



Home of the Tualatin River National Wildlife Refuge

Case No. \_\_\_\_\_  
Fee \_\_\_\_\_  
Receipt # \_\_\_\_\_  
Date \_\_\_\_\_  
TYPE \_\_\_\_\_

### City of Sherwood Application for Land Use Action

**Type of Land Use Action Requested: (check all that apply)**

- Annexation
- Plan Amendment (Proposed Zone \_\_\_\_\_)
- Planned Unit Development
- Site Plan (square footage of building and parking area)
- Variance (list standards to be varied in description)
- Conditional Use
- Partition (# of lots \_\_\_\_\_)
- Subdivision (# of lots \_\_\_\_\_)
- Other: \_\_\_\_\_

*By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.*

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov). Click on Government/Finance/Fee Schedule.

**Owner/Applicant Information:**

Applicant: Deacon Development, LLC - Attn: Steve Deacon Phone: 503-297-8791  
 Applicant Address: 901 NE Glisan Street, Suite 100, Portland, 97232 Email: steve.deacon@deacon.com  
 Owner: DD Sherwood Two, LLC Phone: \_\_\_\_\_  
 Owner Address: 901 NE Glisan Street, Suite 100, Portland, 97232 Email: \_\_\_\_\_  
 Contact for Additional Information: Brad Kilby, AICP - (503)221-1131 (bkilby@hhpr.com)

**Property Information:**

Street Location: 16840 and 16864 SW Edy Road.  
 Tax Lot and Map No: 2S130DA2700 and 2S130DA2200  
 Existing Structures/Use: Tax Lot 2700 has a commercial building on it. Tax lot 2200 is vacant  
 Existing Plan/Zone Designation: Retail Commercial (RC)  
 Size of Property(ies) 2.43 Acres (.70 (TL 2700) and 1.43 ac (TL2200))

**Proposed Action:**

Purpose and Description of Proposed Action:

The applicant is proposing a Major Modification to the Cedar Creek Plaza Commercial Center that was approved under land use case files SP16.10/CUP16.06/VAR 17-01 to construct a three story, 67-unit, multi-family apartment building.

Proposed Use: Multi-family Development

Proposed No. of Phases (one year each): 1


LAND USE APPLICATION FORM

**Authorizing Signatures:**


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I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

 MGR.  
Applicant's Signature

3-18-22  
Date

 MGR.  
Owner's Signature

3-18-22  
Date

**The following materials must be submitted with your application or it will not be accepted at the counter.** Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

- 3 Copies of Application Form\*** completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- Copy of Deed** to verify ownership, easements, etc.
- At least 3 folded** sets of plans\*
- At least 3 copies** of narrative addressing application criteria\*
- Fee** (along with calculations utilized to determine fee if applicable)
- Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

\* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.



**TYPE IV  
MAJOR  
MODIFICATION  
TO AN APPROVED  
SITE PLAN**

**To**  
City of Sherwood

**For**  
Deacon Development

**Submitted**  
April 26, 2021

**Amended**  
March 21, 2022

**Project Number**  
239

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**EXHIBITS**

- A. Tax Map
- B. Aerial/Vicinity Map
- C. Zoning Map
- D. Survey
- E. As-Built Drawings
- F. Civil Plans
  - Overall Site Plan
  - Layout and Parking Plan
  - Grading and Erosion Control Plan
  - Utility and Storm Plan
- G. Landscape Plans
  - Cover Sheet
  - Existing Tree and Vegetation Protection Plan
  - Materials Plans – Ground Level
  - Materials and Planting Plan – Level 3
  - Planting Plan – Ground Level
- H. Architectural Plans
  - Cover Sheet
  - Site Plan
  - First Floor Plan
  - Second Floor Plan
  - Third Floor Plan
  - Building Elevations (Black & White)
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  - Building Sections
- I. Architectural Perspective Renderings
- J. Neighborhood Meeting Documentation
- K. Geotechnical Report and Addendum
- L. Trip Update Letter
- M. Arborist Report and Tree Survey
- N. Service Provider Letter – Clean Water Services
- O. Stormwater Report and Calculations

## I. PROJECT SUMMARY

<b>Owners/Applicants:</b>	DD Sherwood Two, LLC DD Sherwood One, LLC 901 NE Glisan Street, Suite 100 Portland, OR 97232
<b>Owner/Applicant's Representative:</b>	Harper Houf Peterson Righellis, Inc Brad Kilby, AICP brack@hhpr.com 205 SE Spokane Street Portland, OR 97202 P: (503) 221-1131
<b>Site Address:</b>	16864 SW Edy Road Sherwood, OR 97140
<b>Tax Maps/Lots:</b>	2S130DA02200 2S130DA02700
<b>Primary Zone:</b>	Retail Commercial (RC)
<b>Request:</b>	A Major Modification to an Approved Site Plan (Type IV) for development of Phase 2 within the Cedar Creek Plaza mixed-use complex. This application proposes to add 67 multi-family units (Phase 2) to the 47,500 square feet of retail, restaurant, and other commercial uses and 138 room assisted living and memory care facility; and existing 42,000-square-foot medical office building completed under Phase 1.
<b>Applicable Criteria:</b>	City of Sherwood Development Code 16.70 General Provisions 16.72 Procedures For Processing Development Permits 16.12 Residential Land Use Districts 16.22 Commercial Land Use Districts 16.90 Site Planning 16.92 Landscaping 16.94 Off-Street Parking & Loading 16.96 On-Site Circulation 16.98 On-Site Storage 16.106 Transportation Facilities 16.110 Sanitary Sewers 16.112 Water Supply 16.114 Stormwater 16.116 Fire Protection 16.118 Public & Private Utilities 16.132 General Provisions 16.134 Floodplain Overlay

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- 16.140 Solid Waste
- 16.142 Parks, Trees, and Open Spaces
- 16.144 Wetland, Habitat and Natural Areas
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- 16.154 Heat and Glare
- 16.156 Energy Conservation

## II. INTRODUCTION AND PROPOSAL

This application package includes narrative, plans, drawings, and additional documentation in support of a Major Modification of an Approved Site Plan for approval of the following development proposed at Cedar Creek Plaza in Phase 2:

- A multi-family housing building consisting of 67 units and an expansion to the parking area of 92 additional parking spaces added to the Cedar Creek Plaza mixed-use development.
- The multi-family housing building will consist of 6 studios, 56 one bedrooms and 5 two bedrooms. Studios will range between 403-531 SF in size, one bedrooms will range between 419-752 SF in size and two bedrooms will range between 830-1,030 SF in size.
- The multi-family housing building will provide residents amenities such as:
  - on-site property management;
  - a fenced outdoor pet area;
  - a central courtyard and covered patio (ground level);
  - a community room and covered patio (3<sup>rd</sup> floor);
  - a indoor pet wash station;
  - bike storage rooms;
  - parcel delivery storage;
  - covered parking

### Background

#### **Background**

The Cedar Creek Plaza Project was approved on May 07, 2017 under file numbers **SP 16-10/CUP 16-06/VAR 17-01** as a mixed-use development. The application and subsequent land use decision included 3 tax lots (700, 800, and 900). The three tax lots also referred to the three property owners that developed the center. The three original property owners include Ackerly at Sherwood (Rembold), Providence, and Deacon Development.

Afterwards, Deacon Development subdivided the Deacon Tract under **SUB 17-02** into six lots that were to be developed commercially. The original intent of Deacon Development was to develop a hotel on Lot 2 of that subdivision. As we have stated previously, the market for a hotel in that location never materialized. The property within this application **LU2021-009-MM** is subject to a major modification to the prior approval (**SP 16-10/CUP16-06/VAR 17-01**) to develop Lot 2 of the subdivision within the Deacon Tract with a multi-family development.

This application was amended after the January 25<sup>th</sup> public hearing to reduce the number of proposed multi-family dwelling units from 84 units to 67 units to respond to the lost support of the owner of lot 3 within the Deacon Tract. The building footprint will remain the same, parking for the proposed apartments can all occur on the Deacon Tract with a surplus of four parking spaces, and the traffic generation decreases as a result of the amended application.



This application includes an amended floor plan, an amended parking study provided by Kittelson and Associates, and an amended traffic study to reflect the impacts to parking and vehicular trip generation from the reduction in the number of units proposed. The application provides for multi-family development within an existing mixed use commercial center. Multi-family development is an allowed use within the Retail Commercial zoning designation. This development would provide a needed housing type within the City of Sherwood. In fact, there has not been a multi-family development constructed within the City of Sherwood over the last five years.

Aerial Map



### III. CITY OF SHERWOOD DEVELOPMENT CODE APPROVAL CRITERIA

The following narrative addresses how the proposed development complies with the applicable code criteria.

#### DIVISION III ADMINISTRATIVE PROCEDURES

##### **Chapter 16.70 - GENERAL PROVISIONS**

##### *16.70.010 - Pre-Application Conference*

*Pre-application conferences are encouraged and shall be scheduled to provide applicants with the informational and procedural requirements of this Code; to exchange information regarding applicable policies, goals and standards of the Comprehensive Plan; to provide technical and design assistance; and to identify opportunities and constraints for a proposed land use action. An applicant may apply at one time for all permits or zone changes needed for a development project as determined in the pre-application conference.*

**Response:** The applicants held a pre-application conference with City of Sherwood staff on February 18, 2021. In attendance were representatives from Community Development Department, Public Works Department, as well as representatives from the Oregon Department of Transportation. This standard is met.

##### *16.70.020 - Neighborhood Meeting*

- A. *The purpose of the neighborhood meeting is to solicit input and exchange information about the proposed development.*
- B. *Applicants of Type III, IV and V applications are required to hold a meeting, at a public location for adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject application, prior to submitting their application to the City. Affidavits of mailing, sign-in sheets and a summary of the meeting notes must be included with the application when submitted. Applicants for Type II land use action are encouraged, but not required to hold a neighborhood meeting.*
  - 1. *Projects requiring a neighborhood meeting in which the City or Urban Renewal District is the property owner or applicant shall also provide published and posted notice of the neighborhood meeting consistent with the notice requirements in 16.72.020.*

**Response:** The applicants conducted a virtual neighborhood meeting for the subject proposal on April 22, 2021. A notice of the neighborhood meeting was mailed to all owners of property within 1,000 feet of the site. The Affidavits of Mailing, sign-in sheets from the meeting, and minutes from the meeting were submitted to the City of Sherwood with the application. This standard is met.

##### *16.70.030 - Application Requirements*

- A. *Form Any request for a land use action shall be made on forms prescribed and provided by the City and shall be prepared and submitted in compliance with this Code. A land use application shall be reviewed against the standards and criteria effective at the time of application submittal. Original signatures from all owners or their legal representative must be on the application form.*

**Response:** An updated land use application with the owner signatures for the two lots within the development impacted by the proposed development are provided with this amended application. Digitally verified and signed application forms (DocuSign) for the subject land use request were submitted to the City of Sherwood with the original land use application. This standard is met.

- B. *Copies To assist in determining the compliance of proposed land use actions with the Comprehensive Plan and provisions of this Code, applicants shall submit one (1) complete electronic copy of the full application packet, one reduced (8½ × 11) copy of the full application packet and the required number of hard copies as outlined on the applicable forms prescribed and provided by the City.*

**Response:** An electronic copy of the complete application package was submitted to the City of Sherwood, along with 15 hard copies of the full application package and application forms. This standard is met.

C. *Content*

1. *In addition to the required application form, all applications for Type II-V land use approval must include the following:*

- a. *Appropriate fee(s) for the requested land use action required based on the City of Sherwood Fee Schedule.*

**Response:** The required land use fees for a Major Modification to a previously approved site plan was provided to the City of Sherwood with the application. This standard is met.

- b. *Documentation of neighborhood meeting per 16.70.020.*

**Response:** As noted above, documentation of the neighborhood meeting that was conducted by the applicant was previously submitted to the City of Sherwood with the application. This standard is met.

- c. *Tax Map showing property within at least 300 feet with scale (1" = 100' or 1" = 200') north point, date and legend.*

**Response:** Exhibit A presents the Washington County tax map that corresponds with the subject site. This standard is met.

- d. *Two (2) sets of mailing labels for property owners of record within 1,000 feet of the subject site, including a map of the area showing the properties to receive notice and a list of the property owners, addresses and tax lots. Ownership records shall be based on the most current available information from the Tax Assessor's office.*

**Response:** Two sets of mailing labels for owners of all properties within 1,000 feet of the subject site were provided to the City of Sherwood with the original land use application. The applicant is providing a re-notice fee that provides for a new set of mailing labels and notice to surrounding neighbors. This standard is met.

- e. *Vicinity Map showing a minimum radius of 500 feet around the property and the closest intersection of two Principal Arterial, Arterial, Collector or Neighborhood roads.*

**Response:** Exhibit B presents a Vicinity Map for the subject site and surrounding area. The intersection at SW Edy Road and SW Pacific Highway, which is located at the northeast corner of the site, is the nearest intersection of the street classifications listed above. This standard is met.

- f. *A narrative explaining the proposal in detail and a response to the Required Findings for Land Use Review for the land use approval(s) being sought.*

**Response:** The application narrative and responses provided address the review criteria that are applicable to the subject land use request. This standard is met.

*g. Two (2) copies of a current preliminary title report.*

**Response:** Two copies of the current preliminary title report for the subject properties are being provided to the City of Sherwood with this amended application. This standard is met.

*h. Existing conditions plan drawn to scale showing: property lines and dimensions, existing structures and other improvements such as streets and utilities, existing vegetation, any floodplains or wetlands and any easements on the property.*

**Response:** Exhibit D presents an existing conditions plan that notes the information requested through the criterion cited above. This standard is met.

*i. Proposed development plans sufficient for the Hearing Authority to determine compliance with the applicable standards. Checklists shall be provided by the City detailing information typically needed to adequately review specific land use actions.*

**Response:** Exhibits F, G, and H present the proposed site plan, grading plan, utility plan, landscaping plan, and building elevations. This standard is met.

*j. A trip analysis verifying compliance with the Capacity Allocation Program, if required per 16.108.070.*

*k. A traffic study, if required by other sections of this code,*

**Response:** Exhibit L presents an update to the original Traffic Impact Analysis for the subject proposal. The analysis includes a revised trip generation for the proposed multi-family building in lieu of the 94-room hotel originally considered when the first phase of the development was considered. The hotel was not formally proposed or approved with Phase 1 of the development, but traffic mitigation measures were provided under the premise that a 94-room hotel would be constructed on the property. The amended trip generation study concludes that the 67-unit multi-family development would generate 319 fewer average daily trips than a 94-room hotel.

*l. Other special studies or reports that may be identified by the City Manager or his or her designee to address unique issues identified in the pre-application meeting or during project review including but not limited to:*

- (1) Wetland assessment and delineation*
- (2) Geotechnical report*
- (3) Traffic study*
- (4) Verification of compliance with other agency standards such as CWS, DSL, Army Corps of Engineers, ODOT, PGE, BPA, Washington County.*

**Response:** Exhibit K presents a geotechnical report for the subject site and proposed project. A completed Pre-screening Form and Service Provider Letter that were obtained from Clean Water Services is presented as Exhibit N. This standard is met.

*m. Plan sets must have:*

- (1) The proposed name of the development. If a proposed project name is the same as or similar to other existing projects in the City of Sherwood, the applicant may be required to modify the project name.*
- (2) The name, address and phone of the owner, developer, applicant and plan producer.*
- 3) North arrow,*
- 4) Legend,*
- 5) Date plans were prepared and date of any revisions*
- 6) Scale clearly shown. Other than architectural elevations, all plans must be drawn*

to an engineer scale.

7) All dimensions clearly shown.

**Response:** All submitted plan sets have been formatted and prepared to include the information listed above. This standard is met.

2. Exemptions can be made when items in 16.70.030.C.1 are not necessary in order to make a land use decision, such as for text amendments to the development code. Additional written documentation may be necessary to adequately demonstrate compliance with the criteria.

**Response:** The applicants have not requested any exemptions from the application requirements addressed above. There was a question from the Chair of the Planning Commission about whether or not the proposed development constituted a density transfer. That is not the case in this instance. As mentioned previously, multi-family housing is allowed within the RC zone subject to the, “minimum lot area” provisions in table 16.12.030. The term “lot” within the Sherwood Zoning and Community Development Code (SZCDC) is defined as follows:

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. (emphasis added)
- 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.

The applicable provisions are discussed in greater detail under section 16.12 later in this report.

## Part I. Site Plan Review

### Chapter 16.72 – PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

#### 16.72.010 - Generally

- A. *Classifications. Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:*
  - 1. *Type I. The following quasi-judicial actions shall be subject to a Type I review process:*
    - a. Signs
    - b. Property Line Adjustments
    - c. Interpretation of Similar Uses
    - d. Temporary Uses
    - e. Final subdivision and partition plats
    - f. Final Site Plan Review
    - g. Time extensions of approval, per Sections 16.90.020; 16.124.010
    - h. Class A Home Occupation Permits
    - i. Interpretive Decisions by the City Manager or his/her designee
    - j. Tree Removal Permit - a street trees over five (5) inches DBH, per Section 16.142.050.B.2 and 3.
    - k. Adjustments
      - l. Re-platting, Lot Consolidations and Vacations of Plats
      - m. Minor Modifications to Approved Site Plans
  - 2. *Type II. The following quasi-judicial actions shall be subject to a Type II review process:*
    - a. Land Partitions
    - b. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community

*Development Code. Conditions may be imposed by the Planning Director if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.*

- c. *"Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to a Conditional Use Permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.A.4.*
  - d. *"Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.D.6.d.*
  - e. *Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in Section 16.90.020.D.7.b.*
  - f. *Homeowner's association street tree removal and replacement program extension.*
  - g. *Class B Variance*
  - h. *Street Design Modification*
  - i. *Subdivisions between 4—10 lots*
  - j. *Medical marijuana dispensary permit*
3. *Type III. The following quasi-judicial actions shall be subject to a Type III review process:*
- a. *Conditional Uses*
  - b. *Site Plan Review — between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010.A.*
  - c. *Subdivisions between 11—50 lots.*
4. *Type IV. The following quasi-judicial actions shall be subject to a Type IV review process:*
- a. *Site Plan review and/or "Fast Track" Site Plan review of new or existing structures in the Old Town Overlay District.*
  - b. *All quasi-judicial actions not otherwise assigned to a Hearing Authority under this section.*
  - c. *Site Plans — Greater than 40,000 square feet of floor area, parking or seating capacity.*
  - d. *Site Plans subject to Section 16.90.020.D.6.f.*
  - e. *Industrial Site Plans subject to Section 16.90.020.D.7.b.*
  - f. *Subdivisions — over 50 lots.*
  - g. *Class A Variance*

**Response:** This is a proposed Major Modification to a previously approved site plan request includes more than 40,000 square feet of floor area and new additional parking, and, therefore, is subject to review under the provisions of the Sherwood Zoning and Community Development Code (SZCDC). Section 16.90.030.A.1.a1-7. The approval criteria have been responded to throughout this narrative and within reports prepared by professional and licensed experts in their respective fields.

## Chapter 16.12 - RESIDENTIAL LAND USE DISTRICTS

### 16.12.030 - Development Standards

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

**Response:** As shown below, each of the applicable development standards addressed below are satisfied to at least the minimum stipulated requirements. This standard is met.

B. *Development Standards. Except as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.*

**Response:** As shown below, each of the applicable development standards addressed below are satisfied to at least the minimum stipulated requirements. This standard is met.

Development Standard – HDR Zone		Response
Min. Lot area	8,000 SF for the first 2 units. 1,500 SF for each additional unit after 2.	The amended proposal is for 67 units, therefore 8,000 SF of area is required for the first 2 units and 97,500 SF of area is required for the other 65 units (65 x 1,500 SF) for a total required minimum area of 105,500 SF. Utilizing the land area of lots 2 and 7 within the Deacon tract of the original Cedar Creek Plaza development, the lot area being proposed is 145,490 SF (Lot 2: 75,359 SF/1.73 AC + Lot 7: 30,492 SF/0.70 AC). <ul style="list-style-type: none"> <li>• Required Area: 105,500 SF</li> <li>• Proposed Area: 105,851 SF</li> </ul>
Min. Lot width at front property line	25 ft	Lot 2: 392 ft
Min. Lot width at building line	60 ft	Lot 2: 241 ft
Min. Lot Depth	80 ft	Lot 2: 244 ft
Building Height	40 ft	Proposed: 33 ft
Min. Front yard setback	14 ft	Proposed: 286.5 ft (from Hwy 99)
Min. Interior side yard setback	9.5 ft (33ft Bldg Ht)	Proposed: 13.5 ft (East) 56.5 ft (West)
Min. Rear yard setback	20 ft	Proposed: 68 ft

## 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.*

**Response:** The Cedar Creek Plaza site is approximately 13 acres and is adjacent to existing commercial development to the north and east. Existing residential uses also border the site to the north and west.

