	248,267 SF

248,267 / 9 buildings = 27,585 SF per building

FINDING: Based on the existing and proposed building size, the development is eligible to receive three (3) points. Recommended condition of Approval B1, based on the previous building design, has been removed.

Building Design (21 Total Points Possible; Minimum 12 Points Required).
Based on the analysis and findings above, 13 points have been granted for this category.

Design Criteria	Possible Points				
	0	1	2	3	4
Building Location and Orientation (6 Total Points Possible; Minimum 3 Points Required)					
Location⁵	Building(s) not flush to any right-of-way (including required PUE adjacent to ROW, setbacks or visual corridor) (i.e. parking or drive aisle intervening)	Building(s) located flush to right-of-way on at least one side (with the exception of required setbacks, easements or visual corridors)	Buildings flush to all possible right-of-way (with the exception of required setbacks, easements or visual corridors) (i.e. "built to the corner")	N/A	N/A

⁵ If multiple buildings are proposed in one development, one point is awarded if one or more buildings are located adjacent to one or more rights-of-way and two points are awarded if there is at least one building adjacent to each right-of-way.

PREVIOUS ANALYSIS: As shown on Exhibit A (Attachment E, Sheets C2.1 and A1.0), after accounting for the corresponding setbacks and Visual Corridors, the proposed development will include at least one new building that is flush to either the frontages along SW Edy Road or SW Pacific Highway.

UPDATED ANALYSIS: The proposed multi-family building will be located at the rear of the commercial center and no changes to the points will result.

FINDING: The existing and proposed building locations are sufficient to receive two (2) points.

Design Criteria	Possible Points				
	0	1	2	3	4
Orientation	Single-building site primary entrance oriented to parking lot	N/A	Single-building site primary entrance oriented to the pedestrian (i.e. entrance is adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk and does not cross a parking area)	N/A	N/A
	Multiple building site primary entrance to anchor tenant or primary entrance to development oriented to parking lot		Multiple building site primary entrance to anchor tenant or primary entrance to development oriented to the pedestrian		

PREVIOUS ANALYSIS: Primary pedestrian walkways are proposed from SW Edy Road and SW Pacific Highway that will provide direct connections with the main entrance of the assisted living/memory care facility and each of the retail, commercial, and restaurant buildings (Exhibits A, Attachments E and I).

UPDATED ANALYSIS: The proposed multi-family building will be located at the rear of the commercial center and will provide pedestrian connections to the existing on-site circulation system. No changes are proposed to the existing walkways connecting SW Edy Rd. and Hwy 99W to the main entrances of the buildings.

FINDING: The existing and proposed building orientation is sufficient to receive two (2) points.

Design Criteria	Possible Points				
	0	1	2	3	4

Secondary Public Entrance ⁶	N/A	N/A	Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk	N/A	N/A
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⁶ If primary entrance is oriented to the pedestrian, the project is automatically given these points without need for a second entrance.

PREVIOUS ANALYSIS: N/A

UPDATED ANALYSIS: The development originally received two (2) points for this standard based on satisfying the building orientation standard immediately above. No changes are proposed to the pedestrian circulation system and the site qualifies for two (2) points.

FINDING: Based on satisfying the building orientation standard above, the site is eligible to receive two (2) points.

Building Location and Orientation (6 Total Points Possible; Minimum 3 Points Required).
Based on the analysis and findings above, 6 points have been granted for this category, meeting the minimum requirement.

Design Criteria	Possible Points				
	0	1	2	3	4
Parking and Loading Areas (13 Total Points Possible; Minimum 7 Points Required)					
Location of Parking	Greater than 50 percent of required parking is located between any building and a public street	25—50 percent of required parking is located between any building and a public street	Less than 25 percent of required parking is located between any building and a public street	No parking is located between any building and a public street	N/A

PREVIOUS ANALYSIS: As shown on Exhibit A (Attachment E, Sheets C2.1 and A1.0), all vehicular parking spaces required for the proposed development are located internal to the site. With the exception of Building “A,” all of the buildings front on either SW Edy Road or SW Pacific Highway and are not separated from these streets by vehicular parking areas.

It is anticipated that Building “A” will be occupied by a “fitness” use, which will require a minimum of 61 parking spaces. The proposed development will contain a total of 526 parking spaces. Thus, the 61 spaces proposed between Building “A” and SW Pacific Highway equates to approximately 11 percent of the total number of spaces proposed.

UPDATED ANALYSIS: The proposed multi-family building will be located at the rear of the site and require 98 parking stalls. Using the approach outlined in the analysis above, a total of 184 or 30.8% of the 596 stalls provided will be located between a building and a public street.

FINDING: Based on the location of parking, the development is eligible to receive one (1) point.

Design Criteria	Possible Points				
	0	1	2	3	4
Loading Areas	Visible from public street and not screened	Visible from public street and screened	Not visible from public street	N/A	N/A

PREVIOUS ANALYSIS: Only one loading area is proposed within the project, and it will be located along the west elevation of the assisted living/memory care facility. As shown on Exhibit A, Attachments E and I, it will be screened from view along SW Edy Road by the building.

UPDATED ANALYSIS: The applicant is proposing a new loading area located near the west corner of the multi-family building. The loading area will be located behind the building when viewed from Hwy 99W and Edy Rd. and will not be visible from any public street.

FINDING: The existing and proposing loading areas are eligible to receive two (2) points.

Design Criteria	Possible Points				
	0	1	2	3	4

Vegetation	At least one "landscaped" island every 13 - 15 parking spaces in a row	At least one "landscaped" island every 10 - 12 parking spaces in a row	At least one "landscaped" island every 8 - 9 parking spaces in a row	At least one "landscaped" island every 6 - 7 parking spaces in a row	N/A
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PREVIOUS ANALYSIS: As noted above, a total of 526 parking spaces are proposed within the project area, including retention of the 175 existing spaces associated with the Providence Medical Office. Across the site, a “landscaped” island is provided at least once seven spaces on average (526 spaces, divided by 76 distinct parking rows). This includes existing parking rows with up to 14 spaces associated with the Providence Medical Office that will not be modified through development of the site as proposed.

UPDATED ANALYSIS: A total of 90 new parking stalls is proposed on Lot 2 for a total of 596 stalls within the Cedar Creek Plaza development. 11 new landscape islands will be provided on Lot 2 within the parking lot for a total of 87 in the Cedar Creek Plaza development.

596 / 87 = average of 6.85 parking stalls per landscape island.

FINDING: Based on the number of parking lot stalls and landscape islands, the development is eligible for three (3) points for this standard.

Design Criteria	Possible Points				
	0	1	2	3	4
Number of Parking Spaces⁷	>120%	101—120%	100%	<100% (i.e. joint use or multiple reduction) (1 bonus)	N/A

⁷ Percent of minimum required.

PREVIOUS ANALYSIS: A detailed analysis of the parking demand generated by the proposed mixture of uses is provided below. It assumes occupancy of the existing and proposed buildings with a mixture of the following.

- Fitness (Building “A”) – 15,736 square feet
- Retail (Buildings “B,” “C,” and “F”) – 19,122 square feet
- Restaurant (Building “E”) – 4,945 square feet
- Drive-thru Restaurant (Buildings “D” and “C”) – 6,330 square feet
- Medical Office (Providence) – 42,000 square feet
- Assisted Living/Memory Care – 143,400 square feet

After making adjustments allowed through Section 16.94.010.C.2, the minimum parking requirement of the site is 447 spaces. A total of 526 spaces is proposed, which equates to 118 percent of the allowable minimum.

UPDATED ANALYSIS: The proposed multi-family building will be located in an existing mixed-use center. The original and revised findings for the development utilize the parking reduction method under SZCDC § 16.94.010(C)(2) in order to share parking across the entire development and reduce the number of parking stalls provided. With the new multi-family building, the required number of stalls without the permitted reduction is 632 stalls. The applicant is proposing a total of 596 stalls which equates to less than 100%.

FINDING: Based on the number of parking stalls provided the development is eligible to receive three (3) points.

Design Criteria	Possible Points				
	0	1	2	3	4
Parking Surface	impervious	Some pervious paving (10 — 25%)	Partially pervious paving (26 — 50%)	Mostly pervious paving (>50%)	N/A

PREVIOUS ANALYSIS: No pervious paving is proposed within the parking and circulation area.

UPDATED ANALYSIS: No pervious parking lot paving is proposed.

FINDING: The development is eligible to receive zero (0) points for this standard.

Parking and Loading Areas (13 Total Points Possible; Minimum 7 Points Required).

Based on the analysis and findings above, 9 points have been granted for this category, meeting the minimum requirement.

Design Criteria	Possible Points				
	0	1	2	3	4
Landscaping (24 Total Point Possible, Minimum 14 Points Required)					
Tree Retention ⁸	Less than 50%	51—60% of existing trees on-	61—70% of existing trees on-	71—80% of existing trees on-	81—100% of existing trees on-

	of existing trees on-site retained	site retained	site retained	site retained	site retained
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⁸ **Based on tree inventory submitted with development application.**

PREVIOUS ANALYSIS: As shown on the submitted tree survey and arborist report, a total of 255 trees are located within the boundaries of the site. The applicant proposes to retain 62 of these existing trees, or roughly 24 percent of the total.

UPDATED ANALYSIS: The original tree survey and arborist report included Lot 2 and the calculations will not change as a result of the proposed multi-family building. Approximately 24% of the original tree inventory has been retained as part of the development.

FINDING: Based on the tree retention standard above the site is eligible to receive zero (0) points.