As further described below, the mix of proposed and existing uses through this application are allowed in the RC zone. Environmental impacts that might result from development of the site with these uses are expected to be negligible based on findings presented below in response to Division VIII of the Sherwood Municipal Code. This standard is met.

### 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.*

**Response:** As shown in the table below, the Multi-family housing proposed in Phase 2 is permitted outright (P) because the Multi-family housing is located in the rear of and otherwise clearly secondary to the existing commercial buildings completed in Phase 1.

As described above, the proposed Multi-family housing is in compliance with the dimensional requirements of the High Density Residential (HDR) zone (16.12.030). This standard is met.

RESIDENTIAL	
<ul style="list-style-type: none"> <li>Multi-family housing, subject to the dimensional requirements of the High Density Residential (HDR) zone in 16.12.030 when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.</li> </ul>	P



*16.22.030 - Development Standards*

- C. *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)*
- D. *Development Standards. Except as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table*

**Response:** The proposed Multi-family housing is required to comply with the dimensional requirements of the High Density Residential (HDR) zone (16.12.030). No changes to the development constructed in Phase 1 is proposed. The previously approved development is already consistent with these requirements.

*16.22.040 - Community Design*

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

**Response:** Responses to the applicable development standards addressing off-street parking and loading, energy conservation, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design are provided throughout this narrative. There are no designated historic resources on the proposed development site. This standard is met.

*16.22.060 – Floodplain.*

*Except as otherwise provided, Section 16.134.020 shall apply.*

**Response:** The subject site is not located within the 100-year Floodplain. This standard is not applicable to the proposed development.

## Division V. - COMMUNITY DESIGN

### Chapter 16.90 – SITE PLANNING

#### 16.90.020 Description of Decision-Making Procedures

- A. *Site Plan Review Required. Site Plan review is required prior to any substantial change to a site or use that does not meet the criteria of a minor or major modification, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use. For the purposes of Section 16.90.020, the terms "substantial change" and "substantial alteration" mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:*
1. *The activity alters the exterior appearance of a structure, building or property and is not considered a modification.*
  2. *The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial and is not considered a modification.*
  3. *The activity involves non-conforming uses as defined in Chapter 16.48.*
  4. *The activity constitutes a change in a City approved plan, per Section 16.90.020 and is not considered a modification.*
  5. *The activity is subject to site plan review by other requirements of this Code.*
  6. *The activity increases the size of the building by more than 100% (i.e. the building more than doubles in size), regardless of whether it would be considered a major or minor modification.*

**Response:** The proposed development is a major modification to a previously approved site plan. The applicable requirements of this section are discussed throughout this amended narrative. As proposed, the new development is consistent with the requirements of the development code at the time of submittal of the original application, which was submitted on May 5, 2021 and deemed complete on August 3, 2021.

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

**Response:** Findings that demonstrate compliance with the applicable development standards from Divisions II, IV, V, VI, and VIII are presented within this narrative. As substantiated by relevant portions of those findings, the subject development has been designed in a manner that will ensure adequate service can be provided from public and private utilities. Following construction, ongoing maintenance of the site and related improvements will be provided by the property owner(s) and building tenants, as the case may be. This standard 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.*

**Response:** The only natural features that have been documented at the site are existing trees. The stand of trees located within the northeast portion of Lot 2 are proposed to be preserved. Please see below for findings in response to standards that address tree preservation and mitigation; in particular, standards from Division VIII. This standard is met.

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

**Response:** An update to the original Traffic Impact Analysis is provided with this application. It demonstrates the anticipated effect of the proposed development on the surrounding transportation system (Exhibit L). The analysis demonstrates that the proposed use will generate 319 fewer average daily trips than what was anticipated with the original land use approval. It should be noted that mitigation measures for all of the traffic impacts were constructed with the first phase of development on this site.

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.*

**Response:** This application is a Major Modification to the Approved Site Plan for the overall Cedar Creek Plaza mixed-use development. The previous Approved Site Plan for the overall mixed-use development was approved utilizing the Commercial Design Review Matrix. Therefore, the applicant seeks approval through incorporation of the proposed Multi-family housing project (Phase 2) within the context of modifying the overall mixed-use development. The design elements addressed through the Commercial Design Review Matrix below consider the points previously approved and whether the inclusion of the new Multi-family housing in Phase 2 modify the point total. As

demonstrated, the overall development proposed has been amended to secure at least the minimum number of points required in each category. This standard is met.

COMMERCIAL DESIGN REVIEW MATRIX					
Design Criteria	Possible Points				
	0	1	2	3	4
<b><i>Building Design (21 Total Points Possible; Minimum 12 Points Required)</i></b>					
<b><i>These standards may be applied to individual buildings or developments with multiple buildings.</i></b>					
<i>Materials<sup>1</sup></i>	<i>Concrete, artificial materials (artificial or "spray" stucco, etc.)</i>	<i>Cultured stone, brick, stone, decorative patterned masonry, wood</i>	<i>A mixture of at least two (2) materials (i.e. to break up vertical facade)</i>	<i>A mixture of at least three (3) materials (i.e. to break up vertical facade)</i>	<i>A mixture of at least three (3) of the following materials: brick, stone, cultured stone, decorative patterned masonry, wood</i>
<p><b>Response:</b> Based on these findings below, the proposed Multi-family housing building design combined with the previously approved building designs provide a sufficient mixture of exterior materials to receive <b>three (3) points</b>.</p> <p><b>Previous:</b> Each of the existing buildings contain a mixture of at least three materials on exterior walls.</p> <p>The assisted living/memory care facility was 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.</p> <p>Each of the retail, commercial, and restaurant buildings was 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 on each building elevation.</p> <p><b>Proposed:</b> The proposed Multi-family housing building has a mixture of fiber cement lap siding, fiber cement panel siding, corrugated vertical metal siding and wood balconies. At least three of these materials is proposed on each building elevation.</p>					

Roof Form <sup>2</sup>	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	—	—
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**Response:** Based on these findings below, the proposed Multi-family housing building design combined with the previously approved building designs, the proposed roof designs are sufficiently distinctive from adjacent development to receive **two (2) points**.

**Previous:** 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 buildings 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. These designs are distinctive from existing buildings adjacent to the site.

**Proposed:** The roof for the Multi-family housing is a sloped roof with a 4:12 pitch. The roof is distinctive from the existing commercial buildings adjacent to the site.

Glazing <sup>3</sup>	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)
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**Response:** Based on these findings below, the proposed Multi-family housing building design combined with the previously approved building designs, the percentage of glazing proposed on at least one street-facing elevation is sufficient to receive **one (1) point**.

**Previous:** The assisted living/memory care facility and each of the retail, commercial, and restaurant buildings have inactive windows along one or more street-facing elevations. The glazing along the elevation of the assisted living/memory care facility that faces SW Edy Road is 22 percent of the total area. The total street-facing glazing for all retail, commercial, and restaurant buildings equates to 21 percent of the corresponding façade area.

**Proposed:** The proposed Multi-family housing building will have inactive windows along one or more street-facing elevations. The glazing along the elevation that faces Hwy 99 is 20% percent of the total area.

<i>Fenestration on street-facing elevation(s)</i>	<i>One distinct "bay" with no vertical building elements</i>	<i>Multiple "bays" with one or more "bay" exceeding 30 feet in width</i>	<i>Vertical building elements with no "bay" exceeding 30 feet in width</i>	<i>Vertical building elements with no "bay" exceeding 20 feet in width</i>	—
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**Response:** Based on these findings below, the proposed Multi-family housing building design combined with the previously approved building designs, the length and frequency of “bays” on street-facing elevations is sufficient to receive **one (1) point**. Each of the existing buildings and the proposed Multi-family housing building have multiple “bays” formed by façade articulation or differentiation of exterior wall materials. However, some “bays” are more than 30 feet in length.

<i>Entrance Articulation</i>	<i>No weather protection provided</i>	<i>Weather protection provided via awning, porch,</i>	—	<i>Weather protection provided via awning, porch, etc. and pedestrian amenities</i>	<i>Weather protection provided via awning,</i>
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		<i>etc.</i>		<i>such as benches, tables and chairs, etc. provided near the entrance but not covered</i>	<i>porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance and covered</i>
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**Response:** Based on these findings below, the proposed Multi-family housing building design combined with the previously approved building designs, the weather protection provided near the entrances are sufficient to receive **three (3) points**.

**Previous:** Canopies are provided at the entrance to assisted living/memory care facility and at each of the retail, commercial, and restaurant buildings. A set of benches are located just east of the main entrance to the assisted living/memory care facility, near the bocce court. Outdoor patios are provided immediately adjacent to the entrance for Buildings “B,” “C,” “D,” “E,” and “F”. A portion of the patio that is provided between Buildings “E” and “F” is covered by canopies that extend along the corresponding elevations. Tables and chairs are provided at this patio and those near Buildings “B,” “C,” and “D” for use by patrons and others visiting the shopping center.

**Proposed:** The two entrances of the multi-family building are protected by a canopy and as amended now include pedestrian benches at each entrance.

<i>Structure Size<sup>4</sup> to discourage "big box" style development</i>	<i>Greater than 80,000 square feet</i>	<i>60,000—79,999 square feet</i>	<i>40,000—59,999 square feet</i>	<i>20,000—39,999 square feet</i>	<i>Less than 20,000 square feet</i>
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**Response:** Based on these findings below, the proposed Multi-family housing building design combined with the previously approved building designs, the average building floor area on the first floor is sufficient to receive **three (3) points**.

The overall building square footage for the assisted living facility is 143,400 SF, the overall building size for the multi-family building is now 57,189 SF, and the overall building size for all of the retail, commercial, and restaurant buildings is 47,678 square feet. All buildings combined result are 248,267 square feet. Divided evenly among the nine buildings, results in an average floor area of approximately 27,585 square feet.

Out of a possible 21 points, the applicant is providing enough variation and amenities with the amended development to provide 13 of 12 required points.

**BUILDING DESIGN – TOTAL POINTS 13 out of 21 (Minimum of 12 Points Required)**

**Building Location and Orientation (6 Total Points Possible; Minimum 3 Points Required)**

<i>Location<sup>5</sup></i>	<i>Building(s) not flush to any right-of-way (including required PUE adjacent to ROW, setbacks)</i>	<i>Building(s) located flush to right-of-way on at least one side (with the exception of required setbacks)</i>	<i>Buildings flush to all possible right-of-way (with the exception of required setbacks,</i>	—	—
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	<i>or visual corridor) (i.e. parking or drive aisle intervening)</i>	<i>setbacks, easements or visual corridors)</i>	<i>easements or visual corridors) (i.e. "built to the corner")</i>		
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**Response:** As shown on the overall site plan, after accounting for the corresponding setbacks and Visual Corridors, the development includes at least one building that is flush to either the frontages along SW Edy Road or SW Pacific Highway.

Based on these findings, the proposed location of new buildings is sufficient to receive **two (2) points**.

<i>Orientation</i>	<i>Single-building site primary entrance oriented to parking lot</i>	—	<i>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)</i>	—	—
	<i>Multiple building site primary entrance to anchor tenant or primary entrance to development oriented to parking lot</i>	—	<i>Multiple building site primary entrance to anchor tenant or primary entrance to development oriented to the pedestrian</i>	—	—

**Response:** Primary pedestrian walkways are provided from SW Edy Road and SW Pacific Highway that provide direct connections with the main entrance of the proposed Multi-family housing building, assisted living/memory care facility and each of the retail, commercial, and restaurant buildings.

Based on these findings, the proposed orientation of new buildings is sufficient to receive **two (2) points**.

<i>Secondary Public</i>			<i>Secondary public</i>		
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<i>Entrance</i> <sup>6</sup>			<i>pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk</i>		
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**Response:** Based on the language of footnote 6 which states, “If primary entrance is oriented to the pedestrian, the project is automatically given these points without need for a secondary entrance. The proposed multi-family building provides pedestrian-oriented connections to the sidewalk, provides weather protection, and benches at both entrances. Therefore, the development appears to qualify for **two (2) points**.

The development provides 6 qualifying points towards building location and orientation.

**BUILDING LOCATION AND ORIENTATION – TOTAL POINTS: 6 out of 6 (Minimum of 3 Points Required)**

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

<i>Location of Parking</i>	<i>Greater than 50 percent of required parking is located between any building and a public street</i>	<i>25–50 percent of required parking is located between any building and a public street</i>	<i>Less than 25 percent of required parking is located between any building and a public street</i>	<i>No parking is located between any building and a public street</i>	—
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**Response:** As shown on the overall site plan, all vehicular parking spaces required for the development are located internal to the site. As amended, all of the required vehicular parking for the multi-family development can be accommodated within Lot 2 of the development. With the exception of Building A and the proposed multi-family housing building, all of the buildings front onto either SW Edy Road or SW Pacific Highway and are not separated from these streets by vehicular parking areas.

With the added parking associated with this application, the development will contain a total of 596 parking spaces. Thus, the 146 spaces proposed between Building A, Multi-family housing building and SW Pacific Highway equates to approximately 24 percent of the total number of spaces proposed.

Based on these findings, the percentage of parking proposed between any building and a public street fronting the site is sufficient to receive **two (2) points**.

<i>Loading Areas</i>	<i>Visible from public street and not screened</i>	<i>Visible from public street and screened</i>	<i>Not visible from public street</i>	—	—
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**Response:** Only two loading areas are provided within the development. One loading area is located along the west elevation of the assisted living/memory care facility and is screened from SW Edy Road by the building. One loading area is proposed along the north elevation of the Multi-family housing building and will be screened from Hwy 99 by the building.

Based on these findings, the location of proposed loading areas is sufficient to receive **two (2) points**.

<i>Vegetation</i>	<i>At least one "landscaped" island every 13—15 parking spaces in a row</i>	<i>At least one "landscaped" island every 10—12 parking spaces in a row</i>	<i>At least one "landscaped" island every 8—9 parking spaces in a row</i>	<i>At least one "landscaped" island every 6—7 parking spaces in a row</i>	—
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**Response:** As noted above, 92 new parking spaces are proposed with this application for a total of 596 parking spaces within the development. Across the site, a “landscaped” island is provided at a ratio of one per 6.8 spaces on average (596 spaces, divided by 87 distinct parking rows). This includes 11 new parking rows associated with this application and the existing parking rows with up to 14 spaces associated with the Providence Medical Office.

Based on these findings, the frequency of a landscaped island within the proposed parking area is sufficient to receive **three (3) points**.

<i>Number of Parking Spaces<sup>7</sup></i>	<i>&gt;120%</i>	<i>101—120%</i>	<i>100%</i>	<i>&lt;100% (i.e. joint use or multiple reduction) (1 bonus)</i>	—
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**Response:** 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”) – 15,728 square feet
- Retail (Buildings “B,” “C,” and “F”) – 19,918 square feet
- Restaurant (Buildings D and E) – 9,752 square feet
- Drive-thru Restaurant (Building C) – 2,250 square feet
- Medical Office (Providence) – 42,000 square feet
- Assisted Living/Memory Care – 143,400 square feet
- Multi-family housing - 6-studios, 56-one bedrooms and 5-two bedrooms

After making adjustments allowed through Section 16.94.010.C.2, the minimum parking requirement of the site is 532 spaces. A total of 596 spaces is proposed, which equates to 98 percent of the allowable minimum.

Based on these findings, the number of parking spaces proposed is sufficient to receive **three (3) points**.

<i>Parking Surface</i>	<i>Impervious</i>	<i>Some pervious paving (10—25%)</i>	<i>Partially pervious paving (26—50%)</i>	<i>Mostly pervious paving (&gt;50%)</i>	—
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**Response:** No pervious paving is proposed within the parking and circulation area. Thus, no (0) points are awarded for this category.

The proposed development is required to provide a minimum of 7 points. It satisfies the requirements for 10 points.

**PARKING AND LOADING AREAS – TOTAL POINTS: 10 out of 13 (Minimum of 7 Points Required)**

**Landscaping (24 Total Point Possible, Minimum 14 Points Required)**

<i>Tree Retention<sup>8</sup></i>	<i>Less than 50% of existing</i>	<i>51—60% of existing trees</i>	<i>61—70% of existing trees</i>	<i>71—80% of existing trees on-site</i>	<i>81—100% of existing trees</i>
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	<i>trees on-site retained</i>	<i>on-site retained</i>	<i>on-site retained</i>	<i>retained</i>	<i>on-site retained</i>
<p><b>Response:</b> In the previous phase the development preserved 24% (62 trees) of the 255 trees that were located within the boundaries of the development (193 removed). Thus, <b>no points (0)</b> are awarded for this category.</p>					
<i>Mitigation Trees<sup>9</sup></i>	<i>Trees mitigated off-site or fee-in-lieu</i>	<i>25—50% of trees mitigated on-site</i>	<i>51—75% of trees mitigated on-site</i>	<i>76—100% of trees mitigated on-site</i>	—
<p><b>Response:</b> Based on these findings below, the total number of trees mitigated on-site is sufficient to receive <b>three (3) points</b>.</p> <p><b>Previous:</b> A total of 279 new trees were installed.</p> <p><b>Proposed:</b> A total of 30 new trees are proposed with this application.</p> <p>193 trees were previously removed. The total combined number of mitigation trees previously installed and proposed with this application is 309 trees (279 + 30). That equates to 160 percent of trees mitigated on-site (317 divided by 193).</p>					
<i>Landscaping Trees<sup>10</sup></i>	<i>Less than one tree for every 500 square feet of landscaping</i>	<i>1 tree for every 500 square feet of landscaping</i>	<i>2 trees for every 500 square feet of landscaping</i>	<i>3 trees for every 500 square feet of landscaping</i>	<i>4 trees for every 500 square feet of landscaping</i>
<p><b>Response:</b> Based on these findings below, the total number of trees for every 500 square feet of landscaping is sufficient to receive <b>one (1) point</b>.</p> <p><b>Previous:</b> A total of 118,233 square feet of landscaping was planted in the development.</p> <p><b>Proposed:</b> A total of 4,591 SF of net new landscaping is proposed with this application. Therefore, the new total of landscape area for the development is 122,824 SF (118,233 + 4,591).</p> <p>Given the 341 existing trees (62 preserved + 279 previously planted) and the 38 new trees proposed with this application, the combined total number of trees for the development will be 379 trees. This results in a ratio of approximately 1.5 trees per every 500 square feet of proposed and existing landscaping.</p>					

<i>Landscaped Areas</i>	<i>Greater than 35% of landscaped areas are less than 100 square feet in size</i>	<i>Less than 25% of landscaped areas are less than 100 square feet in size</i>	<i>No landscaped areas are less than 100 square feet in size</i>	—	—
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**Response:** None of the proposed new or existing landscaped areas that will be retained is less than 100 square feet in size. Thus, the development is eligible for **two (2) points** from this category.

<i>Landscaping Trees greater</i>	<i>&lt;25%</i>	<i>25—50%</i>	<i>&gt;50%</i>	—	—
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<i>than 3-inch Caliper</i>					
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**Response:** Less than 25 percent of the previous trees planted and the new trees proposed will have a trunk diameter of greater than three (3) inches. Thus, no **(0) points** are awarded for this category.

<i>Amount of Grass<sup>11,12</sup></i>	<i>&gt;75% of landscaped areas</i>	<i>50—75% of landscaped areas</i>	<i>25—49% of landscaped areas</i>	<i>&lt;25% of landscaped areas</i>	—
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**Response:** No new grass is proposed with this application. However, approximately 28,500 square feet of the of grass was planted with the previous phase. This equates to 23 percent based on a total landscaped area of 122,824 square feet for the development. Thus, the project is eligible for **three (3) points** this category.

<i>Total Amount of Site Landscaping<sup>13</sup></i>	<i>&lt;10% of gross site</i>	<i>10—15% of gross site</i>	<i>16—20% of gross site</i>	<i>21—25% of gross site</i>	<i>&gt;25% of gross site</i>
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**Response:** A total of 122,824 square feet of the development will be improved with landscaping. Given a gross site area of 573,685 square feet, approximately 21.4 percent of the gross site area will be improved with landscaping.

Based on these findings, the total amount of site landscaping is sufficient to receive **three (3) points**.