Design Criteria	Possible Points				
	0	1	2	3	4
Mitigation Trees ⁹	Trees mitigated off-site or fee- in-lieu	25—50% of trees mitigated on-site	51—75% of trees mitigated on-site	76—100% of trees mitigated on-site	N/A

⁹ **When no mitigation is required, the project receives zero points.**

PREVIOUS ANALYSIS: As shown on Exhibit A Attachment I, the applicants propose to install a total of 200 trees within the portions of the site related to the existing Providence Medical Office building and retail, commercial, and restaurant uses. Another 83 trees will be installed in the portions of the site associated with the assisted living/memory care facility, for a total of 345 existing and proposed trees. This equates to 134 percent of the existing trees that are proposed for removal.

UPDATED ANALYSIS: The applicant’s narrative states a total of 193 trees were removed and 279 trees were installed during the original site development. The narrative also indicates 51 new trees are proposed with the application, however, the plans (Exhibit G – Sheet L3.00) show only 30 new trees are proposed.

Total commercial center trees removed after development of Lot 2	193
Total commercial center trees planted after development of Lot 2	309

309 trees planted / 193 trees removed = 160% mitigation rate

FINDING: Based on the number of trees mitigated for the entire development, the site is eligible to receive three (3) points for this standard.

Design Criteria	Possible Points				
	0	1	2	3	4
Landscaping Trees ¹⁰	Less than one tree for every 500 square feet of landscaping	1 tree for every 500 square feet of landscaping	2 trees for every 500 square feet of landscaping	3 trees for every 500 square feet of landscaping	4 trees for every 500 square feet of landscaping

¹⁰ *In addition to mitigated trees on-site, does not include Water Quality Facility Plantings.*

PREVIOUS ANALYSIS: As shown on Exhibit A, Attachment I, a total of 70,444 square feet of the site associated with the existing Providence Medical Office building and areas proposed for development with retail, commercial, and restaurant uses will contain various forms of landscaping. Another 47,789 square feet of landscaping is proposed within portions of the site associated with the assisted living/memory care facility (Exhibit A Attachment I). Thus, 118,233 square feet of the site will contain landscaping.

UPDATED ANALYSIS: The applicant’s narrative states a total of 4,591 SF of new landscaping will be provided on Lot 2, for a total of 122,824 SF within the entire commercial center.

A total of 62 trees have been preserved on the site and a total of 309 trees will be planted within the entire commercial center upon development of Lot 2, for a total of 371 on-site trees.

122,824 / 500 SF = 246 trees (needed for 1 tree per every 500 SF landscaping)
 122,824 / 250 SF = 491 trees (need for 2 trees per every 500 SF landscaping)

The development will provide 371 on-site trees which is between 1 and 2 trees per every 500 SF of landscaping.

FINDING: Based on the amount of site landscaping provided per tree, the development is eligible to receive one (1) points for this standard.

Design Criteria	Possible Points				
	0	1	2	3	4

Landscaped Areas	Greater than 35% of landscaped areas are less than 100 square feet in size	Less than 25% of landscaped areas are less than 100 square feet in size	No landscaped areas are less than 100 square feet in size	N/A	N/A
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PREVIOUS ANALYSIS: As shown on Exhibit A, Attachment I, none of the proposed or existing landscaped areas that will be retained is less than 100 square feet in size.

UPDATED ANALYSIS: With the exception of parking lot islands, a new landscape area will be planted between the northern wall of the building and the property line. The landscape area is over 100 SF in size.

FINDING: Based on the size of the landscaped areas, the development is eligible to receive two (2) points for this standard.

Design Criteria	Possible Points				
	0	1	2	3	4
Landscaping Trees greater than 3-inch Caliper	<25%	25—50%	>50%	N/A	N/A

PREVIOUS ANALYSIS: Less than 25 percent of the new trees proposed will have a trunk diameter of greater than three (3) inches.

UPDATED ANALYSIS: The applicant’s narrative indicates less than 25% of the planted trees will have a trunk diameter of greater than 3 in.

FINDING: Based on the size of the trees provided, the development is eligible to receive zero (0) points for this standard.

Design Criteria	Possible Points				
	0	1	2	3	4
Amount of Grass^{11,12}	>75% of landscaped areas	50—75% of landscaped areas	25—49% of landscaped areas	<25% of landscaped areas	N/A

¹¹ *Shrubs and drought resistant ground cover are better.*

¹² *Schools automatically receive the full 3 points and are not penalized for amount of grass.*

PREVIOUS ANALYSIS: Turf is proposed over an area of approximately 28,500 square feet of the site that will contain landscaping (Exhibit A, Attachment I). This equates to 24 percent based on a total landscaped area of 118,233 square feet.

UPDATED ANALYSIS: No new grass is proposed as part of the development of Lot 2. The total site landscaping is 122,824 and the amount of existing grass is 28,500 SF or approximately 23.2%.

FINDING: Based on the amount of grass provided relative to the overall landscape area, the development is eligible to receive three (3) points for this standard.

Design Criteria	Possible Points				
	0	1	2	3	4
Total Amount of Site Landscaping ¹³	<10% of gross site	10—15% of gross site	16—20% of gross site	21—25% of gross site	>25% of gross site

¹³ Includes visual corridor.

PREVIOUS ANALYSIS: As shown on Exhibit A Attachment I, a total of 118,233 square feet of the site will be improved with landscaping. Given a gross site area of 501,540 square feet, approximately 24 percent of the gross site area will be improved with landscaping.

UPDATED ANALYSIS: The applicant’s narrative states the gross site area is 501,540 SF, however, this number was derived from the original approval and does not include Lot 2. The combined site area of the entire Cedar Creek Plaza development including Lot 2 is 13.17-acres or 573,685. The total landscaped area for the commercial center including Lot 2 is 122,824 SF.

122,824 SF landscaping / 573,685 site area = 21.4%

FINDING: Based on the percentage of landscaping provided, the development is eligible to receive three (3) points for this standard.

Design Criteria	Possible Points				
	0	1	2	3	4
Automatic Irrigation	No	Partial	Yes	N/A	N/A

PREVIOUS ANALYSIS: *The applicants propose to install automatic irrigation systems within all areas proposed for landscaping within the boundaries of the site.*

UPDATED ANALYSIS: An automatic irrigation system was installed with the original site development and will be extended throughout Lot 2.

FINDING: Based on the type of irrigation provided, the development is eligible to receive 2 points based on this standard as conditioned below.

CONDITION OF APPROVAL G1: Prior to final occupancy, all landscaping on Lot 2 shall be served by an automatic irrigation system.

Landscaping (24 Total Points Possible; Minimum 14 Points Required).

Based on the analysis and findings above, 14 points have been granted for this category, meeting the minimum requirement.

Design Criteria	Possible Points				
	0	1	2	3	4
Miscellaneous (10 Total Points Possible; Minimum 5 Points Required)					
Equipment Screening (roof)	Equipment not screened	Equipment partially screened	Equipment fully screened	Equipment fully screened by materials matching building architecture/finish	N/A

PREVIOUS ANALYSIS: *As shown on Exhibit A, Attachment J, rooftop equipment will be fully screened by either a parapet wall or additional materials that match the architecture and finish of each building.*

UPDATED ANALYSIS: The applicant’s narrative states rooftop equipment will be fully screened by either the building or additional materials that match the architecture and finish of each building. Detailed building plans showing rooftop equipment and screening has not been provided.

FINDING: Based on the proposed rooftop screening of equipment, the development is eligible to receive three (3) points for this standard, as conditioned below.

CONDITION OF APPROVAL E1: Prior to issuance of building permits, the applicant shall provide plans that demonstrate how all rooftop equipment will be screened by materials matching the proposed building’s architecture and finish.

CONDITION OF APPROVAL G2: Prior to final occupancy, all rooftop equipment shall be screened by materials matching the proposed building's architecture and finish.

Design Criteria	Possible Points				
	0	1	2	3	4
Fences and Walls ¹⁴	Standard fencing and wall materials (i.e. wood fences, CMU walls etc.)	N/A	Fencing and wall materials match building materials	N/A	N/A

¹⁴ Including retaining walls.

PREVIOUS ANALYSIS: As shown on Exhibit A, Attachments E and I, fencing proposed along the west and south boundaries of the site will be constructed of wood slats.

UPDATED ANALYSIS: The applicant's narrative states all fencing will be constructed of wood slats.

FINDING: Based on the proposed fences and walls, the development is eligible to receive zero (0) points for this standard.

Design Criteria	Possible Points				
	0	1	2	3	4
On-Site Pedestrian Amenities Not Adjacent to Building Entrances	No	Yes; 1 per building	Yes; more than 1 per building	N/A	N/A

PREVIOUS ANALYSIS: Although pedestrian amenities are proposed internal to the site, there will not be at least one per building.

UPDATED ANALYSIS: Pedestrian amenities are proposed internal to the site, however, their will not be at least one per building.

FINDING: Based on the on-site pedestrian amenities, the development is eligible to receive zero (0) points for this standard.

Design Criteria	Possible Points
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	0	1	2	3	4
Open Space Provided for Public Use	No	Yes; <500 square feet	Yes; 500—1,000 square feet	Yes; >1,000 square feet	N/A

PREVIOUS ANALYSIS: A total of four outdoor patios are proposed within the portion of the site that will contain a mixture of retail, commercial, and restaurant uses. The patio proposed adjacent to Building “B” is approximately 195 square feet in area, while the patios adjacent to Buildings “C” and “D” are approximately 260 square feet and 325 square feet, respectively. The patio proposed between Buildings “E” and “F” will be 540 square feet, exclusive of the walkways that access to it. These amenities will be available for public use and comprise a total area of more than 1,000 square feet (Exhibit A, Attachment E, Sheet C2.1).

UPDATED ANALYSIS: The Cedar Creek Plaza development has over 1,000 SF of open space for public use as described in the findings above. The amount of open space will not decrease below 1,000 SF as a result of the proposed multi-family building.

FINDING: Based on the amount of open space provided for public use, the development is eligible to receive three (3) points for this standard.

Design Criteria	Possible Points				
	0	1	2	3	4
Green Building Certification	N/A	N/A	N/A	LEED, Earth Advantage, etc. (Bonus)	N/A

PREVIOUS ANALYSIS: The applicants are not proposing to secure LEED, Earth Advantage, or other “green building” certification.

UPDATED ANALYSIS: The applicant is not proposing a green building certification for the new multi-family building.

FINDING: The development is eligible to receive zero (0) points for this standard.

Miscellaneous (10 Total Points Possible; Minimum 5 Points Required).

Based on the analysis and findings above, 6 points have been granted for this category, meeting the minimum requirement.

SUMMARY OF FINDINGS: With development of Lot 2, the Cedar Creek Plaza development is eligible to receive 48 points out of a total of 74 possible points. While the proposed 67-unit building does not meet the minimum lot area requirements of the zone, the location and design of the building meet the Commercial Design Review Matrix standards. These standards are met.

Design Category	Points Possible	Minimum Points Required	Points Received
Building Design	21	12	13
Building Location and Orientation	6	3	6
Parking and Loading Areas	13	7	9
Landscaping	24	14	14
Miscellaneous	10	5	6
TOTAL	74	41	48

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: No new driveways are proposed with the development.

FINDING: This standard does not apply.

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 Major Modification application meets or is conditioned to meet the Site Plan Review approval criteria. The approval shall expire after two (2) years unless construction on the site has begun, as determined by the City.

FINDINGS: This criterion is met as conditioned below.

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

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: New landscaping is proposed as part of the site development on Lot 2. The remaining Cedar Creek Plaza has existing landscaping that was reviewed and approved as part of the original land use decision. The applicant submitted a new Landscape Plan (Exhibit G – Sheet L3.00) that shows perimeter, parking lot, and site landscaping for Lot 2.

Compliance with the specific landscaping standards is discussed below. All areas of the lot not occupied by structures, roads, and walkways will be landscaped.

FINDING: This criterion is met.

16.92.020 Landscaping Materials

A. Type of Landscaping

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

1. Ground Cover Plants

- a. All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch is not a substitute for ground cover, but is allowed in addition to the ground cover plants.
- b. Ground cover plants other than grasses must be at least the four-inch pot size and spaced at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three (3) years from the time of planting.

2. Shrubs

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

3. Trees

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

ANALYSIS: The Landscape Plans (Exhibit G – Sheets L3.00) proposes a variety of native and ornamental ground cover, shrubs, and trees for the site. The planting schedule provides details on the size of each planting which meets the intent of the standards above.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL B2: Prior to final site plan approval, the applicant shall provide final landscaping plans for Lot 2 in conformance with SZCDC § 16.92.

CONDITION OF APPROVAL G3: Prior to final occupancy, all site landscaping for Lot 2 shall be installed according to the final approved landscape plans.

B. Plant Material Selection and Preparation

1. Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.
2. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection of the plants should include consideration of soil type, and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.

ANALYSIS: The Landscape Plans (Exhibit G – Sheet L2.0) provide plant material and preparation details as required by the standard above.

FINDING: These standards are met.

C. Existing Vegetation

1. All developments subject to site plan review per Section 16.90.020 and required to submit landscaping plans per this section shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Review Authority, in addition to complying with the provisions of Section 16.142 (Parks, Trees and Open Space) and Chapter 16.144 (Wetland, Habitat, and Natural Resources).
2. Existing vegetation, except those plants on the Nuisance Plants list as identified in the "Suggested Plant Lists for Required Landscaping Manual" may be used to meet the landscape standards, if protected and maintained during the construction phase of the development.
 - a. If existing trees are used, each tree six (6) inches or less in diameter counts as one (1) medium tree.
 - b. Each tree that is more than six (6) inches and up to nine (9) inches in diameter counts as two (2) medium trees.
 - c. Each additional three (3) inch diameter increment above nine (9) inches counts as an additional medium tree.

ANALYSIS: A small grove of six (6) mature Douglas Fir trees are located at the northern corner of the Lot 2. The original site plan approval (SP 16-10 / CUP 16-06 / VAR 17-01) proposed removing the trees with preservation dependent on field verification of the tree trunk location. The trees have not been removed and the updated Landscape Plans (Exhibit G – Sheet L1.00) indicate five (5) of the trees will be preserved while tree “T16” will be removed. No wetlands, floodplains, or other significant natural features are present on the site.

FINDINGS: This criterion is met by Condition of Approval A11.

FINDING: These standards have been met.

D. Non-Vegetative Features

1. **Landscaped areas as required by this Chapter may include architectural features interspersed with planted areas, such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, semi-pervious decorative paving, and graveled areas.**
2. **Impervious paving shall not be counted toward the minimum landscaping requirements unless adjacent to at least one (1) landscape strip and serves as a pedestrian pathway.**
3. **Artificial plants are prohibited in any required landscaped area.**

ANALYSIS: As shown on the Landscape Plan, all non-building locations will include landscaping consistent with this section. Impervious paving is not counted as part of the required landscaping and no artificial plants are proposed.

FINDING: These standards have been met.

16.92.030 Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

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

ANALYSIS: The proposed building is located in an existing shopping center and is zoned Retail Commercial. The site abuts a residential zone (HDR-PUD) along its west

property line. A 6 ft. tall wooden fence has already been constructed along the shared property line and will remain as part of the development.

FINDING: This standard is met.

2. Perimeter Landscaping Buffer

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

3. Perimeter Landscape Buffer Reduction

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

ANALYSIS: A new parking and drive aisle is proposed at the rear of Lot 2 along the west property line and a 10 ft. wide landscape strip is required. The required landscaping including trees, shrubs, and ground cover was planted as part of the original development of the shopping center, however, some of the vegetation is dead or in poor condition (Exhibit CC & DD – Staff Photos). The applicant is required to re-install the landscaping according the approved plans (Exhibit G – Sheet L2.1) or an alternative that meets the standard above. The applicant also proposes to retain five of the existing mature Douglas fir trees at the northern corner of Lot 2. New trees will also be planted along the property line where the landscaping is impacted by development.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL G4: Prior to final occupancy, the existing 10 ft. wide landscaping buffer separating Lot 2 from the HDR-PUD zone shall be re-planted according to the plans in Exhibit G – Sheet L2.1 or an alternative plan that meets the requirements of SZCDC § 16.92.030(A)(2).

B. Parking Area Landscaping

1. Purpose

The standard is a landscape treatment that uses a combination of trees, shrubs, and ground cover to provide shade, storm

water management, aesthetic benefits, and screening to soften the impacts of large expanses of pavement and vehicle movement. It is applied to landscaped areas within and around the parking lot and loading areas.

2. Definitions

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

b. **Canopy Factor**

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

Canopy Factor = Mature Height (in feet) × Canopy Spread (in feet) × Growth Rate Factor × .01

(2) **Growth Rate Factor:** The growth rate factor is three (3) for fast-growing trees, two (2) for medium growing trees, and one (1) for slow growing trees. The growth rate of a tree is identified in the "Suggested Plant Lists for Required Landscaping Manual."

3. Required Landscaping

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

4. Amount and Type of Required Parking Area Landscaping

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

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

(1) Any combination of the following is required:

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

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

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

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

(2) Street trees may be included in the calculation for the number of required trees in the parking area.

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

ANALYSIS: The applicant has provided a detailed parking lot landscaping plan included as Exhibit G – Sheet L3.00. A total of 90 new parking stalls are proposed which requires an additional 4,050 SF landscaping and either 22 large size trees, 30 medium size trees, or 45 small trees. The narrative (Exhibit S) provides a summary of parking lot landscaping for the Cedar Creek Plaza development.

The plans indicate 6,861 SF of landscaping including 16 medium trees and 15 large trees are proposed as parking lot landscaping on Lot 2. The large tree is identified as a Marshall’s Seedless Green Ash with a mature height of 75 ft. and a canopy spread of 100 ft. The stated canopy spread of the tree appears to be incorrect. The Portland Plant List (2016) indicates seedless green ash trees grow to a height of approximately 50 ft. with a spread of approximately 40 ft. The applicant’s narrative also uses a 40 ft. spread for the seedless ash tree under the findings for SZCDC § 16.142.070(D)(3).

The plans indicate shrubs and groundcover at the required quantities will be provided within the parking lot landscaping.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B3: Prior to final site plan approval, the applicant shall provide final landscaping plans that demonstrate compliance with the tree requirements for parking lot landscaping on Lot 2.

- 5. **Individual Landscape Islands Requirements**
 - a. **Individual landscaped areas (islands) shall be at least ninety (90) square feet in area and a minimum width of five (5) feet and shall be curbed to protect the landscaping.**
 - b. **Each landscape island shall be planted with at least one (1) tree.**

- c. Landscape islands shall be evenly spaced throughout the parking area.
- d. Landscape islands shall be distributed according to the following:
 - (2) Multi or mixed-uses, institutional and commercial uses: one (1) island for every ten (10) contiguous parking spaces.
- e. Storm water bio-swales may be used in lieu of the parking landscape areas and may be included in the calculation of the required landscaping amount.

ANALYSIS: The Civil Plans (Exhibit F) and Landscape Plan (Exhibit G) show the proposed dimensions and planting schedule for individual landscape islands for Lot 2. A minimum of 90 SF landscaping and one tree are proposed for each island. No more than 10 contiguous parking stalls are proposed without a landscape island.