<i>Automatic Irrigation</i>	<i>No</i>	<i>Partial</i>	<i>Yes</i>	—	—
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**Response:** Automatic irrigation systems were previously installed and are proposed to be installed within all landscape areas within the boundaries of the development. Thus, the development is eligible for **two (2) points** from this category.

**LANDSCAPING – TOTAL POINTS: 14 out of 24 (Minimum of 14 Points Required)**

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

<i>Equipment Screening (roof)</i>	<i>Equipment not screened</i>	<i>Equipment partially screened</i>	<i>Equipment fully screened</i>	<i>Equipment fully screened by materials matching building architecture/finish</i>	—
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**Response:** Rooftop equipment will be fully screened by either the building or additional materials that match the architecture and finish of each building. Thus, the method of equipment screening is sufficient to receive **three (3) points**.

<i>Fences and Walls<sup>14</sup></i>	<i>Standard fencing and wall materials</i>	—	<i>Fencing and wall materials match building materials</i>	—	—
	<i>(i.e. wood fences, CMU walls etc.)</i>				

**Response:** All fencing will be constructed of wood slats. Thus, no **(0) points** are awarded for this category.

<i>On-Site Pedestrian Amenities Not Adjacent to Building Entrances</i>	<i>No</i>	<i>Yes; 1 per building</i>	<i>Yes; more than 1 per building</i>	—	—
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**Response:** Although pedestrian amenities are internal to the development, there will not be at least one per building. Thus, no **(0) points** are awarded for this category.

<i>Open Space Provided for Public Use</i>	<i>No</i>	<i>Yes; &lt;500 square feet</i>	<i>Yes; 500—1,000 square feet</i>	<i>Yes; &gt;1,000 square feet</i>	—
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**Response:** A total of four outdoor patios are provided within the portion of the development that will contain a mixture of retail, commercial, and restaurant uses. The patio 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 between Buildings “E” and “F” is 540 square feet, exclusive of the walkways that access to it. These amenities are available for public use and comprise a total area of more than 1,000 square feet.

Based on these findings, the square footage of open space provided for public use is sufficient to receive **three (3) points**.

<i>Green Building Certification</i>				<i>LEED, Earth Advantage, etc. (Bonus)</i>	
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**Response:** The applicants are not proposing to secure LEED, Earth Advantage, or other “green building” certification. Thus, no **(0) points** are awarded for this category.

**MISCELLANEOUS – TOTAL POINTS: 6 OUT OF 10 (Minimum of 5 Points Required)**

- e. As an alternative to the standards in Sections 16.90.020.D.6.a—c, the Old Town Design Standards (Chapter 16.162) may be applied to achieve this performance measure.
- f. As an alternative to the standards in Sections 16.90.020.D.6.a.—e, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the objectives in Section 16.90.010.B of this Code. This design review hearing will be processed as a Type IV review with public notice and a public hearing.

**Response:** As demonstrated through responses provided above regarding the Commercial Design Criteria Matrix, the subject mixed-use development (Cedar Creek Plaza) meets or exceeds the minimum number of points required for each category. The following summarizes the number of points awarded for each category, as well as the total number of points received.

Community Design Matrix Points Summary			
Design Category	Points Propose	Points Possible	Minimum Points Required
Building Design	13	21	12
Building Location and Orientation	6	6	3
Parking and Loading Areas	10	13	7
Landscaping	14	24	14
Miscellaneous	6	10	5
<b>TOTAL</b>	<b>49</b>	<b>74</b>	<b>41</b>

The proposed design satisfied the minimum number of points required for each category, and also amasses more than 66 percent of the total points available. This standard is met.

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.*

**Response:** Access to the development is provided at two existing driveways along SW Edy Road, as well as relocated driveway along SW Pacific Highway. Both of the driveways that provide access from SW Edy Road are more than 24 feet wide, and each aligns with an existing street – either SW Borchers Drive or SW Cherry Orchards Street – located on the north side of SW Edy Road. No changes to access the site are proposed with this application. This standard is met.

## **Chapter 16.92 - LANDSCAPING**

### *16.92.010 - Landscaping Plan Required*

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

### *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.*

**Response:** As required by the standards cited above, trees will have a minimum caliper of two inches at time of installation, shrubs will have a minimum container size of one gallon, and groundcovers will have a minimum pot size of four inches. Final landscaping plans will be submitted as part of materials provided to the City of Sherwood for review and approval of site and building permits. The review of these plans will confirm installation of trees, shrubs, and groundcovers at or above the minimum specifications notes above. This standard is met.

*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.*

**Response:** The preliminary landscaping plans have been prepared consistent with Sections B.1 and B.2, above. Final landscaping plans will be submitted as part of materials provided to the City of Sherwood for review and approval of site and building permits. The review of these plans will confirm installation of trees, shrubs, and groundcovers at or above the minimum specifications notes above. This standard is 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).*

**Response:** No trees, woodlands or vegetation are proposed to be removed. This standard is met.

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.*

**Response:** No trees, woodlands or vegetation are proposed to be removed. This standard is 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.*

**Response:** Landscaping coverage calculations presented by the applicant are exclusive of any of the features listed above. The total landscaping coverage exceeds the minimum requirements.

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.*

**Response:** No impervious paving is counted toward the minimum landscaping requirements. This standard is not applicable.

3. *Artificial plants are prohibited in any required landscaped area.*

**Response:** Artificial plants are not proposed as part of landscaping required to satisfy applicable development standards addressed through this application.

**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).*

**Response:** The west boundary of the site is shared with an existing residential neighborhood accessed



from SW Madeira Terrace. The applicants propose to install and/or retain an existing wooden fence along this property line and plant shrubs and trees to satisfy this standard .

- a. *For new uses adjacent to inventoried environmentally sensitive areas, screening requirements shall be limited to vegetation only to preserve wildlife mobility. In addition, the Review Authority may require plants and other landscaping features in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses.*

**Response:** The site is not adjacent to any inventoried environmentally sensitive areas. This standard is not applicable.

- b. *The required screening shall have breaks, where necessary, to allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and security.*

**Response:** The existing wood fence located along the west boundary of the site is continuous and was installed as part of improvements for the residential neighborhood accessed from SW Madeira Terrace. A break is provided for a pedestrian connection linking the neighborhood to Cedar Creek Plaza. The applicants are not proposing to modify this existing fence line.

- c. *Evergreen hedges used to comply with this standard shall be a minimum of thirty-six (36) inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one (1) year after planting.*

**Response:** Evergreen hedges are not proposed with this development. This standard is not applicable.

## 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.*

**Response:** As shown on the landscape plans, a perimeter landscape buffer is provided along shared property lines along the west and south boundaries of the site. This buffer is at least 10 feet wide. This standard is met.

- b. *The access drives to a rear lots in the residential zone (i.e. flag lot) shall be separated from abutting property(ies) by a minimum of forty-two-inch sight-obscuring fence or a forty-two-inch to an eight (8) feet high landscape hedge within a four-foot wide landscape buffer. Alternatively, where existing mature trees and vegetation are suitable, Review Authority may waive the fence/buffer in order to preserve the mature vegetation.*

**Response:** This site is zoned RC; thus, this standard is not applicable.

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.*

**Response:** No reductions to the perimeter landscape buffer width of 10 feet are proposed through this application.

## 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, stormwater 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."*

**Response:** The submitted landscaping plans provide detailed information and calculations on the classification of proposed landscaping trees as either "small," "medium," or "large" canopy trees, which are based on the methods described above. This standard is met.

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.*

**Response:** Based on the table below, this standard is met.

	Existing	Newly Proposed	Total
Parking Spaces	504	92	596
Required Landscaping (45 SF per)	22,680	4,140	26,820
Provided Landscaping	36,170	3,567	39,737

Based on the standard, the applicant is required to provide 26,820 square feet of parking area landscaping. As proposed, the applicant is proposing 39,737 square feet. This standard is met.

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.*

**Response:** Based on the table below, this standard is met.

	Existing	Proposed	Total
Parking Spaces	504	92	596
Provided Trees	Small Trees: 197 Medium Trees: 63 Large Trees: 21	Small Trees: 0 Medium Trees: 24 Large Trees: 6 (To Remain)	Small Trees: 197 Medium Trees: 87 Large Trees: 21

b. *Shrubs:*

(1) *Two (2) shrubs are required per each space.*

**Response:** A final landscaping plan providing for 184 shrubs within the proposed parking lot landscaping will be provided.

	Existing	Proposed	Total
Parking Spaces	504	92	596

(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.*

**Response:** Landscaping is proposed in front of parking spaces in several locations throughout the site. Shrubs are proposed in these areas in compliance with the standard cited above.

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.*

**Response:** Within the perimeter of the parking area, groundcover plants are proposed as the balance of landscaping not otherwise accounted for by shrubs and trees. The density and spacing is anticipated to be achieve full coverage within three years of installation. This standard is met.

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.*

**Response:** Each of the new landscaping islands proposed within the parking area is at least five feet wide and at least 90 square feet in area. All islands are sufficiently dimensioned to support at least one tree, and, in general terms, are evenly spaced throughout the parking area. These standards are met.

d. *Landscape islands shall be distributed according to the following:*

(1) *Residential uses in a residential zone: one (1) island for every eight (8) contiguous parking spaces.*

**Response:** The site is zone RC, which is not a residential zone. This standard is not applicable.

(2) *Multi or mixed-uses, institutional and commercial uses: one (1) island for every ten (10) contiguous parking spaces.*

**Response:** As shown on the plans and discussed above in response to elements of the Commercial Design Review Matrix, the new parking rows will have an island once every 10 spaces. This standard is met.

(3) *Industrial uses: one (1) island for every twelve (12) contiguous parking spaces.*

**Response:** The site is zone RC, which is not a residential zone. This standard is not applicable.

e. *Stormwater bio-swales may be used in lieu of the parking landscape areas and may be included in the calculation of the required landscaping amount.*

**Response:** No new stormwater bio-swales are proposed with this application. However, four stormwater bio-swales are provided in the development. Two are located within the parking area for the assisted living/memory care facility, and two are located within the parking area for the retail, commercial, and restaurant uses. These facilities will be planted consistent with the applicable standards from the Clean Water Services design standards manual.

f. *Exception to Landscape Requirement. Linear raised or marked sidewalks and walkways within the parking areas connecting the parking spaces to the on-site buildings may be included in the calculation of required site landscaping provide that it:*

- (1) *Trees are spaced a maximum of thirty (30) feet on at least one (1) side of the sidewalk.*
- (2) *The minimum unobstructed sidewalk width is at least six (6) feet wide.*
- (3) *The sidewalk is separated from the parking areas by curbs, bollards, or other means on both sides.*

**Response:** The landscaping exception described in the criterion cited above is not proposed as part of the subject project. This standard is not applicable.

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.*

**Response:** Plantings provided at the driveway entrances from SW Edy Road and SW Pacific Highway have been selected to maintain minimum sight distances, as required by section 16.58.010. No modifications to those points of access are proposed with this proposal. This standard is met.

7. *Exceptions*

- a. *For properties with an environmentally sensitive area and/or trees or woodlands that merit protection per Chapters 16.142 (Parks, Trees and Open Space) and 16.144 (Wetland, Habitat and Natural Areas) the landscaping standards may be reduced, modified or "shifted" on-site where necessary in order to retain existing vegetation that would otherwise be removed to meet the above referenced landscaping requirements.*
- b. *The maximum reduction in required landscaping buffer permitted through this exception process shall be no more than fifty (50) percent. The resulting landscaping buffer after reduction may not be less than five (5) feet in width unless otherwise permitted by the underlying zone. Exceptions to the required landscaping may only be permitted when reviewed as part of a land use action application and do not require a separate variance permit.*

**Response:** The applicant is not seeking exception from the landscaping standards cited above. This standard is met.

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.*

**Response:** All new mechanical equipment, outdoor storage areas, and service and delivery areas will be

screened from view from all public streets and adjacent residential zones. Rooftop mechanical equipment will be screened by building roofs, walls or other design elements that match the building. The trash enclosure location has been coordinated with Pride Disposal to meet their minimum requirements. The trash enclosure will be constructed with cement block (CMU) and have operable gates and will be completely screened from view by fencing, the building/s and dense landscaping. This standard is met.

- 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.*

**Response:** No changes to the existing visual corridors provided with the original development are proposed with this application. This standard is not applicable.

#### 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 stormwater 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).*

**Response:** The proposed landscaping plans have been designed to ensure compliance with the standards cited above. Ongoing maintenance of installed landscaping will be the responsibility of the property owner(s), as required by these standards.

- 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.*

**Response:** As discussed in response to elements contained in the Commercial Design Review Matrix, the existing landscaping has automatic sprinkler systems. For this application, the applicant proposes to install a design build automatic irrigation system to assist with maintenance of landscaping located within the boundaries of the site. The exact design will be determined through submittal of materials for issuance of site development and building permits. This standard will be satisfied at the time of final site plan.

- D. *Deferral of Improvements. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to one hundred twenty-five (125) percent of the cost of the landscaping is filed with the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the landscaping is not*

*completed within one (1) year, the security may be used by the City to complete the installation.*

**Response:** The applicants acknowledge this standard and will demonstrate compliance through either installation of required landscaping or submittal of financial security prior to issuance of building permits.

### **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.*

**Response:** The submitted site plans show proposed locations for off-street parking required to satisfy the minimum demand associated with the subject uses. All parking for the development is provided within the boundary of the Cedar Creek Plaza. Parking relative to the multi-family development on lot 2 within the Deacon Tract is provided entirely within the boundary of lot 2. This standard is met.

- 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.*

**Response:** The proposed parking improvements will be completed prior to occupancy permits as required.

#### 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.*

**Response:** The proposed mixed-use center is required to provide a minimum of 533 parking spaces. The development overall provided 596 parking spaces. The applicant is proposing to continue the prior shared parking agreements that were agreed to in the previous land use approval for the center that was approved on May 17, 2017. The amended parking study provided by Kittelson and Associates illustrate that the peak hours of operation do not substantially overlap. The entire center relies on the language of the CC&R's provided in the record for the benefit of all owners within the development.

All proposed shared parking is provided within lots that are all located within (500) feet of each other. Therefore, shared parking is allowed throughout the Center subject to the limitations within the CC&R's. Please see the figure below.



A parking study, conducted by Kittelson & Associates is attached to this amended application as (Exhibit C). That report utilized two methodologies widely accepted within the industry to demonstrate that there is sufficient parking to accommodate the requirements of individual businesses and that the peak hours of operation do not substantially overlap. The exclusive permanent easement over the center has been provided through the CC&R's.

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.*

**Response:** Cedar Creek Plaza is a mixed-use development with a broad mix of uses. A detailed analysis of the minimum number of parking spaces required for the project is provided below. Percentage adjustments based on the square footage of each use are presented consistent with the criterion cited above. The

number of off-street parking spaces proposed for the overall development is 596 spaces which exceeds the resultant minimum parking requirements as illustrated in the following table.

USES	SF	Code Minimum Ratio*	Base Minimum	Allowed Adjust	Adjusted Minimum Per 16.94.010.C.2
Assisted Living	143,400	None	98	100%	98
Apartments	67 units	varies	94	90%	85
Providence	42,000	2.7	113	80%	91
Retail	19,918	4.1	82	80%	66
Fitness	15,728	4.3	68	80%	55
Drive Thru Restaurant	2,250	9.9	23	80%	18
Restaurant	9,782	15.3	150	80%	120
Subtotal Center Retail	47,678				259
<b>Totals</b>			<b>628</b>		<b>533</b>

E. Location

1. Residential off-street parking spaces:

- Shall be located on the same lot or development as the residential use.
- 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).

**Response:** The multi-family portion of the project is required to provide 85 parking spaces on site per the adjusted minimums listed above. As proposed, 92 parking spaces will be provided entirely within the boundaries of Lot 2, and all parking is provided within the boundaries of the Cedar Creek Plaza. This standard is met.

- 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.

**Response:** All of the required parking spaces will be located within the boundaries of the development. No on-street parking is proposed with this development.

- 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 (carpool, 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.*
- 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.*

**Response:** The proposed off-street parking areas have been designed consistent with the standards from Sections 16.94.010.E.3 and 16.94.010.F cited above.

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 stormwater drainage facilities approved by the City Engineer or Building Official.*

**Response:** All portions of the proposed off-street parking and circulation area will be constructed with a permanent, durable hard surface, such as asphalt or concrete. Pervious paving is not proposed due to limited infiltration documented through the submitted geotechnical report. Associated stormwater facilities have been located and sized appropriately to treat and detain run-off from the site prior to discharging to the public system.

- 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.*

**Response:** The site plan and related off-street parking and circulation area have been designed consistent with the requirements specified above. The parking area is larger than one acre and has been designed to include curbs and on-site walkways that will separate pedestrians from vehicles as they maneuver around the site. Findings regarding required landscaping are presented above, while findings in response to bicycle parking standards are presented below.

16.94.20 - 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.*

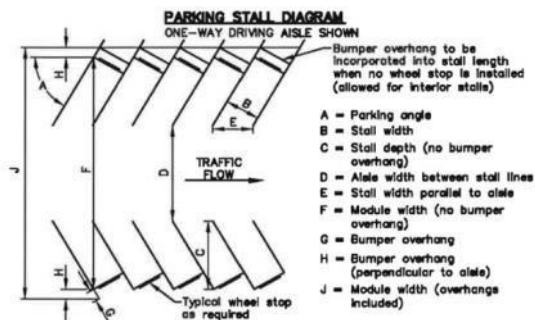
MINIMUM PARKING FOR PROPOSED APARTMENTS			
Type	Code Minimum Ratio	# Units	Min. Required
Studio	1.00	6	6
1-Bedroom	1.25	56	70
2-Bedroom	1.50	5	7.5
SUBTOTAL			83.5
Visitor	15%		12.5
MINIMUM REQ (Apts)		67	96

**Response:** Because the proposed development is located within an existing mixed use development, a reduction to the minimum is allowed for the multi-family component as the second largest use within the development. The reduction for mixed use developments is provided within the 16.94.010(C)(2) discussed above, provides for a 10% reduction in the required minimum parking to 87 parking spaces. As proposed, 92 parking spaces will be provided on lot 2 for the multi-family development. Overall, the required minimum number of parking for the mixed-use development is 533 parking spaces (rounded up). When completed, there will be 596 parking spaces provided for the site.

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

A	B	C	D	E	F	G	H	J
90°	8.0	15.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	17.0	24.0	9.0	58.0	3.0	3.0	64.0

**Table 3: Two-Way Driving Aisle**  
(Dimensions in Feet)

A	B	C	D	E	F	G	H	J
90°	8.0	15.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	17.0	24.0	9.0	58.0	3.0	3.0	64.0

**Response:** The proposed parking area has been designed consistent with the dimensional standards specified above. A total of 94 compact parking stalls are existing. 15 compact parking spaces are proposed with this application. Overall, this equates to approximately 20 percent of the 533 minimum required parking spaces and 18 percent of the overall total number of parking spaces that will be available in the Cedar Creek Plaza. This standard is met.

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-swailes or water quality facilities shall be designed to allow stormwater 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.*

**Response:** Curbs will be provided at the end of the proposed parking stalls. No wheel stops are proposed with this application. This standard does not apply.

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.*

**Response:** No new service drives are proposed with this application. This standard does not apply.

5. *Credit for On-Street Parking*

- a. *On-Street Parking Credit. The amount of off-street parking required shall be reduced by one (1) off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards.*

- b. *The following constitutes an on-street parking space:*

- (1) *Parallel parking, each twenty-four (24) feet of uninterrupted curb;*
- (2) *Forty-five (45)/sixty (60) degree diagonal, each with ten (10) feet of curb;*
- (3) *Ninety (90) degree (perpendicular) parking, each with eight (8) feet of curb;*
- (4) *Curb space must be connected to the lot which contains the use;*
- (5) *Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and;*
- (6) *On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.*

**Response:** On-street parking spaces are not available along portions of SW Edy Road and SW Pacific Highway that front the site. As such, no parking reductions are requested based on this section.

6. *Reduction in Required Parking Spaces. Developments utilizing Engineered stormwater bio-swales or those adjacent to environmentally constrained or sensitive areas may reduce the amount of required parking spaces by ten (10) percent when twenty-five (25) through forty-nine (49) parking spaces are required, fifteen (15) percent when fifty (50) and seventy-four (74) parking spaces are required and twenty (20) percent when more than seventy-five (75) parking spaces are required, provided the area that would have been used for parking is maintained as a habitat area or is generally adjacent to an environmentally sensitive or constrained area.*

**Response:** A reduction in required parking is not being requested for this reason. This standard is not applicable to this proposal.