FINDING: These standards are met.

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

ANALYSIS: As discussed in Section 16.58.010 above, the development will occur interior to the shopping center and the clear vision area requirements were met as part of the original approval and site development.

FINDING: This standard is met.

- 6. **Exceptions**

- C. **Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas**
 All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and any adjacent residential zones. If unfeasible to fully screen due to policies and standards, the applicant shall make efforts to minimize the visual impact of the mechanical equipment.

ANALYSIS: A new trash enclosure is proposed along the west boundary of the site adjacent to the residential zone. The applicant’s narrative states the enclosure will be constructed of cement block (CMU) walls and will also be screened from the residential neighborhood by landscaping and the 6 ft. tall wooden fence. The plans do not provide details on the proposed mechanical equipment for the building; however, the narrative states mechanical equipment will be screened from view from all public streets and adjacent residential neighborhoods.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL E2: Prior to Issuance of Building Permits, the applicant shall provide plans that demonstrate how all mechanical equipment will be screened from view of public streets and the adjacent residential zones.

CONDITION OF APPROVAL G5: Prior to Issuance of Occupancy, all mechanical equipment, outdoor storage, and service and delivery areas shall be screened from view of public streets and the adjacent residential zones.

D. Visual Corridors

Except as allowed by subsection 6. above, new developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural Resources and Recreation Plan Map, Appendix C of the Community Development Plan, Part II, and the provisions of Chapter 16.142 (Parks, Trees, and Open Space). Properties within the Old Town Overlay are exempt from this standard.

ANALYSIS: Visual corridors along SW Edy Rd. and Hwy 99W were required as part of the original land use approval and have been installed.

FINDING: This standard is met.

16.92.040 Installation and Maintenance Standards

A. Installation

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

B. Maintenance and Mitigation of Landscaped Areas

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

C. Irrigation

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

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

ANALYSIS: The Landscape Plans (Exhibit G) provide installation and maintenance details for the new landscaping. The narrative also states an automatic irrigation system is proposed for the landscaping.

FINDING: These standards are met by Condition of Approval G1.

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.

B. Deferral of Improvements

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

ANALYSIS: The applicant has provided a scaled parking plan (Exhibit F – Sheet C1.00) that shows the proposed parking for Lot 2. No parking or loading spaces will be deferred.

FINDING: These criteria are met.

C. Options for Reducing the Required Parking Spaces

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

ANALYSIS: The applicant is proposing to share parking utilizing the provisions in this section. The applicant has provided a Revised Final Parking Study (Exhibit UU) that concludes that the peak hours of operation for uses in Cedar Creek Plaza development do not overlap and that the center has a sufficient number of parking spaces to accommodate the requirements of the individual businesses per subsection (C)(1)(b)(1) above.

Chart 1 of the applicant's Final Parking Study shows the expected parking demand for each tract and the site as a whole, relative to the proposed parking supply. The demand estimates are based on the Institute of Transportation Engineers manual *Parking Generation, 5th Edition*. The peak demand for the entire commercial center occurs at 12:00pm with demand for 434 of the 596 parking stalls provided. The peak parking demand for the Deacon Tract, which the proposed multi-family building is located, will occur at 6:00pm with a demand for 273 of the 328 parking stalls provided.

FINDING: The standard is met.

2. **Mixed use projects are developments where a variety of uses occupies a development project or complex. For example, an eating establishment, professional office building and movie theater are all components of a mixed use site. It does not include a secondary use within a primary use such as an administrative office associated with a retail establishment. In mixed-use projects, the required minimum vehicle parking shall be determined using the following formula:**
 - a. **Primary use: i.e. that with the largest proportion of total floor area within the development at one hundred (100) percent of the minimum vehicle parking required for that use.**
 - b. **Secondary Use: i.e. that with the second largest percentage of total floor area within the development, at ninety (90) percent of the vehicle parking required for that use.**
 - c. **Subsequent use or uses, at eighty (80) percent of the vehicle parking required for that use.**

ANALYSIS: The proposed residential building will be located in an existing mixed-use development with multiple commercial uses including assisted living, medical office, fitness, retail shopping, and restaurants. The applicant has provided a revised parking table in the Final Parking Study (Exhibit UU) for the commercial center that includes updated floor areas for each existing building and the proposed multi-family building.

FINDING: This standard is met.

D. Prohibited Uses

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

ANALYSIS: The plans do not indicate parking and loading areas will be used for the long-term storage of materials.

FINDING: This standard is met.

E. Location

- 1. Residential off-street parking spaces:**
 - a. Shall be located on the same lot or development as the residential use.**
 - b. Shall not include garages or enclosed buildings with the exception of a parking structure in multifamily developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).**
- 2. For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within five hundred (500) feet of the use. The distance from the parking, area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.**
- 3. Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible.**
 - a. All new development with forty (40) employees or more shall include preferential spaces for carpool/vanpool designation. Carpool and vanpool parking spaces shall be located closer to the main employee entrance than all**

other parking spaces with the exception of ADA parking spaces. Carpool/vanpool spaces shall be clearly marked as reserved for carpool/vanpool only.

- b. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.**

ANALYSIS: The applicant is proposing to meet the minimum parking requirements by sharing parking as detailed in the application. The standard above requires parking stalls for residential uses to be located on the same lot or development as the residential use. The standard above also requires commercial uses to provide evidence in the form of deeds, leases, or similar instruments to share vehicle parking on private property. The proposed building is residential and the existing development is commercial. The parking will be shared between the multi-family and commercial lots, therefore subsections both (1) and (2) above apply.

The applicant has provided a Revised Final Parking Study that demonstrates how the minimum parking requirements are met given the locational restrictions in the standard above. Table 4 of the Final Parking Study indicates the Cedar Creek Plaza center will have a surplus of 64 parking stalls after completion of the proposed apartment building and site improvements on Lot 2. The analysis takes into account the specific allowances and restrictions on shared parking described in the 2017 and 2019 CCRs. The staff analysis in SZCDC § 16.94.020 below provides revised and corrected calculations that indicate a surplus of 61 parking stalls are proposed. Therefore the applicant has demonstrated the minimum parking requirements have been satisfied including the right to use certain private off-site parking as required by the standard above.

FINDING: This standard is met.

F. Marking

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

ANALYSIS: The applicant has provided Civil Plans (Exhibit F – Sheet C1.00) that shows marking details for the proposed parking, loading, and maneuvering areas on Lot 2.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL G6: Prior to Receiving Occupancy, all parking, loading or maneuvering areas including ADA and loading stalls shall be clearly marked and signed. All interior drives and access aisles shall be clearly marked and signed to show the direction of flow and maintain vehicular and pedestrian safety.

G. Surface and Drainage

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

ANALYSIS: The new parking area on Lot 2 will be improved with asphalt. The applicant has provided preliminary stormwater management plans (Exhibit G - C3.00) that show how the parking area will be drained.

FINDING: These standards are met.

H. Repairs

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

ANALYSIS: The property owner will be responsible for the proper maintenance of the parking and loading areas. Violations are subject to City code compliance action.

FINDING: This standard is met.

I. Parking and Loading Plan

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

- 1. Delineation of individual parking and loading spaces and dimensions.**
- 2. Circulation areas necessary to serve parking and loading spaces.**
- 3. Location of accesses to streets, alleys and properties to be served, and any curb cuts.**

4. Landscaping as required by Chapter 16.92.
5. Grading and drainage facilities.
6. Signing and bumper guard specifications.
7. Bicycle parking facilities as specified in Section 16.94.020.C.
8. Parking lots more than one (1) acre in size shall provide street-like features including curbs, sidewalks, and street trees or planting strips.

ANALYSIS: The applicant has provided plans that provide details and information at an adequate level to determine compliance with the parking and loading standards.

FINDING: This standard is met.

J. Parking Districts

The City may establish a parking district (i.e., permits or signage) in residential areas in order to protect residential areas from spillover parking generated by adjacent commercial, employment or mixed-use areas, or other uses that generate a high demand for parking. The district request shall be made to the City Manager, who will forward a recommendation to the City Council for a decision. Structured parking and on-street parking are exempt from the parking space maximums in Section 16.94.020.A.

ANALYSIS: No parking districts or structured parking is proposed.

FINDING: This standard is not applicable.

16.94.020 Off-Street Parking Standards

A. Generally

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

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

Use	Minimum Parking Standard	Maximum Permitted Parking Zone A¹	Maximum Permitted Parking Zone B²
Nursing home	None	None	None
Multi-family⁴	1 per unit under 500 SF 1.25 per 1 bdr 1.5 per 2 bdr 1.75 per 3 bdr	None	None
General office	2.7	3.4	4.1
General retail or personal service	4.1	5.1	6.2
Sports club / recreational facility	4.3	5.4	6.5
Fast food drive-thru	9.9	12.4	14.9
Eating or drinking establishment	15.3	19.1	23.0

¹ Parking Zone A reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone A areas include those parcels that are located within one-quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both, or that have a greater than twenty-minute peak hour transit service.

² Parking Zone B reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone B areas include those parcels that are located at a distance greater than one-quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both.

³ If the street on which the house has direct access does not permit on-street parking or is less than twenty-eight (28) feet wide, two (2) off-street parking spaces are required per single-family residential unit. (includes single-family detached or attached, two-family dwelling or a manufactured home on an individual lot) If the abutting street is twenty-eight (28) feet or wider, one (1) standard (9 ft. x 20 ft.) parking space is required.

⁴ Visitor parking in residential developments: Multi-family dwelling units with more than ten (10) required parking spaces shall provide an additional fifteen (15) percent of the required number of parking spaces for the use of guests of the residents of the development. The spaces shall be centrally located or distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.

ANALYSIS: Staff has provided an exhibit that shows the existing number of parking stalls on the in the Cedar Creek Plaza development (Exhibit QQ):

Deacon Tract	238 stalls
Rembold Tract	98 stalls
Providence Tract	170 stalls
TOTAL	506 existing parking stalls

The parking table in the applicant’s revised narrative indicates 6 studio apartments are proposed requiring one (1) parking stall each. However, some of the studio apartments are over 500 SF and some 1 bedroom apartments are under 500 SF per the architectural plans. The City’s parking standard table (SZCDC § 16.94.020 – Table 1) requires a minimum of one (1) stall for “units under 500 SF”. Of the 67-units proposed, a total of 4 units will be under 500 SF. An updated parking table for the multi-family building is therefore provided below.

Multi-family Building Parking Requirements			
Unit Type	# Units	Minimum parking ratio	Minimum required stalls
Studio Under 500 SF	4	1.00	4
1-Bedroom	58	1.25	72.5
2-Bedroom	5	1.50	7.5
Visitor parking (15% of subtotal)			12.6
Total	67		97 (rounded up)

Utilizing the criteria above for reducing the number of parking stalls in a mixed-use center, the minimum number of required parking stalls for the entire Cedar Creek Plaza center is provided in the table below.

Cedar Creek Plaza (Entire Development) Parking Requirements				
Use	Floor Area / Units	Minimum parking ratio	Minimum required stalls	Adjusted Per Criteria in SZCDC § 16.94.010(C)(2)
Assisted Living (Nursing home)	143,400 SF	-	98	98 (100%)
Multifamily Housing	57,189 67-units	Varies (see above)	97	88 (90%)
Medical Office	42,000 SF	2.7 / 1,000 SF	113	91 (80%)
Retail	19,918 SF	4.1 / 1,000 SF	82	66 (80%)
Fitness	15,728 SF	4.3 / 1,000 SF	68	54 (80%)
Restaurant	9,782 SF	15.3 / 1,000 SF	150	120 (80%)
Drive-Thru Restaurant	2,250 SF	9.9 / 1,000 SF	22	18 (80%)
Total	290,267 SF	-	630	535

Utilizing the reductions permitted in SZCDC § 16.94.010(C)(2), a minimum of 535 stalls are required for the commercial center. With the proposed development of Lot 2, the number of parking stalls will be:

Deacon Tract	328 stalls
Rembold Tract	98 stalls
<u>Providence Tract</u>	<u>170 stalls</u>
TOTAL	596 stalls

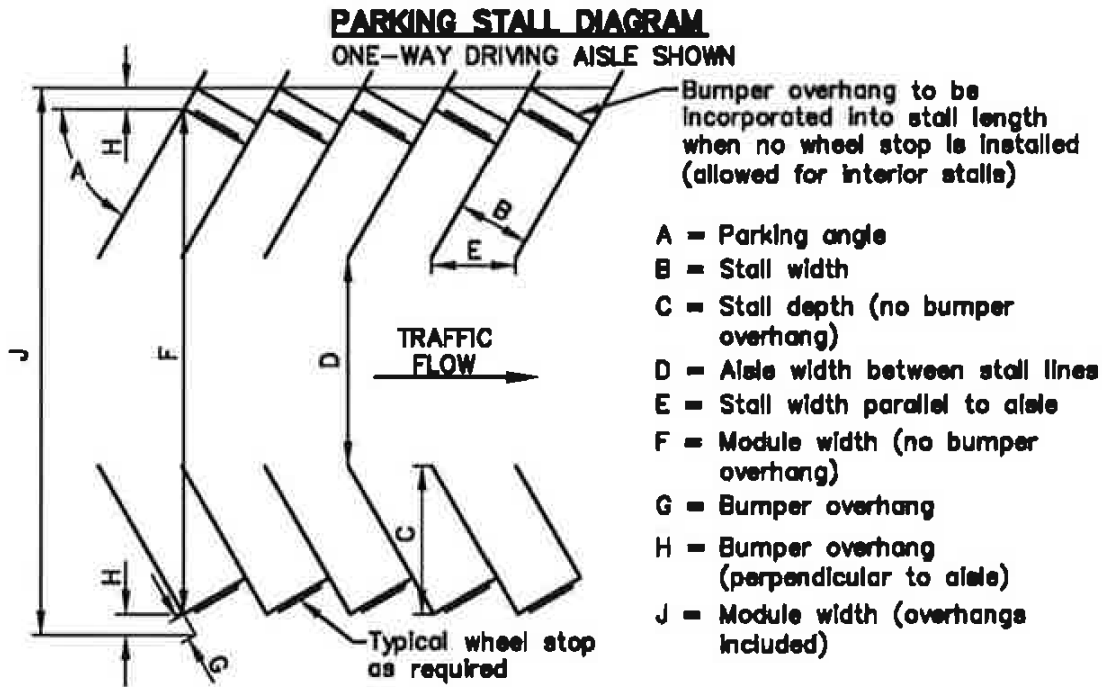
Overall Parking Summary	
Required Minimum	535
Proposed Parking Supply	596
Surplus / Deficit	+61

Based on the minimum parking requirements and allowed reductions in the City's development code, the Cedar Creek Plaza development will have a surplus of 61 parking stalls after completion of the apartment building and site improvements on Lot 2. In addition, Table 4 of the Final Parking Plan provided by the applicant's shows how surplus parking will also be maintained when accounting for all of the specific restrictions in the 2017 and 2019 CCRs.

FINDING: This standard is met.

B. Dimensional and General Configuration Standards

1. **Dimensions** For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.
2. **Layout**
Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicle turning and maneuvering. Groups of more than four (4) parking spaces shall be served by a driveway so as to minimize backing movements or other maneuvering within a street, other than an alley. All parking areas shall meet the minimum standards shown in the following table and diagram.



**Table 3: Minimum Parking Dimension Requirements
Two-Way Driving Aisle (Dimensions in Feet)**

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

3. Wheel Stops

- a. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high, located three (3) feet back from the front of the parking stall as shown in the above diagram.
- b. Wheel stops adjacent to landscaping, bio-swales or water quality facilities shall be designed to allow storm water runoff.
- c. The paved portion of the parking stall length may be reduced by three (3) feet if replaced with three (3) feet of low lying landscape or hardscape in lieu of a wheel stop; however, a curb is still required. In other words, the traditional three-foot vehicle overhang from a wheel stop may be low-lying landscaping rather than an impervious surface.

ANALYSIS: The Civil Plans (Sheet F – Sheet C1.00) show the proposed dimensions for the new parking lot to be constructed on Lot 2 in conformance with the standards

above. The applicant is proposing to use 3 ft. of landscape and hardscape instead of wheel stops. The plans propose to concentrate the ADA parking stalls at the west entrance to the building. The final ADA parking stall requirements are reviewed as part of the building permit review process and changes may be required. A total of 33 compact stalls are proposed on Lot 2, in addition to 94 existing compact stalls in the center. Therefore a total of 127 out of 596 stalls are compact or 21.3%.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL B5: Prior to final site plan approval, the plans shall show the final location of all required ADA stalls. All parking stalls and drive aisles on Lot 2 shall meet the dimensional standards of SZCDC § 16.94.020(B).

4. Service Drives

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

ANALYSIS: No service drives are proposed as part of the development.

FINDING: This standard does not apply.

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
Household living	Multi-dwelling – 2 or 1 per 10 auto spaces.

ANALYSIS: The proposed multi-family building is required to provide 88 parking stalls and therefore 9 bicycle stalls. A minimum of 3 stalls shall be long-term.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B9: Prior to Final Site Plan approval, show the location and design of short and long-term bicycle stalls in accordance with SZCDC § 16.94.020(C)(2). A minimum of 6 short-term and 3 long-term stalls shall be provided.

CONDITION OF APPROVAL G7: Prior to Receiving Occupancy, bicycle parking shall be installed in accordance with the Final Site Plan approval.

16.94.030 - Off-Street Loading Standards

A. Minimum Standards

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

- a. **Twenty thousand (20,000) to fifty (50,000) sq. ft. - five hundred (500) sq. ft.**
- b. **Fifty (50,000) sq. ft. or more - seven hundred fifty (750) sq. ft.**

ANALYSIS: The applicant is proposing a 250 SF loading area at the western corner of the building, near the rear entrance. While the building is greater than 50,000 SF in gross floor area, the loading stall area required by the standard above is intended to serve large commercial buildings with full size delivery trucks. The proposed multi-family building will require smaller moving vehicles for up to a 2-bedroom unit. Therefore a 750 SF loading area would not be appropriate for the proposed use.

FINDING: This standard is met.

B. Separation of Areas

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

ANALYSIS: The proposed loading area abuts an on-site concrete walkway near the west corner of the building for convenient access to the rear entrance. The loading area is adjacent to on-site parking and is required to be marked as a loading zone.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL G8: Prior to occupancy, the loading area shall be painted and signed as a designated loading area.

C. Exceptions and Adjustments.

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

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

5. Is acceptable to the applicable roadway authority.

ANALYSIS: No exceptions are requested.

FINDING: This standard is met.

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 Civil Plans (Exhibit F – Sheet C1.00) shows the proposed on-site pedestrian circulation system for Lot 2. The pedestrian pathways will be constructed of

concrete and connect to the existing system within the Cedar Creek Plaza development. The commercial center has three (3) existing pedestrian connection points between the site and the abutting rights-of-way (Hwy 99W, SW Edy Rd., and SW Maderia Terrace).