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.

**Table 4: Minimum Required Bicycle Parking Spaces**

Use Categories	Minimum Required Spaces
<b>Residential Categories</b>	
Household living	Multi-dwelling — 2 or 1 per 10 auto spaces.

**Response:** Based on the parking table above, 87 auto spaces are required for the proposed multi-family development. Therefore, 9 short term spaces and 3 long term spaces are required. This application proposes 10 short term “U-shaped” spaces near the main entrance at the north elevation and 2 short term “U-shaped” spaces at the main entrance at the south elevation. 33 long term spaces are proposed to be located in three separate bike rooms in the building (11 spaces per floor).

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.*

**Response:** The proposed and existing bicycle parking spaces have been situated consistent with the dimensional requirements stated above. Exterior lighting that will be placed around each of the building and within the parking area will illuminate these areas as well to enhance safety and security. This standard is met.

- 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.*
- c. *Long-term Bicycle Parking*
  - (1) *Provide racks, storage rooms, or lockers in areas that are secure or monitored (e.g., visible to employees or customers or monitored by security guards).*
  - (2) *Locate the outside bicycle parking spaces within one hundred (100) feet of the entrance that will be accessed by the intended users.*
  - (3) *All of the spaces shall be covered.*

**Response:** All “short term” spaces are located within less than 30 feet of a building entrance. Long term spaces are proposed within the building in order to provide secure parking that is guarded from inclement weather. This standard is met.

- d. *Covered Parking (Weather Protection)*
  - (1) *When required, covered bicycle parking shall be provided in one (1) of the following ways: inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.*
  - (2) *Where required covered bicycle parking is not within a building or locker, the cover must be permanent and designed to protect the bicycle from rainfall and provide seven-foot minimum overhead clearance.*
  - (3) *Where required bicycle parking is provided in lockers, the lockers shall be securely anchored.*

**Response:** Long term bicycle parking spaces will be protected from inclement weather as a result of being located inside of the building. This standard is met.

#### 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.*

**Response:** One loading space is proposed adjacent to the north elevation and main entrance. The loading space has been proposed to comply with the criteria listed above.

- 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.

**Response:** The proposed area for the maneuvering and the unloading or loading will not encroach upon the use or circulation of the other vehicular areas. This standard is met.

- 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.

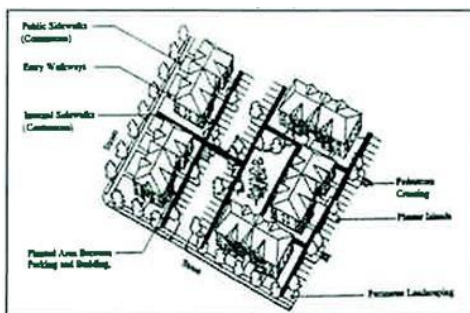
**Response:** The site is not located within the Old Town Overlay District. Thus, compliance is not required.

## Chapter 16.96 - ON-SITE CIRCULATION

### 16.96.010 - 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.

On-Site Circulation System (Multi-Family Example)



**Response:** An interconnected network of internal walkways is proposed within the site to facilitate safe and convenient pedestrian travel to each of the buildings from adjacent streets that front the site.

- 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.

**Response:** The City of Sherwood will review, as part of issuance of site development and building permits, plans that must demonstrate compliance with standards addressing ingress, egress, and circulation.

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.*

**Response:** Reciprocal access, parking, and maintenance agreements for the site allow unrestricted use of the parking and circulation areas. This standard is met.

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.*

**Response:** The reciprocal access, parking, and maintenance agreements allow unrestricted use of the vehicular circulation and parking areas. The shared access from SW Edy Road and SW Pacific Highway enable employees, residents, guests, customers, and patients the ability to efficiently travel to and from the mixed-use development. A network of private sidewalks is proposed throughout the site to enable safe and convenient pedestrian travel to each of the buildings from public sidewalks along SW Edy Road and SW Pacific Highway. The entrance of each building is connected to a public sidewalk by an internal private walkway. 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.*

**Response:** The development has one point of access to the highway that would enable “right-in” and “right-out” turn movements, and two driveways along SW Edy Road, one of which (intersection at SW Borchers Drive) will be improved with a traffic signal. No changes are proposed with this application. This standard is met.

G. *Service Drives. Service drives shall be provided pursuant to Section 16.94.030.*

**Response:** No service drives are proposed with this application.

*16.96.030 - Minimum Non-Residential Standards*

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

A. *Driveways*

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

Required		Minimum Width



Parking Spaces	# Driveways	One-Way Pair	Two-Way
	1	15 feet	24 feet
50 & above	2	15 feet	24 feet

3. *Surface materials are encouraged to be pervious when appropriate considering soils, anticipated vehicle usage and other pertinent factors.*

**Response:** As noted above, a total of 596 parking spaces will be located with the boundaries of the mixed-use development. Access from SW Edy Road and SW Pacific Highway are facilitated by driveways that are 24 feet wide or wider. This standard is met.

#### B. Sidewalks and Curbs

1. *A private pathway/sidewalk system extending throughout the development site shall be required to connect to existing development, to public rights-of-way with or without improvements, to parking and storage areas, and to connect all building entrances to one another. The system shall also connect to transit facilities within five hundred (500) feet of the site, future phases of development, and whenever possible to parks and open spaces.*

**Response:** A network of internal walkways is proposed to connect each of the buildings with public sidewalks fronting the site, as well as to provide connectivity between buildings within the site. No transit facilities are located within 500 feet of the site. The nearest bus stop is located at the intersection of SW Sherwood Boulevard and SW Langer Drive. The nearest public park (Pioneer Park) is farther away than 500 feet.

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.*

**Response:** Each of the proposed internal walkways will be vertically separated from abutting vehicular parking and circulation areas by a six-inch-tall curb, except where walkways must cross through a parking area.

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.*

**Response:** Each of the proposed internal walkways will be constructed of concrete, asphalt, brick or masonry pavers. Each of the proposed walkways, regardless of whether they provide a connection to a public sidewalk is at least six feet wide.

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.*

**Response:** No exceptions to construction of internal walkways are requested by the applicant. This standard is not applicable.

*16.96.040 - On-Site Vehicle Circulation*

- A. *Maintenance. No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.*

**Response:** Plans will be submitted to the City of Sherwood for issuance of site development and building permits that demonstrate compliance with the standard cited above.

- B. *Joint Access [See also Chapter 16.108]. Two (2) or more uses, structures, or parcels of land are strongly encouraged to utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfy the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use. In some cases, the City may require a joint access to improve safety, vision clearance, site distance, and comply with access spacing standards for the applicable street classification.*

**Response:** A reciprocal access, parking, and maintenance agreement is already in place and provides joint access for relevant portions of the mixed-use development in order to ensure ongoing shared use. This standard is met.

C. *Connection to Streets*

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

**Response:** As noted above, reciprocal access, parking, and maintenance agreements allow unrestricted use of the vehicular circulation. Shared access from SW Edy Road and SW Pacific Highway enable employees, residents, guests, customers, and patients the ability to efficiently travel to and from the mixed-use development.

A network of private sidewalks is proposed throughout the site to enable safe and convenient pedestrian travel to each of the buildings from public sidewalks along SW Edy Road and SW Pacific Highway. The entrance of each building is connected to a public sidewalk by an internal private walkway. This standard is met.

- E. *Service Drives. Service drives shall be provided pursuant to Section 16.94.030.*

**Response:** No service drives are proposed with this application.

## **Chapter 16.98 - ON-SITE 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.*

**Response:** The trash enclosure for the multi-family portion of the site is located in a location and orientation that satisfied Pride Disposal requirements. The trash enclosure will be constructed with cement block (CMU) and have operable gates and will be completely screened from view by fencing, the building/s and dense landscaping. This standard is met.

## **Division VI. - PUBLIC INFRASTRUCTURE**

### **Chapter 16.106 - TRANSPORTATION FACILITIES**

#### *16.106.010 – Generally*

A. *Creation. Public streets shall be created in accordance with provisions of this Chapter. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional street classification, as shown on the Transportation System Plan (TSP) Map (Figure 15) and other applicable City standards. The following table depicts the guidelines for the street characteristics.*

Type of Street	Right-of-way Width	Number of Lanes	Minimum Lane Width	On Street Parking Width	Bike Lane Width	Sidewalk Width	Landscape Strip (exclusive of Curb)	Median Width
Principal Arterial (99W)	122'	4-6	12'	Prohibited	6'	6'	5'	14'
Collector	58-92'	2-3	11'	8' optional	6'	6-8'	5'	14' median turn lane

**Response:** No public streets are proposed to be changed or created with this application. This standard is not applicable to this proposal.

#### *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 15.*

**Response:** No dedications of right-of-way are proposed with this application. Dedication and improvements to adjacent rights-of-way were provided at the time of the original approval and construction in 2017.

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.*

**Response:** No street improvements are proposed with this application.

C. *Proposed Streets*

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

**Response:** No new streets are proposed through this application. This standard is not applicable.

D. *Extent of Improvements*

1. *Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards. Streets shall include curbs, sidewalks, catch basins, streetlights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicant may be required to dedicate land for required public improvements only when the exaction is directly related to and roughly proportional to the impact of the development, pursuant to Section 16.106.090.*

**Response:** No street improvements are proposed with this application. Dedication and improvements to area streets were made at the time of the original approval and construction in 2017. The vehicular traffic generation is less than what was originally anticipated in the 2016 land use approval.

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

**Response:** The applicant does not anticipate any additional street improvements with this major modification request; therefore, deferral of street improvements is not necessary. This standard is not applicable.

E. *Transportation Facilities Modifications*

1. *A modification to a standard contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted TSP may be granted in accordance with the procedures and criteria set out in this section.*

**Response:** The applicant is not requesting a modification to street improvement standards discussed above. This standard is not applicable.

16.106.030 - *Location*

- A. *Generally. The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall*

*be consistent with solar access requirements as per Chapter 16.156, and topographical considerations.*

**Response:** No street improvements are anticipated or proposed with this application.

**B. Street Connectivity and Future Street Systems**

1. *Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 16).*

**Response:** The Local Street Connectivity Map (Figure 18 of the Transportation System Plan) does not show the extension of any new Local streets through the site. As noted above, no new streets are proposed with this application.

2. *Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP.*

**Response:** As noted above, no new streets are proposed through this application. This standard is not applicable.

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

**Response:** No new blocks or public streets are proposed with this application. This standard is not applicable.

4. *Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.*

**Response:** None of the existing streets within the site cross a water feature that is identified in Title 3 of the UGMFP. This standard is not applicable.

5. *Where full street connections over water features identified in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.*

**Response:** None of the existing streets within the development cross a water feature that is identified in Title 3 of the UGMFP. This standard is not applicable.

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

**Response:** The extension of a new street through the site is not required for consistency with the City of Sherwood Transportation System Plan. Figures 12 and 13 of the Transportation System Plan does not identify any future pedestrian or bicycle connectivity projects that affect the site. This standard is not applicable.

7. *Exceptions. Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:*
  - a. *Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.*

- b. *Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or*
- c. *Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.*

**Response:** The applicant is not requesting exceptions from completing required pedestrian and bicycle transportation improvements. This standard is not applicable.

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

**Response:** Utility stubs are already provided to the location of the proposed multi-family housing building on lot 2. No street improvements will be disturbed when service connections are made. This standard is satisfied.

- D. *Additional Setbacks. Generally additional setbacks apply when the width of a street right-of-way abutting a development is less than the standard width under the functional classifications in Section VI of the Community Development Plan. Additional setbacks are intended to provide unobstructed area for future street right-of-way dedication and improvements, in conformance with Section VI. Additional setbacks shall be measured at right angles from the centerline of the street.*

	Classification	Additional Setback
1.	Principle Arterial (99W)	61 feet
3.	Collector	32 feet

**Response:** Additional setbacks are not required. The proposed development would occur on Lot 2 of the Deacon Tract of the 2016 approval and the proposed building is located interior to the Cedar Creek Plaza and well away from any of the facilities listed in the table above. This standard is not applicable to this proposal.

#### 16.106.040 - Design

*Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood's Engineering Design Manual.*

- A. *Reserve Strips. Reserve strips or street plugs controlling access or extensions to streets are not allowed unless necessary for the protection of the public welfare or of substantial property rights. All reserve strips shall be dedicated to the appropriate jurisdiction that maintains the street.*

**Response:** No reserve strips or street plugs are proposed in conjunction with this application. This standard is not applicable.

- B. *Alignment. All proposed streets shall, as far as practicable, be in alignment with existing streets. In no case shall the staggering of streets create a "T" intersection or a dangerous condition. Street offsets of less than one hundred (100) feet are not allowed.*

**Response:** No new streets are proposed. This standard is not applicable to this proposal.

- C. *Future Extension. Where necessary to access or permit future subdivision or development of adjoining land, streets must extend to the boundary of the proposed development and provide the required roadway width. Dead-end streets less than 100' in length must comply with the*

*Engineering Design Manual. A durable sign must be installed at the applicant's expense. The sign is required to notify the public of the intent to construct future streets. The sign must read as follows: "This road will be extended with future development. For more information contact the City of Sherwood Engineering Department."*

**Response:** No new streets are proposed with this application. This standard is not applicable to this request.

*D. Intersection Angles. Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In all cases, the applicant shall comply with the Engineering Design Manual.*

**Response:** No new streets are proposed with this application. This standard is not applicable to this proposal.

*E. Cul-de-sacs*

- 1. All cul-de-sacs shall be used only when exceptional topographical constraints, existing development patterns, or compliance with other standards in this code preclude a street extension and circulation. A cul-de-sac shall not be more than two hundred (200) feet in length and shall not provide access to more than 25 dwelling units.*
- 2. All cul-de-sacs shall terminate with a turnaround in accordance with the specifications in the Engineering Design Manual. The radius of circular turnarounds may be larger when they contain a landscaped island, parking bay in their center, Tualatin Valley Fire and Rescue submits a written request, or an industrial use requires a larger turnaround for truck access.*
- 3. Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle access ways at least 6 feet wide where a cul-de-sac or dead-end street is planned, to connect the ends of the streets together, connect to other streets, or connect to other existing or planned developments in accordance with the standards of this Chapter, the TSP, the Engineering Design Manual or other provisions identified in this Code for the preservation of trees.*

**Response:** No cul-de-sacs are proposed with this application. This standard is not applicable.

*F. Grades and Curves. Grades shall be evaluated by the City Engineer and comply with the Engineering Design Manual.*

**Response:** No street improvements are proposed with this application.

*G. Streets Adjacent to Railroads. Streets adjacent to railroads shall run approximately parallel to the railroad and be separated by a distance suitable to allow landscaping and buffering between the street and railroad. Due consideration shall be given at cross streets for the minimum distance required for future grade separations and to provide sufficient depth to allow screening of the railroad.*

**Response:** A railroad is not adjacent to the site. This standard is not applicable.

*H. Buffering of Major Streets. Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties must be provided, through and local traffic be separated, and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.040, and all applicable access provisions of Chapter 16.96, are to be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.*

**Response:** No street improvements are proposed with this application. The development does abut Highway 99W, but visual corridors and street improvements were provided at the time of construction of the Cedar Creek Plaza in 2017-2018. This standard was satisfied by the original approval.

*I. Median Islands. As illustrated in the adopted Transportation System Plan, Chapter 8, median islands*

may be required on arterial or collector streets for the purpose of controlling access, providing pedestrian safety or for aesthetic purposes.

**Response:** No new street improvements are proposed with this application. This standard is not applicable to the proposed modification.

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

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

**Response:** No transit improvements are proposed with this application.

K. *Traffic Controls*

1. *Pursuant to Section 16.106.080, or as otherwise required by the City Engineer, an application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.*
2. *For all other proposed developments including commercial, industrial or institutional uses with over an estimated 400 ADT, or as otherwise required by the City Engineer, the application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.*

**Response:** Exhibit L presents an update to the Traffic Impact Analysis for the subject major modification. As proposed, the multi-family development on lot 2 would create 319 fewer average daily trips to the site than were originally anticipated with a 94-room hotel. This standard is met.

L. *Traffic Calming*

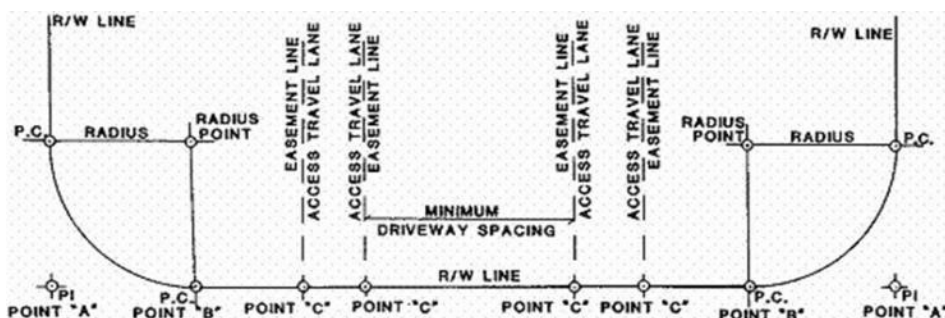
1. *The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:*
  - a. *Curb extensions (bulb-outs).*
  - b. *Traffic diverters/circles.*
  - c. *Alternative paving and painting patterns.*
  - d. *Raised crosswalks, speed humps, and pedestrian refuges.*
  - e. *Other methods demonstrated as effective through peer reviewed Engineering studies.*
2. *With approval of the City Engineer, traffic calming measures such as speed humps and additional stop signs can be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street construction unless approved by the City Engineer and Tualatin Valley Fire & Rescue.*

**Response:** Traffic calming measures have not been identified as necessary by City of Sherwood staff. Added traffic volume associated with this specific proposal do not appear to warrant installation of such features for the proposed development of lot 2.

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



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



**Response:** The Cedar Creek Plaza has existing access to public streets along SW Edy Road and Pacific Highway. Those access locations are not proposed to be altered by this proposal. Internal access throughout the mixed-use center is provided through the provision of private streets, crossover easements, and protected through the enforcement of private CC&R's. No new street improvements are proposed with this application.

2. *Roadway Access. No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.*
  - a. *Local Streets: Minimum right-of-way radius is fifteen (15) feet. Access will not be permitted within ten (10) feet of Point "B," if no radius exists, access will not be permitted within twenty-five (25) feet of Point "A." Access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than ten (10) feet.*
  - b. *Neighborhood Routes: Minimum spacing between driveways (Point "C" to Point "C") shall be fifty (50) feet with the exception of single family residential lots in a recorded subdivision. Such lots shall not be subject to a minimum spacing requirement between driveways (Point "C" to Point "C"). In all instances, access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than fifty (50) feet.*

**Response:** As stated above, the proposed modification does not require the alteration or relocation of any of the existing and functioning accesses to the site. Those access locations were previously approved and constructed with the first phase of the Cedar Creek Plaza. The multi-family site does not front along or take access from a Local street or Neighborhood Route. This standard is not applicable.

- c. *Collectors: All commercial, industrial and institutional uses with one-hundred-fifty (150) feet or more of frontage will be permitted direct access to a Collector. Uses with less than one-hundred-fifty (150) feet of frontage shall not be permitted direct access to Collectors unless no other alternative exists. Where joint access is available it shall be used, provided that such use is consistent with Section 16.96.040, Joint Access. No use will be permitted direct access to a Collector within one- hundred (100) feet of any present Point "A." Minimum spacing between driveways (Point "C" to Point "C") shall be one-hundred (100) feet. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than one hundred (100) feet.*

**Response:** Access to the Cedar Creek Plaza was previously approved and constructed with the first phase of construction. No new access locations are proposed with this application.

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

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

**Response:** Ingress and egress to the Cedar Creek Plaza from Highway 99W and Edy Road were approved and constructed with phase 1 of construction. There are no proposed alterations to those approved accesses. This proposal does not include single or two-family uses or manufactured homes on individual lots. This standard is not applicable.

- (2) *Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage roads. When alternatives do not exist, access shall comply with the following standards:*

**Response:** Ingress and egress to the Cedar Creek Plaza from Highway 99W and Edy Road were approved and constructed with phase 1 of construction. There are no proposed alterations to those approved accesses.

- (a) *Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').*

**Response:** No access improvements to Highway 99W are proposed with this application. This standard is not applicable to this request.

- (b) *The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.*

**Response:** No new access improvements to Highway 99W are proposed with this application. This standard

is not applicable to this request.

- (3) *All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local, neighborhood route or collector streets, including frontage or backage roads, consistent with the Transportation Plan Map and Chapter 6 of the Community Development Plan.*

**Response:** Access to the site was approved and constructed with the first phase of construction. There are no proposed alterations to the existing access with this application.

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

**Response:** The applicant is not requesting an exception to access criteria for any City-owned streets. This standard is not applicable.

#### 16.106.060 - Sidewalks

##### A. *Required Improvements*

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

**Response:** There is an approved and constructed system of sidewalks within the existing Cedar Creek Plaza that was constructed with the first phase of construction. Those sidewalks connect to each building within the plaza as well as to the adjacent public street network. The proposed modification also includes a system of sidewalks that connect to the building and amenities on lot 2 as well as to the existing sidewalk system constructed with the first phase of the development. The internal sidewalks connect with each other via marked pedestrian crossings and connect to the public sidewalks along SW Pacific Highway and SW Edy Road.

2. *For Highway 99W, arterials, or in special industrial districts, the City Manager or designee may approve a development without sidewalks if alternative pedestrian routes are available.*

**Response:** The proposed development is located on Highway 99W and sidewalks along the site's frontage were provided with the first phase of development.

3. *In the case of approved cul-de-sacs serving less than fifteen (15) dwelling units, sidewalks on one side only may be approved by the City Manager or designee.*

**Response:** This application does not propose cul-de-sacs serving dwelling units. This standard does not apply.

*B. Design Standards*

1. *Arterial and Collector Streets.* Arterial and collector streets shall have minimum eight (8) foot wide sidewalks/multi- use path, located as required by this Code.
2. *Local Streets.* Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.
3. *Handicapped Ramps.* Sidewalk handicapped ramps shall be provided at all intersections.

**Response:** No public street or sidewalk improvements are proposed with this application. All on-site and new sidewalks have been designed to meet the standards for sidewalks in the City of Sherwood.

*C. Pedestrian and Bicycle Paths.* Provide bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 330 feet except where prevented by topography, barriers such as railroads or highways, or environmental constraints such as rivers and streams.

**Response:** Street connections for pedestrian and bicycle paths exist along SW Edy Road and SW Pacific Highway, so no new connections on public easements are proposed for those two streets. A pedestrian pathway is proposed to be provided to SW Madeira Terrace to provide pedestrian and bicycle access into the plaza from that street.

*16.106.070 - Bike Lanes*

*If shown in Figure 13 of the Transportation System Plan, bicycle lanes shall be installed in public rights-of-way, in accordance with City specifications. Bike lanes shall be installed on both sides of designated roads, should be separated from the road by a twelve-inch stripe or other means approved by Engineering Staff, and should be a minimum of five (5) feet wide.*

**Response:** No new public street improvements are proposed with this application. Street improvements including bicycle lanes were approved and constructed with the first phase of development.

*16.106.080 - Traffic Impact Analysis (TIA)*

*B. Applicability.* A traffic impact analysis (TIA) shall be required to be submitted to the City with a land use application at the request of the City Engineer or if the proposal is expected to involve one (1) or more of the following:

1. *An amendment to the Sherwood Comprehensive Plan or zoning map.*
2. *A new direct property approach road to Highway 99W is proposed.*
3. *The proposed development generates fifty (50) or more PM peak-hour trips on Highway 99W, or one hundred (100) PM peak-hour trips on the local transportation system.*
4. *An increase in use of any adjacent street or direct property approach road to Highway 99W by ten (10) vehicles or more per day that exceed the twenty thousand-pound gross vehicle weight.*
5. *The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.*

6. *A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.*

**Response:** An update to the Traffic Impact Analysis is provided with this application. The traffic study, conducted by a professional and licensed engineer found that the proposed multi-family development would create 319 fewer trips than what was originally forecasted for the site when a 94-room hotel was being considered. It should be noted that the mitigation constructed with the first phase of the development accounted for the higher number of trips. This standard is met.

- C. *Requirements. The following are typical requirements that may be modified in coordination with Engineering Staff based on the specific application.*

1. *Pre-application Conference. The applicant shall meet with the City Engineer prior to submitting an application that requires a TIA. This meeting will be coordinated with Washington County and ODOT when an approach road to a County road or Highway 99W serves the property, so that the TIA will meet the requirements of all relevant agencies.*

**Response:** A pre-application conference was held regarding this project. The update demonstrates compliance with the requirements of all relevant agencies. This standard is met.

2. *Preparation. The TIA shall be prepared by an Oregon Registered Professional Engineer qualified to perform traffic Engineering analysis and will be paid for by the applicant.*

**Response:** The update to the Traffic Impact Analysis included with this application was prepared by an Oregon Registered Professional Engineer and paid for by the applicant. This standard is met.

3. *Typical Average Daily Trips and Peak Hour Trips. The latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE), shall be used to gauge PM peak hour vehicle trips, unless a specific trip generation study that is approved by the City Engineer indicates an alternative trip generation rate is appropriate.*

**Response:** The update gauged vehicle trips from the new development using the latest edition of the Trip Generation Manual. This standard is met.

4. *Intersection-level Analysis. Intersection-level analysis shall occur at every intersection where the analysis shows that fifty (50) or more peak hour vehicle trips can be expected to result from the development.*

**Response:** The updated traffic memo was coordinated with City staff during the pre-application conference. This standard is met.

5. *Transportation Planning Rule Compliance. The requirements of OAR 660-012-0060 shall apply to those land use actions that significantly affect the transportation system, as defined by the Transportation Planning Rule.*

**Response:** The proposed development does not include a request such as a comprehensive plan amendment or rezone that would typically trigger a formal TPR analysis. This proposal includes a use that is already allowed within the zone and does not affect off-site traffic beyond what was anticipated with the first phase of the development. This standard is not applicable to this request.

- D. *Study Area. The following facilities shall be included in the study area for all TIAs:*

1. *All site-access points and intersections (signalized and unsignalized) adjacent to the proposed development site. If the site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage and within the access spacing distances extending out from the boundary of the site frontage.*
2. *Roads and streets through and adjacent to the site.*

3. *All intersections needed for signal progression analysis.*
4. *In addition to these requirements, the City Engineer may require analysis of any additional intersections or roadway links that may be adversely affected as a result of the proposed development.*

**Response:** The original study area for the Traffic Impact Analysis was determined through coordination with the City Engineer, and the resultant analysis and update presented through this application is consistent with the specified scope of study. This standard is met.

- E. Analysis Periods. To adequately assess the impacts of a proposed land use action, the following study periods, or horizon years, should be addressed in the transportation impact analysis where applicable:*
1. *Existing Year.*
  2. *Background Conditions in Project Completion Year. The conditions in the year in which the proposed land use action will be completed and occupied, but without the expected traffic from the proposed land use action. This analysis should account for all City-approved developments that are expected to be fully built out in the proposed land use action horizon year, as well as all planned transportation system improvements.*
  3. *Full Buildout Conditions in Project Completion Year. The background condition plus traffic from the proposed land use action assuming full build-out and occupancy.*
  4. *Phased Years of Completion. If the project involves construction or occupancy in phases, the applicant shall assess the expected roadway and intersection conditions resulting from major development phases. Phased years of analysis will be determined in coordination with City staff.*
  5. *Twenty-Year or TSP Horizon Year. For planned unit developments, comprehensive plan amendments or zoning map amendments, the applicant shall assess the expected future roadway, intersection, and land use conditions as compared to approved comprehensive planning documents.*

**Response:** The analysis period is described in the update and complies with the standards cited above. This standard is met.

- F. Approval Criteria. When a TIA is required, a proposal is subject to the following criteria, in addition to all criteria otherwise applicable to the underlying land use proposal:*
1. *The analysis complies with the requirements of 16.106.080.C;*
  2. *The analysis demonstrates that adequate transportation facilities exist to serve the proposed development or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the City Engineer and, when County or State highway facilities are affected, to Washington County and ODOT;*
  3. *For affected non-highway facilities, the TIA demonstrates that mobility and other applicable performance standards established in the adopted City TSP have been met; and*
  4. *Proposed public improvements are designed and will be constructed to the street standards specified in Section 16.106.010 and the Engineering Design Manual, and to the access standards in Section 16.106.040.*
  5. *Proposed public improvements and mitigation measures will provide safe connections across adjacent right-of-way (e.g., protected crossings) when pedestrian or bicycle facilities are present or planned on the far side of the right-of-way.*

**Response:** The update and original Traffic Impact Analysis comply with all approval criteria listed in subsection 16.106.080.F. This standard is met.

## **Chapter 16.110 - SANITARY SEWERS**

### *16.110.010 - Required Improvements*

*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.*

**Response:** The mixed-use development is served by existing sanitary sewer lines that were constructed with the first phase of the development. The proposed multi-family housing will connect to an existing 6" sewer line stub that was constructed to lot 2 with the first phase. This standard is met.

### *16.110.020 - Design Standards*

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

**Response:** Compliance with the standards of this code is demonstrated in this narrative and utility plans. The utility plan was designed in accordance with the Sanitary Sewer Service Plan Map in the Sanitary Sewer Master Plan. This standard is met.

### *B. Over-Sizing*

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

**Response:** These standards are understood.

### *16.110.030 - Service Availability*

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

**Response:** Issuance of a service availability certification by the City shall occur through review and approval of plans for public improvements, which will be submitted to the City for issuance of the required permits subsequent to receiving necessary land use approvals. This standard is met.

**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.*

**Response:** The mixed-use development is served by an existing public water line that was extended through the mixed-use development from SW Edy Road to Hwy 99. The proposed multi-family housing building proposes to connect to the existing water line that was constructed with the first phase of development. This standard is met.

*16.112.020 - Design Standards*

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

**Response:** The utility plan for the Cedar Creek Plaza was designed and constructed to be consistent with the City of Sherwood Code, the Water System Master Plan, the City's Design and Construction Manual, and with other applicable City standards. This standard is met.

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

**Response:** The proposed development complies with requirements of Chapter 16.116, the applicable portions of Chapter 7 of the Community Development Plan, and the Fire District. New fire hydrants are proposed internal to the site and spaced to provide necessary coverage for fire apparatus response. The proposed building will include automatic fire suppression systems. A recently completed fire flow pressure test demonstrates that existing lines that will serve the site have adequate capacity to meet fire protection demand. This standard is met.

*16.112.030 - Service Availability*

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

**Response:** Issuance of a service availability certification by the City will occur through review and approval of plans for public improvements. This standard is met.

**Chapter 16.114 - STORMWATER***16.114.010 - Required Improvements*

*Stormwater 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.*

**Response:** Development of lot 2 within the Cedar Creek Plaza was anticipated and stormwater facilities within the first phase of development were sized accordingly. The utility plan shows how the proposed development will connect with adjacent stormwater facilities. There is an existing storm line that runs along the southern lot line. New water quality and detention facilities are proposed to manage run-off from the developed area in a manner that is consistent with applicable Clean Water Services design standards. This criterion is met.



*16.114.020 - Design Standards*

- A. *Capacity. Stormwater drainage systems shall be sized, constructed, located, and installed at standards consistent with this Code, the Storm Drainage Master Plan Map, attached as Exhibit E, Chapter 7 of the Community Development Plan, other applicable City standards, the Clean Water Services Design and Construction standards R&O 04-9 or its replacement, and hydrologic data and improvement plans submitted by the developer.*
- B. *On-Site Source Control. Stormwater detention and groundwater recharge improvements, including but not limited to such facilities as dry wells, detention ponds, and roof top ponds shall be constructed according to Clean Water Services Design and Construction Standards.*
- C. *Conveyance System. The size, capacity and location of stormwater sewers and other stormwater conveyance improvements shall be adequate to serve the development and accommodate upstream and downstream flow. If an upstream area discharges through the property proposed for development, the drainage system shall provide capacity to the receive stormwater discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in stormwater caused by new development, provisions shall be made by the developer to increase the downstream capacity or to provide detention such that the new development will not increase the stormwater caused by the new development.*

**Response:** New water quality and detention facilities are proposed to manage run-off from the site in a manner that is consistent with applicable Clean Water Services standards. No upstream discharges flow through the site. The existing downstream facilities have sufficient capacity for run-off released from the site. This standard is met.

*16.114.030 - Service Availability*

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

**Response:** Issuance of a service availability certification by the City will occur through review and approval of plans for public improvements, which have been submitted to the City with this application. This standard is met.

**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.*

**Response:** Adequate supply for fire protection already exists in close proximity to the site. The applicant ensured that the site was provided with adequate water supply with the first phase of development. Additional hydrants are proposed with this phase of development to ensure that the supply is optimal for fire protection.

*16.116.020 - Standards*

- 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.*

**Response:** The proposed multi-family building includes a new fire line, fire vault and FDC as for fire

protection.

- 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.*

**Response:** Recent fire flow test results for the site demonstrate that there is adequate capacity to fight fires within the Cedar Creek Plaza including the improvements on lot 2.

- 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.*

**Response:** All new and existing fire hydrants on site will be easily accessible by District firefighting equipment. The utility plan shows the location of and access routes for all new and existing fire hydrants. As shown in the plans, all hydrants will be located on curbs directly adjacent to paved roads or drive aisles, which will remain unobstructed. Where fire hydrants are located internal to the site, drive aisles will have adequate width, height clearance, and ingress and egress to allow for the maneuvering of District firefighting equipment. Vehicle parking areas on site will not obstruct the movement of firefighting equipment. This standard is met.

- 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.*

**Response:** There is one new proposed hydrant that is internal to the site along a private drive aisle. The one proposed hydrant is located on curbs in front of the proposed new building. All fire hydrants within the plaza are located on curbs that are painted appropriately to indicate parking is prohibited for 15' in either direction. These same protections will be provided to the hydrant within the new multi-family site as well.

#### **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.*

**Response:** The utilities that serve the mixed-use development are located in public utility easements. This standard is met.

- 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.*

**Response:** This mixed-use development has existing public utility easements (PUE) along the frontages of SW Edy Road and Hwy 99. This standard is met.

- 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).*

**Response:** The applicant is aware of this standard and will comply if future extension of utilities is conditioned by the review authority.

- D. *Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.*

**Response:** Underground franchise utilities, constructed with phase one of the development are already stubbed to the vacant lot and were intended to be used for the proposed development on lot 2.

- E. *Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.*

**Response:** Public Telecommunication conduits were installed with the previous phase of development. This standard is met.

- 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.*

**Response:** All applicable public and private utilities requirements will be met through this proposal. No exceptions to this section are requested. This standard does not apply.

#### *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.*

**Response:** Lot 2 within the Cedar Creek Plaza is already provided with underground utility stubs constructed with the first phase of the development. Those utilities will be extended underground, in compliance with this standard to the multi-family development.

#### *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.*

**Response:** The proposed multi-family housing project will have a surface-mounted transformer located at the SE corner of the building.

## Division VIII. - ENVIRONMENTAL RESOURCES

### Chapter 16.132 - GENERAL PROVISIONS

#### 16.132.010 - Purpose

*This Division is intended to protect, preserve, and otherwise properly manage the City's natural and environmental resources for the benefit of the general public, to regulate land development so as to protect the public from natural and environmental hazards, and to establish performance standards allowing the City to properly and uniformly assess the impact of residential, commercial, industrial, and institutional development and activities on the quality of the City's environment.*

**Response:** Responses to the relevant environmental resources standards contained in Chapter 16.132 are presented below.

### Chapter 16.134 - FLOODPLAIN (FP) OVERLAY\*

#### 16.134.010 - Generally

*Special resource zones are established to provide for preservation, protection, and management of unique natural and environmental resources in the City that are deemed to require additional standards beyond those contained elsewhere in this Code. Special resource zones may be implemented as underlying or overlay zones depending on patterns of property ownership and the nature of the resource. A property or properties may be within more than one (1) resource zone. In addition, the City may identify special resource areas and apply a PUD overlay zone in advance of any development in order to further protect said resources.*

**Response:** The subject site is not located within the Floodplain Overlay regulated through Chapter 16.134. The corresponding standards are not applicable.

### Chapter 16.136 - PROCEDURES\*

#### 16.136.010 - Applicability

*The standards of this Chapter, and applicable portions of Chapter 5 of the Community Development Plan, shall apply to any new uses or changes to existing uses in commercial, industrial and institutional zones, except as per Section 16.136.050.*

**Response:** The subject land use application proposes development of new commercial uses, therefore, the standards from Chapter 16.136 are applicable. Responses to the applicable approval standards are provided below.

#### 16.136.020 - Conformance

*Conformance with the standards of this Chapter shall, at a minimum, be certified in writing by a professional engineer and submitted with the application for site plan review required by Chapter 16.90, except as per Section 16.136.050. The written certification shall include:*

- A. *Statement certifying that the proposed commercial, industrial or institutional use, if properly managed and operated, will comply with City environmental performance standards, and citing evidence supporting the certification.*
- B. *Copies of any applicable State permits or recent test results, if available, which would indicate compliance with City environmental performance standards.*

**Response:** Of the environmental performance standards addressed in Chapters 16.132 through 16.156, only those contained in Chapters 16.142, 16.154, and 16.156 are applicable to the proposal. Tree preservation and mitigation standards addressed through responses provided below are based on an analysis of the existing site conditions made by a licensed professional arborist and landscaping plans prepared by a licensed professional landscape architect. The only applicable standards from Chapter 16.154

address off-site lighting impacts, which are shown to not occur through the submitted photometric plan, which has been prepared by a licensed professional civil engineer. Compliance with the solar energy standards contained in Chapter 16.156 is demonstrated through the site plans provided, which were prepared by a licensed professional engineer. As noted above, State-issued permits are not required in conjunction with any of the environmental performance standards that apply to the proposed development. Based on these findings, the criteria cited above are met.

*16.136.050 - Exceptions*

*The City shall make an initial determination whether a proposed development is subject to any of the standards of this Chapter, or whether the development is exempt. The City Manager or his or her designee is authorized to waive all or some of these standards when a proposed development clearly does not represent a substantial impact on the City's environmental resource standards as per this Chapter. The findings of the City Manager or his or her designee shall be made in writing, and copies shall be forwarded to the applicant and the Commission. The action of the City Manager or his or her designee may be appealed as per Chapter 16.76.*

**Response:** No exceptions are requested.

**Chapter 16.138 - MINERAL RESOURCES\***

*16.138.010 - Permitted Activities*

*Mineral extraction and processing, including sand and gravel pits, rock crushers, concrete and asphalt mixing plants, are permitted in the GI zone as conditional uses, subject to Chapter 16.82, and the following special conditions.*

**Response:** No mineral extraction or processing activities are proposed through the subject application. These standards are not applicable to the proposed development.

**Chapter 16.140 - SOLID WASTE\***

*16.140.010 - Solid Waste Facilities*

*Solid waste facilities are defined in 16.10.020 of this Code and are permitted in the General Industrial (GI) and Light Industrial (LI) zones as described in those sections of the Code. Permitted solid waste facilities are subject to the review procedures, site improvements and other standards of this Chapter.*

**Response:** No solid waste facilities are proposed through the subject application. This standard is not applicable to the proposed development.

**Chapter 16.142 - PARKS, TREES AND OPEN SPACES**

*16.142.010 - Purpose*

*This Chapter is intended to assure the provision of a system of public and private recreation and open space areas and facilities consistent with this Code and applicable portions of Chapter 5 of the Community Development Plan Part 2. The standards of this section do not supersede the open space requirements of a Planned Unit Development, found in Chapter 16.40 - Planned Unit Development (PUD).*

**Response:** The visual corridor was established with the first phase of development for the Cedar Creek Plaza. No changes to the visual corridor are proposed with this application.