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 Code Compliance.

FINDING: This standard is met.

- F. Access to Major Roadways**
Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Appendix C of the Community Development Plan, Part II, shall be limited as follows:
- 1. Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W and arterial roadways. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.**
 - 2. Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress.**
 - 3. All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.**

ANALYSIS: This standard refers to vehicle access. The commercial center has frontage along Hwy 99W and has received previous approval for a right-in only driveway along the highway. The driveway has been constructed and is operational.

FINDING: These standards do not apply.

G. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

ANALYSIS: No service drives are proposed.

FINDING: These standards are met.

16.96.030 - Minimum Non-Residential Standards

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

B. Sidewalks and Curbs

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

ANALYSIS: There Civil Plans (Exhibit F – Sheet C0.50 - C1.00) show the existing and proposed sidewalk system for Lot 2. The sidewalks will be constructed of concrete and be a minimum of 4 ft. wide.

FINDING: This standard is 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: The trash enclosure for the new building is proposed at the rear of the site along the southwest property line with convenient access for collection vehicles. The nearest wall of the enclosure is approximately 12 ft. from the southwest property line. The applicant's narrative states the enclosure will be constructed with concrete and be screened from view by the existing vegetation and wood fence. A detail on the trash enclosure has not been provided.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B7: Prior to Final Site Plan approval, provide elevation details for the new trash enclosure.

CONDITION OF APPROVAL G9: Prior to Receiving Occupancy, all solid waste and recycling storage areas shall be located out of public view and screened by a 6 ft. high sight-obscuring fence or masonry wall.

Chapter 16.106 - TRANSPORTATION FACILITIES

16.106.020 - Required Improvements

A. Generally

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

16.106.080 - Traffic Impact Analysis (TIA)

A. Purpose

The purpose of this section is to implement Sections 660-012-0045(2)(b) and -0045(2)(e) of the State Transportation Planning Rule (TPR), which require the City to adopt performance standards and a process to apply conditions to land use proposals in order to minimize impacts on and protect transportation facilities. This section establishes requirements for when a traffic impact analysis (TIA) must be prepared and submitted; the analysis methods and content involved in a TIA; criteria used to review the TIA; and authority to attach conditions of approval to minimize the impacts of the proposal on transportation facilities.

This section refers to the TSP for performance standards for transportation facilities as well as for projects that may need to be constructed as mitigation measures for a proposal's projected impacts. This section also relies on the City's Engineering Design Manual to provide street design standards and construction specifications for improvements and projects that may be constructed as part of the proposal and mitigation measures approved for the proposal.

ANALYSIS: The original land use application for Cedar Creek Plaza development (SP 16-10 / CUP 16-06 / VAR 17-01) included a Transportation Impact Analysis (TIA) for the entire commercial center including Lot 2. The TIA assumed that Lot 2 would be developed with a 94-room hotel generating 768 daily trips including 718 external trips (on or off the site) and 50 internal trips (within the commercial site). The applicant has provided a Revised Trip Update Letter (Exhibit L) that shows the daily trips generated by the 67-unit multi-family building is 452, including 399 external trips and 53 internal trips. At build-out of Lot 2, the proposed 67-unit residential building will result in a reduction of 319 daily trips compared to the 94-room hotel.

Agency comments provided by the Oregon Department of Transportation (Exhibit X), Washington County Land Use & Transportation (Exhibit V), and the City of Sherwood Engineering (Exhibit T) concur with the trip generation report provided by the applicant. Additional analysis confirming the reduction in trips was performed by the City Engineer and is included as Exhibit TT. The analysis concludes the AM Peak Hour, PM Peak Hour, and overall daily trips generated by the previously proposed 84-unit apartment building would still be less than the previously approved 94-room hotel. Therefore, no transportation improvements or traffic mitigation measures are required.

FINDING: This criterion is met.

Chapter 16.108 – IMPROVEMENT PLAN REVIEW

16.108.010 – Preparation and Submission

An improvement plan shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of the plan shall be submitted to the City for review. An improvements plan shall be accompanied by a review fee as per this Section.

A. Review Fee

Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business Fees" adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

B. Engineering Agreement

A copy of an agreement or contract between the applicant and Registered Civil Engineer for:

- 1. Surveying sufficient to prepare construction plans.**
- 2. Preparation of construction plans and specifications.**
- 3. Construction staking, and adequate inspection.**
- 4. Construction notes sufficient to develop accurate as-built plans.**
- 5. Drawing of accurate as-built plans and submission of reproducible mylars for finals to the City.**
- 6. Certificate stating that construction was completed in accordance with required plans and specifications.**

ANALYSIS: Work on public facilities requires an Engineering Compliance Agreement issued by the City of Sherwood Engineering Department.

FINDING: This criterion is met as conditioned below.

CONDITION OF APPROVAL C1: Prior to Approval of the Engineering Public Improvement Plans or Issuance of Building Permits, an Engineering Compliance Agreement shall be obtained from the City of Sherwood Engineering Department.

CONDITION OF APPROVAL G10: Prior to Receiving Occupancy, the subject development shall receive Final Acceptance of Public Improvements.

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.

ANALYSIS: The City of Sherwood Engineering Comments (Exhibit T) state “The subject property has an existing sanitary sewer lateral stubbed into the property. Since all needed public sanitary sewer facilities were installed with the original development, no extension of the public sanitary sewer system is required.”

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL E3: Prior to Issuance of a Plumbing Permit, 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.

ANALYSIS: The City of Sherwood Engineering Comments (Exhibit T) indicate state” The subject property has an existing water service line stubbed into the property of adequate size to provide fire and domestic water service. Per Municipal Code Section 13.05.030, the domestic water service for a multi-family building is required to have approved backflow protection.”

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C2: Prior to Approval of the Engineering Public Improvement Plans, the developer shall design for the installation of backflow protection on the domestic water service meeting the approval of the City of Sherwood Public Works Department.

CONDITION OF APPROVAL C3: Prior to Approval of the Engineering Public Improvement Plans, if on-site fire protection is to be installed, the proposed development shall design for the installation of backflow protection meeting Sherwood Engineering Department standards.

CONDITION OF APPROVAL E4: Prior to Issuance of a Plumbing Permit, any private water piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.

CONDITION OF APPROVAL F1: Prior to Final Acceptance of the Constructed Public Improvements, any public water facilities located on private property shall have a recorded public water line easement encompassing the related public water improvements meeting Sherwood Engineering standards.

Chapter 16.114 – STORM WATER

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

ANALYSIS: The City of Sherwood Engineering Comments (Exhibit T) state “The subject property has an existing storm sewer lateral stubbed into the property. Since all needed public storm sewer facilities were installed with the original development, no extension of the public storm sewer system is required. Water quality treatment and hydromodification/detention facilities were not installed for the subject parcel as part of the original development and will need to be designed and installed to meet Clean Water Services standards. Detention is required due to discharging into ODOT right-of-way.

City policy requires that prior to grading, a permit is obtained from the Building Department for all grading on the private portion of the site. The proposed disturbance area for the subject development is greater than 1 acre in area, therefore, a DEQ NPDES 1200-CN permit is required for this project.

A Clean Water Services Service Provider Letter has already been obtained for the proposed development.”

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C4: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide on-site water quality treatment/hydro-modification/detention facilities in accordance with city and Clean Water Services standards unless otherwise approved by the city and Clean Water Services.

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

CONDITION OF APPROVAL E5: Prior to Issuance of a Plumbing Permit, any private storm sewer piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.

CONDITION OF APPROVAL C5: Prior to Approval of the Engineering Public Improvement Plans, a Storm Water Connection Permit Authorization shall be obtained.

CONDITION OF APPROVAL D1: Prior to Issuance of a Grading Permit, the subject development shall obtain a DEQ NPCES 1200-CN permit.

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: Fire protection and emergency services are provided by Tualatin Valley Fire and Rescue (TVFR). Tom Mooney, Deputy Fire Marshall, provided a review letter dated May 7, 2021 (Exhibit W) outlining fire protection requirements for the project. A condition of approval requiring compliance with the Fire Marshall's letter is included below.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL G11: Prior to final occupancy, the applicant shall obtain approval from TVF&R in accordance with the Fire Marshall's letter dated May 21, 2021 and all applicable Fire Code regulations.

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: The City of Sherwood Engineering comments state “Public utility easements were already dedicated along all street frontages as part of the original

development. Sherwood Broadband vaults and conduits were already installed along all street frontages as part of the original development.”

The applicant has provided plans (Exhibit F) that shows utilities will be located underground.

FINDING: These standards are met.

Chapter 16.142 Parks, Trees and Open Space

16.142.020 - Multi-Family Developments

A. Standards

Except as otherwise provided, recreation and open space areas shall be provided in new multi-family residential developments to the following standards (townhome development requirements for open space dedication can be found in Chapter 16.44.B.8- Townhome Standards):

1. Open Space

A minimum of twenty percent (20%) of the site area shall be retained in common open space. Required yard parking or maneuvering areas may not be substituted for open space.

2. Recreation Facilities

A minimum of fifty percent (50%) of the required common open space shall be suitable for active recreational use. Recreational spaces shall be planted in grass or otherwise suitably improved. A minimum area of eight-hundred (800) square feet and a minimum width of fifteen (15) feet shall be provided.

3. Minimum Standards

Common open space and recreation areas and facilities shall be clearly shown on site development plans and shall be physically situated so as to be readily accessible to and usable by all residents of the development.