*16.142.040 - Visual Corridors*

A. *Corridors Required. New developments located outside of the Old Town Overlay with frontage on Highway 99W, or arterial or collector streets designated on Figure 8-1 of the Transportation System Plan shall be required to establish a landscaped visual corridor according to the following standards:*

	Category	Width
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1.	Highway 99W	25 feet
3.	Collector	10 feet

*In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk. In all other developments, the visual corridor shall be on private property adjacent to the right-of-way.*

**Response:** No changes to the previously approved and constructed visual corridors are proposed with this application.

*B. Landscape Materials. The required visual corridor areas shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 16.142.060, shall be planted in the corridor by the developer. The improvements shall be included in the compliance agreement. In no case shall trees be removed from the required visual corridor.*

**Response:** No changes to the previously approved and constructed visual corridors are proposed with this application.

*C. Establishment and Maintenance. Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Chapter 16.92. To assure continuous maintenance of the visual corridors, the review authority may require that the development rights to the corridor areas be dedicated to the City or that restrictive covenants be recorded prior to the issuance of a building permit.*

**Response:** No changes to the previously approved and constructed visual corridors are proposed with this application.

*D. Required Yard. Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited within the required visual corridor, with the exception of front porches on townhomes, as permitted in Section 16.44.010(E)(4)(c).*

**Response:** No changes to the previously approved and constructed visual corridors are proposed with this application.

*E. Pacific Highway 99W Visual Corridor*

- 1. Provide a landscape plan for the highway median paralleling the subject frontage. In order to assure continuity, appropriate plant materials and spacing, the plan shall be coordinated with the City Planning Department and ODOT.*
- 2. Provide a visual corridor landscape plan with a variety of trees and shrubs. Fifty percent (50%) of the visual corridor plant materials shall consist of groupings of at least five (5) native evergreen trees a minimum of ten (10) feet in height each, spaced no less than fifty (50) feet apart, if feasible. Deciduous trees shall be a minimum of four (4) inches DBH and twelve (12) feet high, spaced no less than twenty-five (25) feet apart, if feasible.*

**Response:** No changes to the previously approved and constructed visual corridors are proposed with this application.

#### *16.142.050 - Park Reservation*

*Areas designated on the Natural Resources and Recreation Plan Map, in Chapter 5 of the Community Development Plan, which have not been dedicated pursuant to Section 16.142.030 or 16.134.020, may be required to be reserved upon the recommendation of the City Parks Board, for purchase by the City within a period of time not to exceed three (3) years.*

**Response:** The subject site does not contain any portion of an area designated on the Natural Resources and Recreation Map. This standard is not applicable.

#### 16.142.060 - Street Trees

- A. *Installation of Street Trees on New or Redeveloped Property. Trees are required to be planted to the following specifications along public streets abutting or within any new development or re-development. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.*
1. *Location: Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.*
  2. *Size: Trees shall have a minimum trunk diameter of two (2) caliper inches, which is measured six inches above the soil line, and a minimum height of six (6) feet when planted.*
  3. *Types: Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.*
  4. *Required Street Trees and Spacing:*
    - a. *The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in section 16.142.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.*
    - b. *All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.*
    - c. *A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:*
      - (1) *Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or*
      - (2) *There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and*
      - (3) *The street trees are spaced as close as possible given the site limitations in (1) and (2) above.*
      - (4) *The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.*
      - (5) *For arterial and collector streets, the City may require planted medians in lieu of paved twelve-foot wide center turning lanes, planted with trees to the specifications of this subsection.*

**Response:** Street Trees were approved and planted with the first phase of development. No changes are proposed to the street trees with this application.

- B. *Removal and Replacement of Street Trees. The removal of a street tree shall be limited and in most*

cases, necessitated by the tree. A person may remove a street tree as provided in this section. The person removing the tree is responsible for all costs of removal and replacement. Street trees less than five (5) inches DBH can be removed by right by the property owner or his or her assigns, provided that they are replaced. A street tree that is removed must be replaced within six (6) months of the removal date.

1. *Criteria for All Street Tree Removal for trees over five (5) inches DBH. No street tree shall be removed unless it can be found that the tree is:*
  - a. *Dying, becoming severely diseased, or infested or diseased so as to threaten the health of other trees, or*
  - b. *Obstructing public ways or sight distance so as to cause a safety hazard, or*
  - c. *Interfering with or damaging public or private utilities, or*
  - d. *Defined as a nuisance per City nuisance abatement ordinances.*
  
2. *Street trees between five (5) and ten (10) inches DBH may be removed if any of the criteria in 1. above are met and a tree removal permit is obtained.*
  - a. *The Tree Removal Permit Process is a Type I land use decision and shall be approved subject to the following criteria:*
    - (1) *The person requesting removal shall submit a Tree Removal Permit application that identifies the location of the tree, the type of tree to be removed, the proposed replacement and how it qualifies for removal per Section 1. above.*
    - (2) *The person shall post a sign, provided by the City, adjacent to the tree for ten (10) calendar days prior to removal that provides notice of the removal application and the process to comment on the application.*
    - (3) *If an objection to the removal is submitted by the City or to the City during the ten (10) calendar day period, an additional evaluation of the tree will be conducted by an arborist to determine whether the tree meets the criteria for street tree removal in Section 1. above. The person requesting the Tree Removal Permit shall be responsible for providing the arborist report and associated costs.*
    - (4) *Upon completion of the additional evaluation substantiating that the tree warrants removal per Section 1. above or if no objections are received within the ten-day period, the tree removal permit shall be approved.*
    - (5) *If additional evaluation indicates the tree does not warrant removal, the Tree Removal Permit will be denied.*
  
3. *Street trees over ten (10) inches DBH may be removed through a Type I review process subject to the following criteria.*
  - a. *The applicant shall provide a letter from a certified arborist identifying:*
    - (1) *The tree's condition,*
    - (2) *How it warrants removal using the criteria listed in Section 1. above, and identifying any reasonable actions that could be taken to allow the retention of the tree.*
  - b. *The applicant shall provide a statement that describes whether and how the applicant sought assistance from the City, HOA or neighbors to address any issues or actions that would enable the tree to be retained.*
  - c. *The person shall post a sign, provided by the City, adjacent to the tree for ten (10) calendar days prior to removal that provides notice of the removal application and the process to comment on the application.*
  - d. *Review of the materials and comments from the public confirm that the tree meets the criteria for removal in Section 1. above.*
  
- D. *Exemption from Replacing Street Trees. A street tree that was planted in compliance with the Code in effect on the date planted and no longer required by spacing standards of section A.4. above may be removed without replacement provided:*



1. *Exemption is granted at the time of street tree removal permit or authorized homeowner's association removal per Section 16.142.060.C. above.*
2. *The property owner provides a letter from a certified arborist stating that the tree must be removed due to a reason identified in the tree removal criteria listed in Section 16.142.060.B.1. above, and*
3. *The letter describes why the tree cannot be replaced without causing continued or additional damage to public or private utilities that could not be prevented through reasonable maintenance.*

**Response:** Street Trees were approved and planted with the first phase of development. No changes are proposed to the street trees with this application.

#### *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.*

**Response:** The Site Plan Review is subject to the standards addressed below; however, there are no trees proposed to be removed with this application.

#### *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.*

**Response:** The previously submitted tree inventory and arborist report provide information on the location, species, size, canopy, and condition of all existing trees located within the boundaries of the site, as well as trees located along the site’s SW Edy Road and SW Pacific Highway frontages.

**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.*

**Response:** The previous phase removed 193 of the 255 trees that previously were located within the boundaries of the site. However, 280 new trees were installed. This application further proposes to install more new trees throughout the site. Findings in response to items “D.2” and “D.3” are presented below.

- 2. *Required Tree Canopy - Residential Developments (Single Family Attached, Single Family Detached and Two - Family). Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation  $\pi r^2$  to calculate the expected square footage of canopy for each tree. The expected mature canopy is counted for each tree regardless of an overlap of multiple tree canopies. The canopy requirement can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist or other qualified professional shall provide the estimated tree canopy of the proposed trees to the planning department for review.*

**Response:** The subject proposal does not include single family attached, single family detached or two – family dwellings. This standard is not applicable.

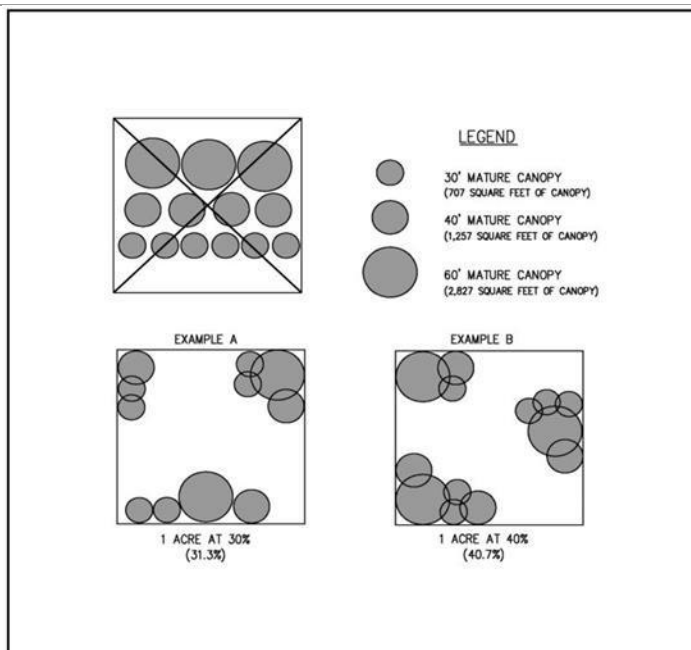
- 3. *Required Tree Canopy - Non-Residential and Multi-family Developments. Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation  $\pi r^2$  to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies. The canopy requirement can be achieved by retaining existing trees or planting new trees. Required landscaping trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the required canopy cover. A certified arborist or other qualified professional shall provide an estimated tree canopy for all proposed trees to the planning department for review as a part of the land use review process.*

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

Street trees included in canopy requirement	Yes	N/A	No
Landscaping requirements included in canopy requirement	N/A	N/A	Yes
Existing trees onsite	Yes x2	N/A	Yes x2
Planting new trees onsite	Yes	N/A	Yes

Mature Canopy in Square Feet Equation  $\pi r^2$  or  $(3.14159 * \text{radius}^2)$  (This is the calculation to measure the square footage of a circle. The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half.

Canopy Mature ( $3.14159 * 17.5^2$ ) = 962 square feet	Calculation canopy	Example: =	Pin	Oak 35'
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**Response:** As shown in the tree survey and landscaping plans the mixed-use development will continue to achieve a tree canopy coverage of 30 percent or more. These coverages comply with section 16.142.070.D.3 and, will continue to effectively mitigate the site’s previous (mobile home park) tree canopy. 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.*

**Response:** None of the trees removed from the site are located within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland, or public park (existing or planned). The applicants are not aware of any unique species, historic, or habitat considerations that would merit preservation of trees proposed for removal.

- 5. Tree retention requirements for properties located within the Old Town Overlay or projects subject to the infill standards of Chapter 16.68 are only subject to retention requirements identified in D.4. above.*

**Response:** The subject site is not located within the Old Town Overlay. This standard is not applicable.

- 6. The Notice of Decision issued for the land use applications subject to this Section shall indicate which trees and woodlands will be retained as per subsection D of this Section, which may be removed or shall be retained as per subsection D of this Section and any limitations or conditions attached thereto.*
- 7. All trees, woodlands, and vegetation located on any private property accepted for dedication to the City for public parks and open space, greenways, Significant Natural Areas, wetlands, floodplains, or for stormwater management or for other purposes, as a condition of a land use approval, shall be retained outright, irrespective of size, species, condition or other factors. Removal of any such trees, woodlands, and vegetation prior to actual dedication of the property to the City shall be cause for reconsideration of the land use plan approval.*

**Response:** The applicant understands these requirements and intend to comply with them as part of an approval of the subject land use requests.

- E. Tree Preservation Incentive. Retention of existing native trees on site which are in good health can be used to achieve the required mature canopy requirement of the development. The expected mature canopy can be calculated twice for existing trees. For example, if one existing tree with an expected mature canopy of 10 feet (78.5 square feet) is retained it will count as twice the existing canopy (157 square feet).*

**Response:** Compliance with the tree canopy coverage requirement is met through new trees proposed for installation at the site. It should be noted, however, that the canopy area of existing trees identified for preservation will be in addition to the canopy projected from new trees.

**F. Additional Preservation Incentives**

- 1. General Provisions. To assist in the preservation of trees, the City may apply one or more of the following flexible standards as part of the land use review approval. To the extent that the standards in this section conflict with the standards in other sections of this Title, the standards in this section shall apply except in cases where the City determines there would be an unreasonable risk to public health, safety, or welfare. Flexibility shall be requested by the applicant with justification provided within the tree preservation and protection report as part of the land use review process and is only applicable to trees that are eligible for credit towards*

*the effective tree canopy cover of the site. A separate adjustment application as outlined in Section 16.84.030.A is not required.*

2. *Flexible Development Standards. The following flexible standards are available to applicants in order to preserve trees on a development site. These standards cannot be combined with any other reductions authorized by this code.*
  - a. *Lot size averaging. To preserve existing trees in the development plan for any Land Division under Division VII, lot size may be averaged to allow lots less than the minimum lot size required in the underlying zone as long as the average lot area is not less than that allowed by the underlying zone. No lot area shall be less than 80 percent of the minimum lot size allowed in the zone;*
  - b. *Setbacks. The following setback reductions will be allowed for lots preserving existing trees using the criteria in subsection (1) below. The following reductions shall be limited to the minimum reduction necessary to protect the tree.*
    - (1) *Reductions allowed:*
      - (a.) *Front yard - up to a 25 percent reduction of the dimensional standard for a front yard setback required in the base zone. Setback of garages may not be reduced by this provision.*
      - (b.) *Interior setbacks - up to a 40 percent reduction of the dimensional standards for an interior side and/or rear yard setback required in the base zone.*
      - (c.) *Perimeter side and rear yard setbacks shall not be reduced through this provision.*
  - c. *Approval criteria:*
    - (1) *A demonstration that the reduction requested is the least required to preserve trees; and*
    - (2) *The reduction will result in the preservation of tree canopy on the lot with the modified setbacks; and*
    - (3) *The reduction will not impede adequate emergency access to the site and structure.*

**Response:** The applicant is not requesting to rely on any of the incentives described above. These standards are not applicable.

3. *Sidewalks. Location of a public sidewalk may be flexible in order to preserve existing trees or to plant new large stature street trees. This flexibility may be accomplished through a curb-tight sidewalk or a meandering public sidewalk easement recorded over private property and shall be reviewed on a case by case basis in accordance with the provisions of the Engineering Design Manual, Street and Utility Improvement Standards. For preservation, this flexibility shall be the minimum required to achieve the desired effect. For planting, preference shall be given to retaining the planter strip and separation between the curb and sidewalk wherever practicable. If a preserved tree is to be utilized as a street tree, it must meet the criteria found in the Street Tree section, 16.142.060.*

**Response:** The applicant is not seeking flexibility from tree preservation and planting requirements to construct new sidewalks. This standard is not applicable.

4. *Adjustments to Commercial and Industrial development Standards. Adjustments to Commercial or Industrial Development standards of up to 20 feet additional building height are permitted provided;*
  - a. *At least 50% of a Significant Tree stand's of canopy within a development site (and not also within the sensitive lands or areas that areas dedicated to the City) is preserved;*
  - b. *The project arborist or qualified professional certifies the preservation is such that the connectivity and viability of the remaining significant tree stand is maximized;*

- c. *Applicable buffering and screening requirements are met;*
- d. *Any height adjustments comply with state building codes;*
- e. *Significant tree stands are protected through an instrument or action subject to approval by the City Manager or the City manager's designee that demonstrates it will be permanently preserved and managed as such;*
  - (1.) *A conservation easement;*
  - (2.) *An open space tract;*
  - (3.) *A deed restriction; or*
  - (4.) *Through dedication and acceptance by the City.*

**Response:** The applicant is not requesting any adjustments to the RC zone development standards in order to preserve additional existing trees. These standards are not applicable.

#### **Chapter 16.144 - WETLAND, HABITAT AND NATURAL AREAS**

##### *16.144.010 – Generally*

*Unless otherwise permitted, residential, commercial, industrial, and institutional uses in the City shall comply with the following wetland, habitat and natural area standards if applicable to the site as identified on the City's Wetland Inventory, the Comprehensive Plan Natural Resource Inventory, the Regionally Significant Fish and Wildlife Habitat Area map adopted by Metro, and by reference into this Code and the Comprehensive Plan. Where the applicability of a standard overlaps, the more stringent regulation shall apply.*

**Response:** The site does not contain any wetlands identified on the City's Wetland Inventory. These standards are not applicable to the proposed development.

#### **Chapter 16.146 – NOISE**

##### *16.146.010 – Generally*

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

**Response:** The mixed-use development consisting of multi-family housing, assisted living/memory care facility and set of retail, commercial, and restaurant uses proposed through this application are anticipated to comply with noise standards contained in OAR 340- 35-035. In general, potential noise sources would be limited to those typical of a commercial retail shopping center (i.e., human voices, auto traffic, outdoor mechanical equipment, and refuse collection vehicles). A similar set of noise sources would be associated with the assisted living/memory care facility, with the exception of sirens from emergency response vehicles that may respond to calls for medical assistance. However, sirens would not necessarily be a new source of noise for the immediate area, as the City of Sherwood Police Station is located immediately north of the site along SW Edy Road. None of these potential noise sources requires issuance of permits from the State. This standard is met.

##### *16.146.020 - Noise Sensitive Uses*

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

- A. *The applicant shall submit to the City a noise level study prepared by a professional acoustical engineer. Said study shall define noise levels at the boundaries of the site in all directions.*
- B. *The applicant shall show that the use will not exceed the noise standards contained in OAR 340-35-035, based on accepted noise modeling procedures and worst case assumptions when all noise*

*sources on the site are operating simultaneously.*

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

**Response:** This application proposes multi-family within a mixed-use development. Noises typical of residential uses (garbage collection, car parking, moving vans) is anticipated.

### **Chapter 16.148 – VIBRATIONS**

#### *16.148.010 - Generally*

*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.*

**Response:** With the exception of vibrations that may occur during site development and building construction, none of the proposed multi-family or commercial uses are anticipated to generate vibrations that could be detected at the boundaries of the site. No heavy mechanical equipment (i.e., compaction, grinding, shredding) will be used in conjunction with any of the uses on the site. This standard is met.

### **Chapter 16.150 - AIR QUALITY**

#### *16.150.010 - Generally*

*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.*

**Response:** All of the uses are anticipated to achieve and maintain compliance with air quality standards contained in OAR 340-21-060. Use of an incinerator is not proposed or necessary as part of the daily operations of the proposed uses, and none of them require issuance of a State Air Contaminant Discharge Permit. Other than dust that may be generated during site development and building construction, the site will be fully improved with either buildings, hardscape, or landscaping that significantly precludes the potential for readily discernable dust generation. This standard is met.

#### *16.150.020 - Proof of Compliance*

*Proof of compliance with air quality standards as per Section 16.150.010 shall be in the form of copies of all applicable State permits, or if permits have not been issued, submission by the applicant, and acceptance by the City, of a report certified by a professional engineer indicating that the proposed use will comply with State air quality standards. Depending on the nature and size of the use proposed, the applicant may, in the City's determination, be required to submit to the City a report or reports substantially identical to that required for issuance of State Air Contaminant Discharge Permits.*

**Response:** This standard is not applicable, as none of the proposed uses require issuance of State air quality permits.

### **Chapter 16.152 – ODORS**

#### *16.152.010 - Generally*

*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.*

#### *16.152.020 - Standards*

*The applicant shall submit a narrative explanation of the source, type and frequency of the odorous emissions produced by the proposed commercial, industrial, or institutional use. In evaluating the potential for adverse impacts from odors, the City shall consider the density and characteristics of surrounding populations and uses, the duration of any odorous emissions, and other relevant factors.*

**Response:** With the exception of outdoor trash enclosures, none of the proposed uses is anticipated to generate discernable odors that would not be expected within the City. Trash enclosures have been located within the boundaries of the site to reduce the potential for adverse impact on adjacent properties. Typical trash bins with full lids will be used for collection of refuse, which should minimize airborne distribution of odors. Based on these findings, the criteria cited above are satisfied.

### **Chapter 16.154 - HEAT AND GLARE**

#### *16.154.010 - Generally*

*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.*

**Response:** As shown on the submitted photometric plan, exterior lighting proposed for the site will not generate off-site glare in excess of one-half foot candle on adjacent residential properties. The multi-family use is not anticipated to generate excessive heat or glare.

### **Chapter 16.156 - ENERGY CONSERVATION**

#### *16.156.010 - Purpose*

*This Chapter and applicable portions of Chapter 5 of the Community Development Plan provide for natural heating and cooling opportunities in new development. The requirements of this Chapter shall not result in development exceeding allowable densities or lot coverage, or the destruction of existing trees.*

**Response:** As discussed below, the site plan and proposed building has been designed such that compliance with the energy conservation standards contained in Section 16.156.020 will not result in greater than allowed lot coverage or destruction of existing trees. The new building will be constructed to meet the Oregon building codes for energy conservation. This standard is met.