4. Terms of Conveyance

Rights and responsibilities attached to common open space and recreation areas and facilities shall be clearly specified in a legally binding document which leases or conveys title, including beneficial ownership to a home association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions suitable to the City for guaranteeing the continued use of such land and facilities for its intended purpose; continuity of property maintenance; and, when appropriate, the availability of funds required for such maintenance and adequate insurance protection.

ANALYSIS: The proposed multi-family building is located in a mixed-use development in the Retail Commercial zone which includes over 1,000 SF of public open space adjacent to certain commercial buildings. The standard above is intended to provide usable open space for standalone multi-family developments.

FINDINGS: This standard does not apply.

16.142.070 Trees on Property Subject to Certain Land Use Applications

A. Generally

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

B. Applicability

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

C. Inventory

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

- g. Recommendations on measures that must be taken to preserve trees during the construction that are not proposed to be removed.
2. In addition to the general requirements of this Section, the tree and woodland inventory's mapping and report shall also include, but is not limited to, the specific information outlined in the appropriate land use application materials packet.
 3. Definitions for the inventory purposes of this Section
 - a. A tree is a living woody plant having a trunk diameter as specified below at Diameter at Breast Height (DBH). Trees planted for commercial agricultural purposes, and/or those subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition and from regulation under this Section, as are any living woody plants under six (6) inches at DBH. All trees six (6) inches or greater shall be inventoried.
 - b. A woodland is a biological community dominated by trees covering a land area of 20,000 square feet or greater at a density of at least fifty (50) trees per every 20,000 square feet with at least fifty percent (50%) of those trees of any species having a six (6) inches or greater at DBH. Woodlands planted for commercial agricultural purposes and/or subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under this Section.
 - c. A large stature tree is over 20 feet tall and wide with a minimum trunk diameter of 30 inches at DBH.
- D. Retention requirements**
1. Trees may be considered for removal to accommodate the development including buildings, parking, walkways, grading etc., provided the development satisfies of D.2 or D.3, below.

ANALYSIS: A small grove of six (6) mature Douglas Fir trees are located at the western corner of the Lot 2. The original site plan approval (SP 16-10 / CUP) proposed removing the trees with preservation dependent on field verification of the tree trunk location. The trees have not been removed and the updated Landscape Plans (Exhibit G – Sheet L1.00) indicate five (5) of the trees will be preserved while tree “T16” will be removed. The five trees now shown as being preserved will provide a valuable natural buffer between the mixed-use center including the proposed multi-family building and the existing residential development to the west. The five trees are required to be protected through site development per Condition of Approval A11.

FINDING: These standards are met by Condition of Approval A11.

3. Required Tree Canopy - Non-Residential and Multi-family Developments

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required landscaping trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the required canopy cover. A certified arborist or other qualified professional shall provide an estimated tree canopy for all proposed trees to the planning department for review as a part of the land use review process.

	Residential (single family & two family developments)	Old Town & Infill developments	Commercial, Industrial, Institutional Public and Multi-family
Canopy Requirement	40%	N/A	30%
Counted Toward the Canopy Requirement			
Street trees included in canopy requirement	Yes	N/A	No
Landscaping requirements included in canopy requirement	N/A	N/A	Yes
Existing trees onsite	Yes x2	N/A	Yes x2
Planting new trees onsite	Yes	N/A	Yes
<p>Mature Canopy in Square Feet Equation πr^2 or $(3.14159 * \text{radius}^2)$ (This is the calculation to measure the square footage of a circle. The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half.</p>			
<p>Canopy Calculation Example: Pin Oak Mature canopy = 35' $(3.14159 * 17.52) = 962$ square feet</p>			

ANALYSIS: The applicant's narrative includes a table with updated canopy coverage calculations and an overall percentage for the Cedar Creek Plaza development at 38.8%. However, the calculations do not include Lot 2 as part of the net site area. The entire Cedar Creek Plaza development is 13.17-acres or 573,685 SF.

With development of Lot 2 the new canopy coverage for the entire Cedar Creek Plaza center will be 195,012 SF or approximately 34% of the net development site.

FINDING: This standard is met.

4. **The City may determine that, regardless of D.1 through D.3, that certain trees or woodlands may be required to be retained. The basis for such a decision shall include; specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:**
 - a. **Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or**
 - b. **A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or**
 - c. **Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Clean Water Services stormwater management plans and standards of the City Comprehensive Plan, or**
 - d. **Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or**
 - e. **Otherwise merit retention because of unusual size, size of the tree stand, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.**

ANALYSIS: The five Douglas Fir trees now shown as being preserved will provide a valuable natural buffer between the mixed-use center including the proposed multi-family building and the existing residential development to the west. The five trees are required to be protected through site development per Condition of Approval A11.

FINDING: These standards are met by Condition of Approval A11.

Chapter 16.146 - Noise

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.**

16.146.030 – Exceptions

This Chapter does not apply to noise making devices which are maintained and utilized solely as warning or emergency signals, or to noise caused by automobiles, trucks, trains, aircraft, and other similar vehicles when said vehicles are properly maintained and operated and are using properly designated rights-of-way, travel ways, flight paths or other routes. This Chapter also does not apply to noise produced by humans or animals. Nothing in this Chapter shall preclude the City from abating any noise problem as per applicable City nuisance and public safety ordinances.

ANALYSIS: The proposed multi-family building will be located on a vacant lot within the existing Cedar Creek Plaza commercial center. The commercial development abuts a residential zone to the west and conformance with this standard was met with the original land use approval. Additional noises that will occur as a result of the multi-family building include noise commonly generated by vehicles, humans, and pets. The new noises that will result from the multi-family building are not anticipated to exceed the standards contained in OAR 340-35-035. In addition, the noise chapter above does not

apply to noise produced by humans or animals. Any future municipal code violations related to noise can be addressed by City Code Compliance.

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 proposed multi-family building will be located on a vacant lot within the existing Cedar Creek Plaza commercial center. Conformance with this standard was met with the original land use approval. No additional vibrations are expected to result from the multi-family building that exceed the standard in this section.

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 proposed multi-family building will be located on a vacant lot within the existing Cedar Creek Plaza commercial center. Conformance with this standard was met with the original land use approval. The proposed multi-family building is not expected to require a state air quality discharge permit.

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 proposed multi-family building will be located on a vacant lot within the existing Cedar Creek Plaza commercial center. Conformance with this standard was met with the original land use approval. The proposed multi-family building is not expected to produce odors that are discernible beyond the boundaries of the site.

A new trash enclosure will be located at the western portion of the site in the parking area. The trash enclosure will be built with concrete masonry walls to Pride Disposal standards and be buffered from the residential neighborhood by a 6 ft. tall wooden fence and more than 10 ft. of landscaping.

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 proposed multi-family building will be located on a vacant lot within the existing Cedar Creek Plaza commercial center. The development is adjacent to a residential zone to the west and conformance with this section is required. The applicant has not provided an exterior lighting plan.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B8: Prior to final site plan approval, the applicant shall provide an exterior lighting plan showing off-site light and glare will not exceed 0.5 foot candle.

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 states "The building has been sited and designed to have a south-facing building wall to take advantage of winter sunlight. The site proposes a mixture of deciduous and evergreen trees to provide cool summer breezes and moderate prevailing winter winds.

The proposed building is placed on the site in a manner that would allow utilization of roof mounted solar energy systems. However, the longest axis of the site is generally oriented north- south, which limits the placement of buildings in a manner such that each can benefit from unobstructed solar exposure on the south wall, while also orienting buildings and placing them near the abutting streets. Nevertheless, the entire south/southwest wall will have unrestricted solar exposure. Given the site's dimensions, street frontages, and factors influencing viable vehicular circulation through the site, the proposed plan affords solar exposure to the greatest possible number of buildings.

Based on available weather data from the National Oceanic and Atmospheric Administration (NOAA), the prevailing wind patterns in southwest portion of metropolitan Portland during summer are from the northwest. In winter, they're predominantly from the south. The proposed multi-family housing building will have operable windows and balconies along its north elevation that will permit residents, guests, and employees to cool interior spaces by allowing northwest breezes to enter the building. Trees placed along the perimeter of the site and within the parking area will provide ample shading at maturity. In the winter, trees planted along the south and west boundaries of the site and within the proposed parking areas will buffer winds from the south."

FINDING: This standard is met.

IV. STAFF RECOMMENDATION

STAFF RECOMMENDATION: Based upon review of the applicant's submittal, review of the applicable code, and agency comments, staff finds that the proposed Major Modification does not comply with the required standards and approval criteria, specifically **SZCDC § 16.12.030, 16.22.020 and 16.90.020(D)(1)**, and cannot be reasonably conditioned to comply.

Therefore, staff recommends denial of LU 2021-009 MM and adoption of the findings of non-compliance for SZCDC § 16.12.030, 16.22.020 and 16.90.020(D)(1).

However, if the commission determines the applicant has satisfied requirements of **SZCDC § 16.12.030, 16.22.020 and 16.90.020(D)(1)**, the commission can revise the findings for these sections and approve the application for the 67-unit proposal. The remaining findings of compliance and the Conditions of Approval below will allow the development to move forward under applicable City policy and development standards including building, engineering, and planning requirements.

As an additional alternative, the applicant may choose to revise the application to remove Lot 7 and propose 46-units or less on Lot 2. Under this scenario the applicant would also need revise the Commercial Design Review Matrix

findings under SZCDC § 16.90.020(D) to show compliance with the applicable building design standards. The revised proposal at 46-units or less would need to be approved by the Planning Commission at its June 14, 2022 meeting or earlier to stay within the current 120-day deadline.