#### *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.*

**Response:** 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. This standard is met.

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.*

**Response:** 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.

#### **IV. SUMMARY**

This application requests approval of a Major Modification to an approved site plan that will enable the applicant to develop a multi-family housing building and expansion of the parking area. The use is an allowed use in the zone, and the proposed development would occur within the boundaries of the existing Cedar Creek Plaza. Based on the information presented in this narrative and the attached supporting plans and documentation, the proposed project meets the established standards and approval criteria and the applicant respectfully requests that the application be approved.



After recording return to:  
DD Sherwood One, LLC  
901 Northeast Glisan Street, Suite  
100  
Portland, OR 97232

Until a change is requested all tax  
statements shall be sent to the  
following address:  
DD Sherwood One, LLC  
901 Northeast Glisan Street, Suite 100  
Portland, OR 97232

File No.: NCS-776328-OR1 (RR)  
Date: July 24, 2017

Washington County, Oregon **2017-058919**  
**D-DW**  
Stn=0 A STROM **07/26/2017 12:30:05 PM**  
\$20.00 \$11.00 \$5.00 \$20.00 \$3,200.00 **\$3,256.00**

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of  
Assessment and Taxation, Ex-Officio

## STATUTORY WARRANTY DEED

**Donald V. Pfeifer and Virginia E. Pfeifer, Co-Trustees of the Donald V. Pfeifer and Virginia E. Pfeifer Family Trust to took title as Donald V. Pfeifer and Virginia E. Pfeifer as Trustee of the Donald V. Pfeifer Trust, executed the 30 day of April, 1992 and Virginia E. Pfeifer and Donald V. Pfeifer as Trustee of the Virginia E. Pfeifer Trust, executed the 30 day of April, 1992, each as to an undivided one-half interest as tenants in common, Grantor, conveys and warrants to DD Sherwood One, LLC, an Oregon limited liability company , Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:**

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

**Subject to:** Exhibit B attached hereto and by reference made a part hereof

The true consideration for this conveyance is **\$3,199,775.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 25<sup>TH</sup> day of July, 2017.

The Donald V. Pfeifer and Virginia E. Pfeifer Family Trust

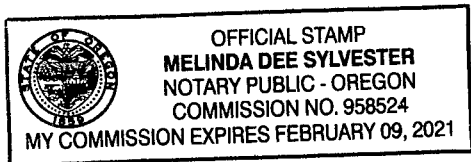
*Donald V. Pfeifer*  
Donald V. Pfeifer, Co-Trustee

*Virginia E. Pfeifer*  
Virginia E. Pfeifer, Co-Trustee

STATE OF Oregon )  
County of Multnomah )ss.

This instrument was acknowledged before me on this 25<sup>th</sup> day of July, 2017 by Donald V. Pfeifer and Virginia E. Pfeifer as Co-Trustees of The Donald V. Pfeifer and Virginia E. Pfeifer Family Trust, on behalf of the Trust.

*Melinda Sylvester*  
Name of Notary: Melinda Sylvester  
Notary Public for Oregon  
My commission expires: 2-9-21



**EXHIBIT A**

**LEGAL DESCRIPTION:** Real property in the County of Washington, State of Oregon, described as follows:

**BEGINNING AT THE NORTHWESTERLY RIGHT OF WAY LINE OF THE WEST LINE OF PACIFIC HIGHWAY IN SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF SHERWOOD, COUNTY OF WASHINGTON AND STATE OF OREGON, AT THE INTERSECTION OF SAID NORTHWESTERLY LINE OF THE CERTAIN TRACT OF LAND CONVEYED TO CLAU BORCHERS BY DEED RECORDED IN VOLUME 136, PAGE 0188, DEED RECORDS, WHICH BEGINNING POINT IS APPROXIMATELY 753.6 FEET SOUTH AND 864.3 FEET WEST OF THE QUARTER CORNER ON THE EAST LINE OF SAID SECTION 30; THENCE FROM THE DESCRIBED POINT OF BEGINNING SOUTHWESTERLY ALONG SAID NORTHWESTERLY BOUNDARY OF THE WEST SIDE OF PACIFIC HIGHWAY, BEING THE NORTHWESTERLY LINE OF A TRACT OF LAND DESCRIBED IN VOLUME 142, PAGE 0220, DEED RECORDS, A DISTANCE OF 500 FEET TO THE NORTHEASTERLY CORNER OF THAT TRACT OF LAND CONVEYED TO JOHN H. FREDERICK ET UX BY DEED RECORDED IN VOLUME 582, PAGE 0575, DEED RECORDS; THENCE NORTHWESTERLY AND PARALLEL TO THE SOUTHWESTERLY LINE OF THE ABOVE-MENTIONED CLAU BORCHERS TRACT 522.0 FEET; THENCE NORTHEASTERLY 500 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID BORCHERS TRACT; THENCE SOUTHEASTERLY 522.0 FEET TO THE POINT OF BEGINNING.**

**EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION BY WARRANTY DEED RECORDED FEBRUARY 07, 1956 IN VOLUME 362, PAGE 0480.**

**THE LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.**

## **EXHIBIT B**

These premises are within the boundaries of the Clean Water Service District and are subject to the levies and assessments thereof.

Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission recorded February 07, 1956 in Volume 362, Page 0480 Deed Records, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.

Document(s) declaring modifications thereof recorded April 15, 1965 in Volume 548, Page 0595 of Official Records.

General and special taxes and assessments for the fiscal year 2017-2018, a lien not yet due or payable.



After recording return to:  
DD Sherwood One, LLC  
901 Northeast Glisan St, Suite 100  
Portland, OR 97232

Until a change is requested all tax  
statements shall be sent to the  
following address:  
DD Sherwood One, LLC  
901 Northeast Glisan Street, Suite 100  
Portland, OR 97232

File No.: NCS-776327-OR1 (RR)  
Date: July 24, 2017

Washington County, Oregon **2017-058918**  
**D-DW**  
Stn=0 A STROM **07/26/2017 12:30:05 PM**  
\$15.00 \$11.00 \$5.00 \$20.00 \$2,624.00 **\$2,675.00**

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of  
Assessment and Taxation, Ex-Officio

## STATUTORY WARRANTY DEED

**Pfeifer Family Limited Partnership, an Oregon limited partnership**, Grantor, conveys and warrants to **DD Sherwood One, LLC, an Oregon limited liability company**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

**LEGAL DESCRIPTION:** Real property in the County of Washington, State of Oregon, described as follows:

**PARCEL I:**

**PARCEL 2, PARTITION PLAT NO. 2003-055, IN THE CITY OF SHERWOOD, COUNTY OF WASHINGTON AND STATE OF OREGON.**

**PARCEL II:**

**AN EASEMENT FOR INGRESS AND EGRESS AS SET FORTH IN THAT CERTAIN ACCESS EASEMENT AGREEMENT RECORDED OCTOBER 31, 2005 AS FEE NO. 2005 136110.**

**Subject to:** Exhibit B attached hereto and by reference made a part hereof

The true consideration for this conveyance is **\$2,623,166.35**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 25 day of July, 2017.

Pfeifer Family Limited Partnership, an Oregon limited partnership

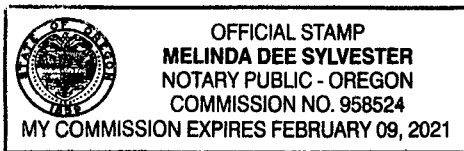
By: Pfeifer Properties Inc., an Oregon corporation; its General Partner

By: *Donald V. Pfeifer*  
Name: Donald V. Pfeifer  
Title: President

STATE OF Oregon )  
County of Multnomah )ss.

This instrument was acknowledged before me on this 25 day of July, 2017 by Donald V. Pfeifer as President of Pfeifer Properties Inc., an Oregon corporation as the general partner for Pfeifer Family Limited Partnership, on behalf of the limited partnership.

*Melinda Sylvester*  
Name of Notary: Melinda Sylvester  
Notary Public for Oregon  
My commission expires: 2-9-21



## Exhibit A

These premises are within the boundaries of the Clean Water Service District and are subject to the levies and assessments thereof.

Easement, including terms and provisions contained therein:

Recording Information: May 14, 1958 in Volume 404, Page 0599  
In Favor of: Otto Krebs and Nellie Krebs, husband and wife, and unto Fred Krebs and Gertrude Krebs, husband and wife  
For: Underground water supply pipeline

Document(s) declaring modifications thereof recorded October 29, 1958 in Volume 411, Page 0021 of Official Records.

Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission recorded May 31, 1991 as Fee No. 91028331 Deed Records, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.

Easement, including terms and provisions contained therein:

Recording Information: May 31, 1991 as Fee No. 91028331  
In Favor of: State of Oregon, by and through its Department of Transportation, Highway Division  
For: Slopes

The terms and provisions contained in the document entitled Boundary Agreement, executed by and between Norma Jean Oyler, Trustee of the Donn Ree Oyler Trust and Emilie List recorded June 02, 1999 as Fee No. 99066944 of Official Records.

Restrictions shown on the recorded plat of Partition Plat No. 2003-055.

The terms and provisions contained in the document entitled Declaration of Easement Agreement, Maintenance Agreement, and Prospective Easement Agreement, executed by and between Lois Matz, as Personal Representative of the Estate of Emilie S. List and Centex Homes, a Nevada general partnership recorded July 25, 2003 as Fee No. 2003 121736 of Official Records.

The terms, provisions and easement(s) contained in the document entitled "Access Easement Agreement" recorded October 31, 2005 as Fee No. 2005 136110 of Official Records.

General and special taxes and assessments for the fiscal year 2017-2018, a lien not yet due or payable.



Property Information			
Owner(s):	DD SHERWOOD TWO LLC	Mailing Address:	21305 SW PACIFIC HWY, SHERWOOD, OR 97140
Owner Phone:	Unknown	Property Address:	16864 SW EDY RD, SHERWOOD, OR 97140
Vesting Type:		Alt. APN:	2S130DA02200
County:	WASHINGTON	APN:	R2207396
Map Coord:	: 2S-1W-30-SE-NE	Census Tract:	032200
Lot#:	2	Block:	
Subdivision:	CEDAR CREEK PLAZA	Tract:	
Legal:	CEDAR CREEK PLAZA, LOT 2, ACRES 1.73		

Property Characteristics			
Use:	COMMERCIAL LOT	Year Built / Eff. :	/
Zoning:		Lot Size Ac / Sq Ft:	1.73 / 75359
Bedrooms:	0	Bathrooms:	0.0
# Rooms:	0	Quality:	
Pool:		Air:	
Stories:		Garage Area :	
Gross Area:		Sq. Ft. :	
		# of Units:	
		Fireplace:	
		Heating:	
		Style:	
		Parking / #:	/
		Basement Area:	

Sale and Loan Information			
Sale / Rec Date:	/	*\$/Sq. Ft.:	2nd Mtg.:
Sale Price:		1st Loan:	Prior Sale Amt:
Doc No.:		Loan Type:	Prior Sale Date:
Doc Type:		Transfer Date:	Prior Doc No.:
Seller:		Lender:	Prior Doc Type:

\*\$/Sq. Ft. is a calculation of Sale Price divided by Sq. Feet.

Tax Information			
Imp Value:		Exemption Type:	
Land Value:	\$1,304,240	Tax Year / Area:	2021 / 088.10
Total Value:	\$1,304,240	Tax Value:	
Total Tax Amt:	\$14,554.36	Improved:	%

**Limitation of Liability for Informational Report**

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Property Information			
Owner(s):	DD SHERWOOD ONE LLC	Mailing Address:	901 NE GLISAN ST #100, PORTLAND, OR 97232
Owner Phone:	Unknown	Property Address:	16840 SW EDY RD, SHERWOOD, OR 97140
Vesting Type:		Alt. APN:	2S130DA02700
County:	WASHINGTON	APN:	R2207401
Map Coord:	: 2S-1W-30-SE-NE	Census Tract:	032103
Lot#:	7	Block:	
Subdivision:	CEDAR CREEK PLAZA	Tract:	
Legal:	CEDAR CREEK PLAZA, LOT 7, ACRES 0.70		

Property Characteristics			
Use:	COMMERCIAL BUILDING	Year Built / Eff. :	/
Zoning:		Lot Size Ac / Sq Ft:	0.7 / 30492
Bedrooms:	0	Bathrooms:	0.0
# Rooms:	0	Quality:	
Pool:		Air:	
Stories:		Garage Area :	
Gross Area:	8060	Sq. Ft. :	8060
		# of Units:	
		Fireplace:	
		Heating:	
		Style:	
		Parking / #:	/
		Basement Area:	

Sale and Loan Information			
Sale / Rec Date:	/	*\$/Sq. Ft.:	
Sale Price:		1st Loan:	
Doc No.:		Loan Type:	
Doc Type:		Transfer Date:	
Seller:		Lender:	
		2nd Mtg.:	
		Prior Sale Amt:	
		Prior Sale Date:	
		Prior Doc No.:	
		Prior Doc Type:	

\*\$/Sq. Ft. is a calculation of Sale Price divided by Sq. Feet.

Tax Information			
Imp Value:	\$1,734,690	Exemption Type:	
Land Value:	\$535,410	Tax Year / Area:	2021 / 088.10
Total Value:	\$2,270,100	Tax Value:	
Total Tax Amt:	\$26,273.74	Improved:	76.41%

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# MACKENZIE.

April 23, 2021 (*Revised March 14, 2022*)

City of Sherwood  
Attention: Craig Christensen, PE  
22560 SW Pine Street  
Sherwood, OR 97140

Re: **Cedar Creek Apartments Sherwood**  
*Trip Update Letter*  
Project Number 2210094.00

Dear Mr. Christensen:

Mackenzie has prepared this letter to present updated trip generation estimates with the proposed apartments on Lot 2 of the Cedar Creek Plaza in Sherwood, Oregon.

## INTRODUCTION

The Cedar Creek Plaza is located at the northwest corner of the Highway 99W/SW Edy Road intersection in Sherwood. A three-story apartment development with up to 67 dwelling units is proposed on Lot 2 of the plaza. The plaza was approved for up to 48,000 square feet (SF) of retail, a 28-bed nursing home, a 137-bed assisted living facility, and a 94-room hotel on Lot 2 of the site. The proposed apartments will replace the approved 94-room hotel on Lot 2. This letter presents updated trip generation estimates with the proposed apartments instead of the approved hotel.

## TRIP GENERATION

Trip generation estimates for the approved Cedar Creek development were obtained from Mackenzie's December 23, 2016 Transportation Impact Analysis (TIA) prepared for the subject site. An excerpt from this report is enclosed with this letter for reference.

Trip generation estimates for the approved development were prepared using the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 9th Edition. The *Trip Generation Manual*, 11th Edition is the most current source of trip rates and was therefore utilized to estimate trips for the proposed apartments.

Internal trip estimates for the approved site were prepared using data from ITE's *Trip Generation Handbook*, 3rd Edition, which relies on data compiled by the National Cooperative Highway Research Program's (NCHRP) *Report 684: Enhancing Internal Trip Capture Estimation for Mixed-Use Developments*. The approved trip estimates included only 50% of the recommended internal trips as recommended per NCHRP as a conservative estimate. Therefore, this trip update also only includes 50% of the recommended internal capture trip estimates. An estimate of internal trips between the proposed uses and the existing providence Sherwood Medical Plaza were also provided in the approved trip estimate summary. This trip update letter includes the same assumptions and methodology for internal trip capture estimates as applied to the approved trip estimates for the Cedar Creek Plaza. Internal trips for the apartments represent 0% of total AM Peak Hour trips, 24% of total PM peak hour trips, and 12% of total daily trips for Lot 2.



Pass-by trip estimates for the approved site were prepared using data from ITE’s *Trip Generation Handbook*, 3rd Edition. There are no pass-by trips assumed for either the original hotel use or the proposed apartments.

**Lot 2 Net New**

Because all uses within the development have already been constructed and are currently operational, only the difference between approved and proposed trips on Lot 2 are compared. Table 1 presents the approved, proposed, and net new trip estimates for Lot 2.

TABLE 1 – TRIP GENERATION SUMMARY FOR LOT 2											
Development Scenario	ITE Code	ITE Land Use	Size	Trip Type	AM Peak Hour			PM Peak Hour			Daily
					In	Out	Total	In	Out	Total	
Approved	310	Hotel	94 rooms	Total	30	20	50	29	27	56	768
				Internal	0	3	3	3	2	5	50
				External	30	17	47	26	25	51	718
				Pass-by	0	0	0	0	0	0	0
				Primary	30	17	47	26	25	51	718
Proposed	220	Multifamily Housing (Low-Rise)	67 DU	Total	6	21	27	21	13	34	452
				Internal	0	0	0	5	3	8	53
				External	6	21	27	16	10	26	399
				Pass-by	0	0	0	0	0	0	0
				Primary	6	21	27	16	10	26	399
<b>NET NEW</b>				<b>Total</b>	<b>-24</b>	<b>1</b>	<b>-23</b>	<b>-8</b>	<b>-14</b>	<b>-22</b>	<b>-316</b>
				<b>Internal</b>	<b>0</b>	<b>-3</b>	<b>-3</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>3</b>
				<b>External</b>	<b>-24</b>	<b>4</b>	<b>-20</b>	<b>-10</b>	<b>-15</b>	<b>-25</b>	<b>-319</b>
				<b>Pass-by</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
				<b>Primary</b>	<b>-24</b>	<b>4</b>	<b>-20</b>	<b>-10</b>	<b>-15</b>	<b>-25</b>	<b>-319</b>

As presented in Table 1, the proposed apartments are estimated to generate 23 fewer AM peak hour, 22 fewer PM peak hour, and 316 fewer daily trips. When comparing primary trips, or new trips to the site, the apartments are estimated to generate 20 fewer AM peak hour, 25 fewer PM peak hour, and 319 fewer daily trips.

Applying the NCHRP internal trip methodology to the proposed apartments results in zero (0) internal trips for the apartments during the AM peak hour. However, daily internal trips are estimated to be 53, resulting in three (3) additional, internal daily trips. We will also note the shopping center was approved for a minor modification to allow an additional 678 SF after the original approval for 46,200 SF. This minor modification resulted in an additional 30 average daily trips, not captured in the approved December 23, 2016 TIA, but documented in Mackenzie’s May 21, 2018 Minor Modification report. An excerpt from this report is enclosed with this letter for reference.

Because the proposed apartments are estimated to generate fewer trips than the approved hotel, off-site impacts are projected to be less significant than originally presented in the December 2016 TIA for the Cedar Creek Plaza, including queuing at the Highway 99W/SW Edy Road intersection.

## CONCLUSION

The Cedar Creek Plaza was approved for a 94-room hotel on Lot 2 but the applicant is now proposing a three-story apartment development with up to 67 dwelling units. Trip generation estimates for the new use were prepared using updated trip generation rates presented in ITE's *Trip Generation Manual*, 11th Edition. Specifically looking at the proposed change on Lot 2 results in 23 fewer AM peak hour, 22 fewer PM peak hour, and 316 fewer daily trips. When comparing primary trips, or new trips to the site, the apartments are estimated to generate 20 fewer AM peak hour, 25 fewer PM peak hour, and 319 fewer daily trips. Due to the decreased site trips associated with Lot 2, off-site impacts are projected to be less significant than originally presented in the December 2016 TIA for the Cedar Creek Plaza, including queuing at the Highway 99W/SW Edy Road intersection.

Please contact me at [jjones@mcknze.com](mailto:jjones@mcknze.com) or 971-346-3741 if you have any questions or comments regarding the information presented in this letter.