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. Changes to the plans including building size and location, parking, and landscaping, and other changes to the plans impacting compliance with applicable criteria 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 Major Modification land use approval shall be void after two (2) years 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. All new utilities to be installed for the development of the subject property shall be underground.
8. Retaining walls within public easements or the public right-of-way shall require engineering approval.
9. The developer shall comply with the CWS Pre-Screening Site Assessment dated March 22, 2021 (File #21-000710), the CWS memorandum dated August 31, 2021 and all CWS Design and Construction Standards (R&O 19-5).
10. The applicant shall obtain all required building permits for any carports and accessory structures on Lot 2.
11. The existing grove of mature Douglas Fir trees at the northern corner of Lot 2, identified on the plans as trees T14, T15, T17, T18, and T19 shall be protected and preserved through site development as shown in Exhibit G – Sheet L1.00).

B. Prior to Final Site Plan Approval

1. *Condition removed [related to pedestrian furniture in front of building]*
2. Prior to final site plan approval, the applicant shall provide final landscaping plans for Lot 2 in conformance with landscape standards.
3. Prior to final site plan approval, the applicant shall provide final landscaping plans that demonstrate compliance with the tree requirements for parking lot landscaping on Lot 2.
4. *Condition Removed [related to demonstrating compliance with parking standards]*
5. Prior to final site plan approval, the plans shall show the final location of all required ADA stalls. All parking stalls and drive aisles on Lot 2 shall meet the dimensional standards of SZCDC § 16.94.020(B).
6. *Condition removed [related to pedestrian walkway to outdoor pet area]*
7. Prior to Final Site Plan approval, provide elevation details for the new trash enclosure.
8. Prior to final site plan approval, the applicant shall provide an exterior lighting plan showing off-site light and glare will not exceed 0.5 foot candle.
9. Prior to Final Site Plan approval, show the location and design of short and long-term bicycle stalls in accordance with SZCDC § 16.94.020(C)(2). A minimum of 6 short-term and 3 long-term stalls shall be provided.

C. Prior to Approval of the Engineering Public Improvement Plans

1. Prior to Approval of the Engineering Public Improvement Plans or Issuance of Building Permits, an Engineering Compliance Agreement shall be obtained from the City of Sherwood Engineering Department.

2. Prior to Approval of the Engineering Public Improvement Plans, the developer shall design for the installation of backflow protection on the domestic water service meeting the approval of the City of Sherwood Public Works Department.
3. Prior to Approval of the Engineering Public Improvement Plans, if on-site fire protection is to be installed, the proposed development shall design for the installation of backflow protection meeting Sherwood Engineering Department standards.
4. Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide on-site water quality treatment/hydro-modification/detention facilities in accordance with city and Clean Water Services standards unless otherwise approved by the city and Clean Water Services.
5. Prior to Approval of the Engineering Public Improvement Plans, a Storm Water Connection Permit Authorization shall be obtained.

D. Prior to Issuance of a Grading Permit

1. Prior to Issuance of a Grading Permit, the subject development shall obtain approval of a site erosion control plan from the Sherwood Engineering Department.
2. Prior to Issuance of a Grading Permit, the subject development shall obtain a DEQ NPCES 1200-CN permit.

E. Prior to Issuance of Building Permits

1. Prior to issuance of building permits, the applicant shall provide plans that demonstrate how all rooftop equipment will be screened by materials matching the buildings architecture and finish.
2. Prior to Issuance of Building Permits, the applicant shall provide plans that demonstrate how all mechanical equipment will be screened from view of public streets and the adjacent residential zone.
3. Prior to Issuance of a Plumbing Permit, any private sanitary sewer piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.
4. Prior to Issuance of a Plumbing Permit, any private water piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.
5. Prior to Issuance of a Plumbing Permit, any private storm sewer piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.

F. Prior to Acceptance of Public Improvements

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

for all private water quality/hydro-modification facilities is also required to be submitted to the Sherwood Engineering Department.

G. Prior to Receiving Occupancy

1. Prior to final occupancy, all landscaping on Lot 2 shall be served by an automatic irrigation system.
2. Prior to receiving final, all rooftop equipment shall be screened by materials matching the buildings architecture and finish.
3. Prior to final occupancy, all site landscaping for Lot 2 shall be installed according to the final approved landscape plans.
4. Prior to final occupancy, the existing 10 ft. wide landscaping buffer separating Lot 2 from the HDR-PUD zone shall be re-planted according to the plans on Exhibit G – Sheet L2.1, or an alternative plan that meets the requirements of SZCDC § 16.92.030(A)(2).
5. Prior to final occupancy, all mechanical equipment, outdoor storage, and service and delivery areas shall be screened from view of public streets and the adjacent residential zone.
6. Prior to Receiving Occupancy, all parking, loading or maneuvering areas including ADA and loading stalls shall be clearly marked and signed. All interior drives and access aisles shall be clearly marked and signed to show the direction of flow and maintain vehicular and pedestrian safety.
7. Prior to Receiving Occupancy, bicycle parking shall be installed in accordance with the Final Site Plan approval.
8. Prior to occupancy, the loading area shall be painted and signed as a designated loading area.
9. Prior to Receiving Occupancy, all solid waste and recycling storage areas shall be located out of public view and screened by a 6 ft. high sight-obscuring fence or masonry wall.
10. Prior to Receiving Occupancy, the subject development shall receive Final Acceptance of Public Improvements.
11. Prior to Receiving Occupancy, obtain approval from TVF&R in accordance with the Fire Marshall's letter dated May 21, 2021 and all applicable Fire Code regulations.

V. EXHIBITS*

- A. Tax Map
- B. Aerial-Vicinity Map
- C. Zoning Map
- D. Survey
- E. As-Built Plans
- F. Civil Plans
- G. Landscape Plans

- H.** REVISED Architectural Plans
- I.** Architectural Perspective Renderings
- J.** Neighborhood Meeting Materials
- K.** Geotech Report
 - 1. Geotech Report Addendum
- L.** REVISED Trip Update Letter
- M.** Arborist Report and Tree Survey
- N.** Service Provider Letter (Clean Water Services)
- O.** Stormwater Report and Calculations
- P.** Covenants, Conditions, and Restrictions (CC&Rs)
- Q.** Title Reports
- R.** REVISED Signed Land Use Application Forms
- S.** Applicant Narrative
- T.** REVISED City of Sherwood Engineering Department Comments
- U.** City of Sherwood Police Department Comments
- V.** Washington County Land Use and Transportation Comments
- W.** Tualatin Valley Fire and Rescue Comments
- X.** Oregon Department of Transportation Comments
- Y.** Clean Water Services Comments
- Z.** Pride Disposal Comments
- AA.** ODOT Outdoor Advertising Sign Program Comments
- BB.** Cedar Creek Plaza Subdivision Plat
- CC.** Staff Photo – Site Perimeter Landscaping
- DD.** Staff Photo – Site Perimeter Landscaping
- EE.** Cedar Creek Plaza Property Ownership Map
- FF.** Staff Photo – Ackerly Reserved Parking
- GG.** Notice of Decision SP 16-10 / CUP 16-06 / VAR 17-01
- HH.** Notice of Decision LLA 17-02
- II.** Notice of Decision SUB 17-02
- JJ.** Testimony from Mark Light dated 9-1-21, 9-19-21, 10-6-21, 1-13-22
- KK.** Testimony from Julia Light dated 9-21-21
- LL.** Testimony from Bruce Bebb dated 9-6-21
- MM.** Testimony from Harold Cox dated 8-31-21 and 12-3-21
- NN.** Testimony from Chris Koback dated 12-3-21 and 12-7-21
- OO.** Testimony from Bob Barman dated 12-3-21
- PP.** Testimony from Richard Jaffe dated 12-9-21
- QQ.** Existing Parking Stall Count Exhibit from Staff dated 12-6-21
- RR.** Letter from LeisureCare on Ackerly Staff and Parking
- SS.** Final Site Plan Narrative from Original Decision (SP 16-10 / CUP 16-06 / VAR 17-01)
- TT.** Internal Memorandum “Analysis of Traffic Count Impacts to TIA due to Change of Use” from Bob Galati, City Engineer dated December 6, 2021

- UU.** REVISED Cedar Creek Plaza Parking Review and Management Plan from Kittelson & Associates dated 2-9-22
- VV.** Letter from Applicant (Brad Kilby) to Planning Commission dated 12-9-21, "Cedar Creek Plaza Testimony – LU 2021-019"
- WW.** Letter to Planning Commission from Applicant (Steve Deacon) dated 1-13-22, "Cedar Creek Plaza Multi-family Project"
- XX.** 120 Day Extensions from Applicant
- YY.** Testimony from Todd Fisher dated January 23, 2022
- ZZ.** Testimony from Chris Koback dated January 24, 2022
- AB.** Email from Applicant (Brad Kilby) dated January 25, 2022
- AC.** Letter from Applicant (Steve Deacon) dated January 25, 2022
- AD.** Exhibit from Kittelson & Associates dated January 25, 2022
- AE.** Testimony from Gabriel Zapodeanu dated January 25, 2022
- AF.** Testimony from Mark Light dated February 8, 2022
- AG.** 120-Day Extension from Applicant
- AH.** Letter from Applicant (Brad Kilby) dated February 16, 2022
- AI.** Testimony from David Petersen dated February 18, 2022
- AJ.** Testimony from Chris Koback dated February 21, 2022
- AK.** 120-Day Extension and Continuance Request from Applicant
- AL.** 120-Day Extension and Continuance Request from Applicant
- AM.** Testimony from Mark Light dated March 21, 2022
- AN.** Deeds for Tax Lots 2200 and 2700
- AO.** Testimony from Mark Light dated April 24, 2022

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