Sincerely,



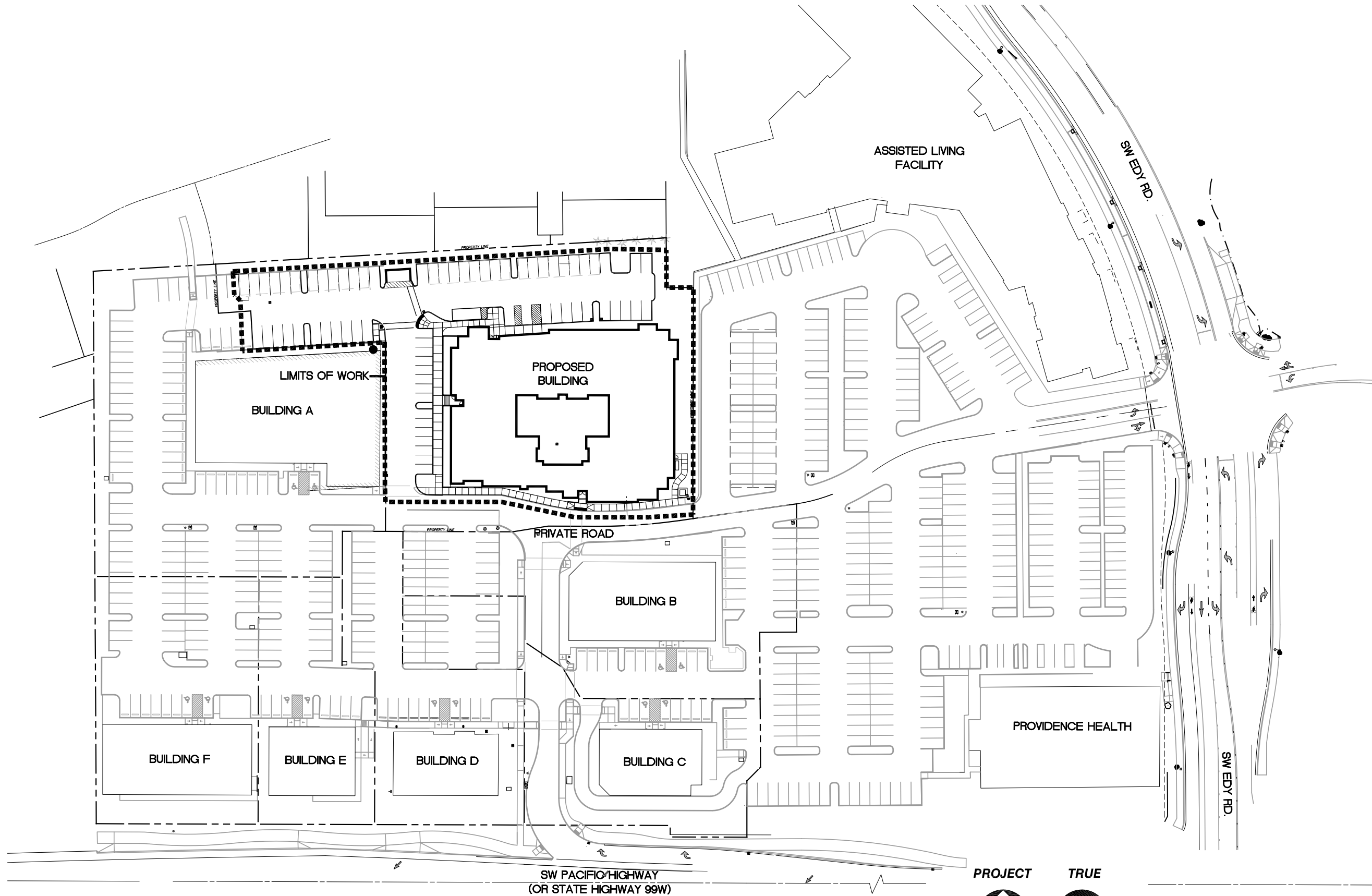
Janet Jones, PE  
Associate | Traffic Engineer

Enclosure(s): Site Plan  
December 23, 2016 TIA Excerpt  
May 21, 2018 Minor Modification Report Excerpt

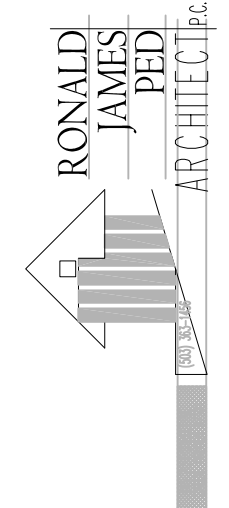
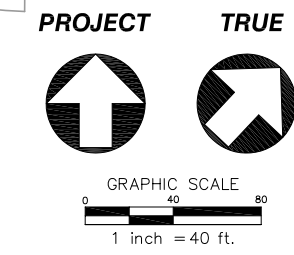
c: Steve Deacon – Deacon Development, LLC  
Brent Ahrend – Mackenzie



LAST SAVED: Sun, 25 Apr 2021 - 07:15:00 AM; PLOT: 1/2 DDL 021 - Cedar Creek 1/21 - CAD Drawings 1/25 - DD1/2020.50 Overall.dwg Overall  
PRINTED: Sun, 25 Apr 2021 - 07:15:00 AM; PLOT: 1/2 DDL 021 - Cedar Creek 1/21 - CAD Drawings 1/25 - DD1/2020.50 Overall.dwg Overall



1 OVERALL SITE PLAN  
1" = 40'

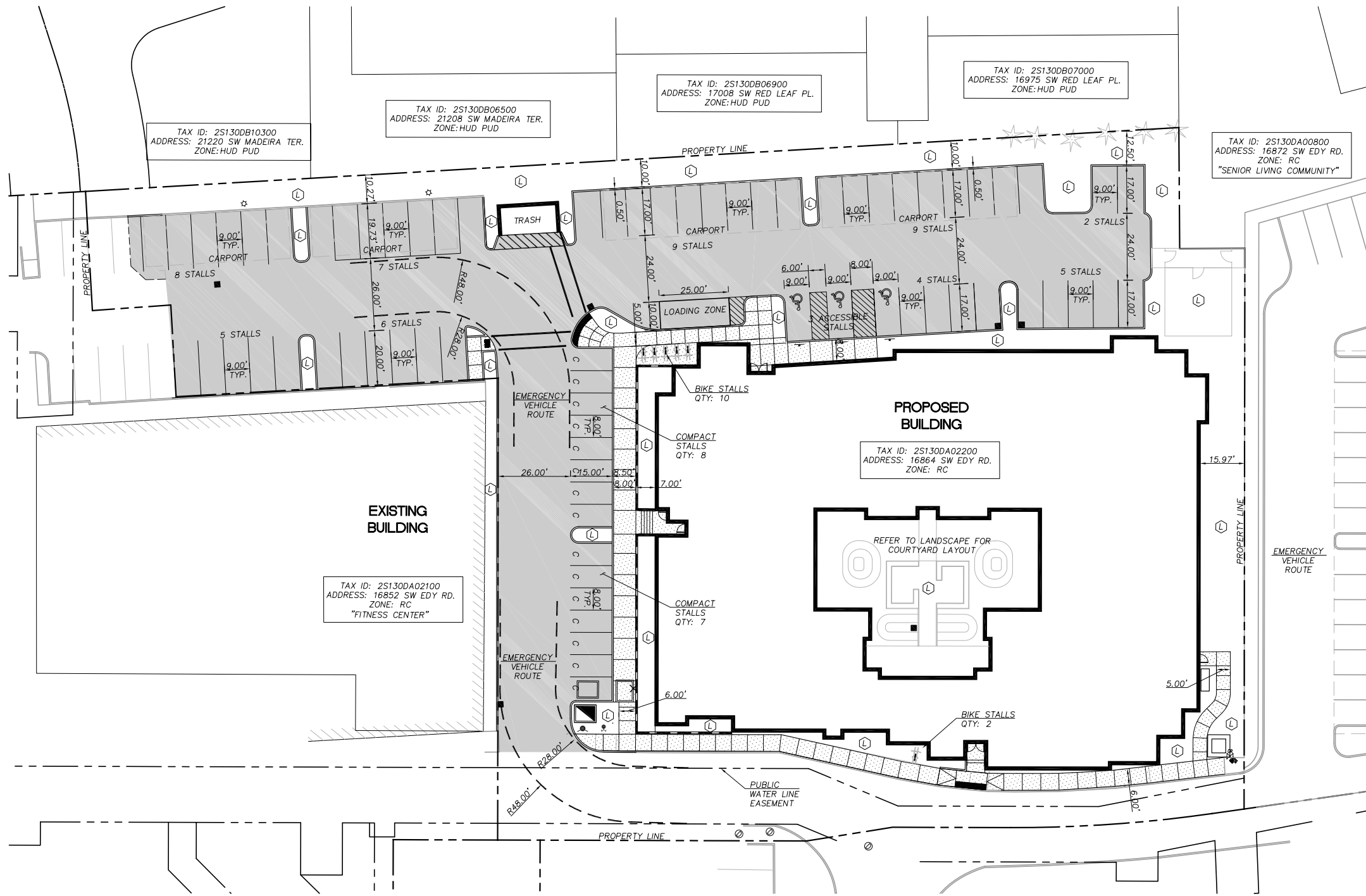


DESIGN REVIEW  
CEDAR CREEK APTS.  
16864 SW Edy Road, Sherwood, OR 97140  
DATE: 26 APR 2021  
DRAWN:  
JOB NO.: 2089  
OVERALL SITE PLAN  
C0.50

P:\2089 Deacon Sherwood Apts\Photos\Logo.jpg  
901 NE Glisan St., Suite 100  
Portland, OR 97232  
T: 503.297.8791  
ATT: Ryan Schera

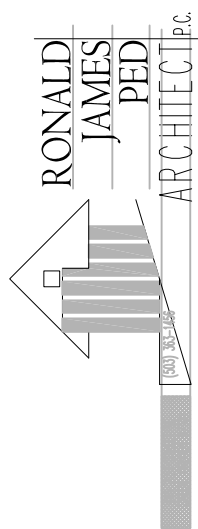


LAST SAVED: Sun, 25 Apr 2021 - 11:45 AM LOCATION: F:\1\2\DDL\001 - Cedar Creek\1\1 - CAD Drawings\1\1 - DD\1\2\1.00 Layout and Paving.dwg Layout  
 PRINTED: Sun, 25 Apr 2021 - 11:58 AM PRINTED BY: Brien

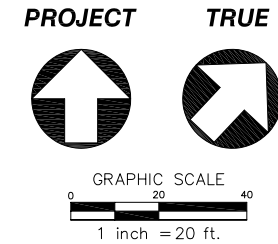


SHEET LEGEND		
ITEM	DESCRIPTION	DETAIL
	ASPHALT PAVEMENT	
	CONCRETE SIDEWALK	
	STANDARD CURB	
	LANDSCAPING	

NEW PARKING TABLE	
DESCRIPTION	COUNT
STANDARD PARKING STALLS	55
COMPACT PARKING STALLS	15
ACCESSIBLE PARKING STALLS	3
TOTAL NEW AUTOMOTIVE PARKING STALLS	73
BIKE STALLS	12
LOADING ZONE	1



1 LAYOUT AND PAVING PLAN  
 1"=20'



P:\2089 Deacon Sherwood Apts\Photos\Logo.jpg

901 NE Glisan St., Suite 100  
 Portland, OR 97232  
 T: 503.297.8791  
 ATT: Ryan Schera

DESIGN REVIEW  
 CEDAR CREEK APTS.  
 16864 SW Edy Road, Sherwood, OR 97140

DATE: 24 Feb 2021  
 DRAWN:  
 JOB NO.: 2089  
 LAYOUT AND PAVING  
 PLAN

C100



# MACKENZIE.

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## TRANSPORTATION IMPACT ANALYSIS

**To**  
City of Sherwood

**For**  
Deacon Development and  
Rembold Properties

**Submitted**  
December 23, 2016

**Project Number**  
2150650.00



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TABLE 4 – TRIP GENERATION SUMMARY								
Land Use (LUC)	Size and Units	AM Peak Hour			PM Peak Hour			Daily
		In	Out	Total	In	Out	Total	
<b>TOTAL TRIPS</b>								
Assisted Living (LUC 254)	137 occupied beds	17	8	25	20	20	40	375
Nursing Home (LUC 620)	28 beds	3	2	5	2	4	6	77
Hotel (LUC 310)	94 rooms	30	20	50	29	27	56	768
Shopping Center (LUC 820)	46.2 KSF	60	37	97	171	186	357	4,111
<b>New Development Subtotal</b>		<b>110</b>	<b>67</b>	<b>177</b>	<b>222</b>	<b>237</b>	<b>459</b>	<b>5,331</b>
<b>INTERNAL TRIPS</b>								
Assisted Living (LUC 254)	137 occupied beds	0	0	0	-5	-5	-10	-48
Nursing Home (LUC 620)	28 beds	0	0	0	-1	-1	-2	-10
Hotel (LUC 310)	94 rooms	0	-3	-3	-3	-2	-5	-50
Shopping Center (LUC 820)	46.2 KSF	-3	-2	-5	-12	-9	-21	-183
<b>New Development Subtotal</b>		<b>-3</b>	<b>-5</b>	<b>-8</b>	<b>-21</b>	<b>-17</b>	<b>-38</b>	<b>-291</b>
<b>EXTERNAL TRIPS</b>								
Assisted Living (LUC 254)	137 occupied beds	17	8	25	15	15	30	327
Nursing Home (LUC 620)	28 beds	3	2	5	1	3	4	67
Hotel (LUC 310)	94 rooms	30	17	47	26	25	51	718
Shopping Center (LUC 820)	46.2 KSF	57	35	92	159	177	336	3,928
<b>New Development Subtotal</b>		<b>107</b>	<b>62</b>	<b>169</b>	<b>201</b>	<b>220</b>	<b>421</b>	<b>5,040</b>
<b>PASS-BY TRIPS</b>								
Shopping Center (LUC 820)	46.2 KSF	0%			34%			17%
<b>Shopping Center (LUC 820)</b>	<b>46.2 KSF</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>57</b>	<b>57</b>	<b>114</b>	<b>668</b>
<b>PRIMARY TRIPS</b>								
Assisted Living (LUC 254)	137 occupied beds	17	8	25	15	15	30	327
Nursing Home (LUC 620)	28 beds	3	2	5	1	3	4	67
Hotel (LUC 310)	94 rooms	30	17	47	26	25	51	718
Shopping Center (LUC 820)	46.2 KSF	57	35	92	102	120	222	3,260
<b>New Development Subtotal</b>		<b>107</b>	<b>62</b>	<b>169</b>	<b>144</b>	<b>162</b>	<b>307</b>	<b>4,372</b>
<b>SUMMARY OF NEW TRIPS</b>								
Total Trip Estimate		110	67	177	222	237	459	5,331
Internal Trip Reduction		-3	-5	-8	-21	-17	-38	-291
External Trips		107	62	169	201	220	421	5,040
Pass-by Trips		0	0	0	57	57	114	668
Primary Trips		107	62	169	144	163	307	4,372
Internal Reduction at Providence Medical Plaza		-3	-1	-4	-2	-6	-8	-95
Primary Trips Added to Network		104	61	165	142	157	299	4,277

# MACKENZIE.

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## **MINOR MODIFICATION TO APPROVED SITE PLAN (BUILDINGS B AND C)**

**To**  
City of Sherwood

**For**  
Deacon Development Group

**Dated**  
May 17, 2018  
*Revised May 21, 2018*

**Project Number**  
2160618.17



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- (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;*

**Response:** Per Sheet C2.1A, there is a proposed net increase in building coverage of 678 square feet. Building C will continue to be set back from SW Pacific Highway by at least 25 feet (Sheet C2.1A). Phase III of Cedar Creek Plaza was reviewed as one lot, and Building C will not be set back closer or farther away from the property lines of the entire Phase III site than any other Phase III building.

The revised building footprints increase lot coverage by approximately 678 SF, bringing the total lot coverage to approximately 48,000 SF (17.3%) of the 277,962-SF Phase III site. The original lot coverage was approximately 47,000 SF (16.9%), so the difference in lot coverage is an increase of approximately 0.4%.

This standard is therefore not applicable.

- (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;*

**Response:** No change in the type and/or location of access is proposed. Off-street parking areas will continue to meet the applicable development standards of Chapter 16.94 SMC, as analyzed below in this narrative. **Per the Transportation Impact Analysis prepared by Mackenzie, dated December 23, 2016,** and submitted for the original Site Plan Review approval (City file no. SP16-10), trip generation for the Phase III commercial uses were based on Institute of Transportation Engineers (ITE) Land Use Code 820 trip generation rates for shopping centers. **The additional 678 SF of ITE 820 shopping center area will increase ADT by approximately 30 trips per the ITE Trip Generation Manual, 10<sup>th</sup> Edition. This standard is therefore not applicable.**

- (5) *An increase in the floor area or height proposed for non-residential use by more than ten (10) percent;*

**Response:** The total floor area for Phase III, which only contains non-residential uses, was 47,000 SF per the previously approved Minor Modification to Approved Site Plan (City file no. MMSP 18-01); the net increase of 678 SF for Building C is approximately 1.4% of 47,000 SF. Per Sheet A1.2, Building C is proposed for a reduction in building height from the approved Final Site Plan for Phase III of Cedar Creek Plaza (City file no. MMSP 18-01). No portion of Building C exceeds approximately 24 feet in height. Building C is located more than 100 feet from the residential zones to the northwest and southwest (Exhibit C, Sheet C2.1A). This standard is therefore not applicable.

- (6) *A reduction of more than ten (10) percent of the area reserved for common open space; or*

**Response:** There is no net decrease in outdoor patio area from the originally approved Final Site Plan for Phase III of Cedar Creek Plaza (City file no. SP 16-10). There was an approved Minor Modification to Approved Site Plan (City file no. MMSP 18-01) that proposed an increase in outdoor patio area of 1,042 SF. This proposal seeks to remove 260 SF from that approved Minor Modification. Removing the proposed outdoor patio

February 9, 2022

Project #: 26974.0

Ian Lewallen  
 Deacon Development, LLC  
 901 NE Glisan Street, Suite 100  
 Portland, OR 97232

RE: Cedar Creek Plaza Parking Review and Management Plan

Dear Ian:

At the request of Deacon Development, LLC, we evaluated parking conditions at the Cedar Creek Plaza under the proposed addition of the Cedar Creek Apartments. Attachment A shows the site map. We developed parking supply and demand estimates for each land use within each tract of the Cedar Creek Plaza (Deacon, Rembolt, Providence). We also field verified the estimates on a typical Friday evening in September 2021. The results of our analysis indicate that the proposed parking supply for the Cedar Creek Plaza exceeds the City's minimum parking requirements. We also found that the proposed parking supply is sufficient to accommodate peak parking demand on a typical midweek day.

A more detailed discussion of our study methodology and findings is provided below, along with suggestions for how the parking supply might be managed if and when it becomes appropriate.

---

## Parking Supply

---

The information provided below shows that the proposed parking supply at the Cedar Creek Plaza exceeds the City's minimum parking requirements. The information also shows that the amount of shared parking that will be provided throughout the study area will exceed the minimum required after accounting for restrictions.

### MINIMUM PARKING REQUIREMENTS

Section 16.94.010 of the Sherwood City Code establishes the minimum parking requirements for land uses within the Cedar Creek Plaza. Per Section 16.94.010.C, adjustments to the minimum parking requirements can be made to account for shared parking. Table 1 summarizes the base and adjusted minimum parking requirements per City code for the various general land uses that either exist already or are planned within Cedar Creek Plaza<sup>1</sup>.

**Table 1: Minimum Parking Requirements**

General Land Use	Size	Code Minimum Ratio	Base Minimum	Allowed Adjustment <sup>1</sup>	Adjusted Minimum
Assisted Living	143,400 sq ft	None	98	100%	98
Apartments	67 units	Varies <sup>2</sup>	96	90%	86
Medical Office Building	42,000 sq ft	2.7	113	80%	91
Retail	19,918 sq ft	4.1	82	80%	65

---

<sup>1</sup> General land uses were used to determine the base and adjusted minimum parking requirements to be consistent with the original development agreement and to account for changes in land use over time.

Fitness	15,728 sq ft	4.3	68	80%	54
Drive Thru Restaurant	2,250 sq ft	9.9	22	80%	18
Restaurant	9,752 sq ft	15.3	150	80%	120
<b>Total</b>			<b>629</b>		<b>532</b>

1. Per Section 16.94.010.C, the primary or largest land use within a multiuse development must provide 100% of its base minimum. The secondary or second largest land use must provide 90% of its base minimum, and all others must provide 80% of their respective base minimums.

2. Minimum parking requirements for apartments is based on the unit type (1.0 stalls per studio, 1.25 stalls per 1-bedroom, and 1.5 stalls per 2-bedroom) and the potential for visitors (15% of the total).

As shown in Table 1, the base minimum parking requirement for the Cedar Creek Plaza is 629 stalls and the adjusted minimum parking requirement is 532 stalls when accounting for shared parking.

## CITY CODE REQUIREMENTS FOR SHARED PARKING

City code allows for all available parking stalls within the Cedar Creek Plaza to be shared. However, covenants, conditions & restrictions (CC&Rs) established in 2017 and 2019 limit the amount of parking that can be shared between land uses within the individual tracts that make up the overall Cedar Creek Plaza:

- The 2017 CC&Rs require residents, employees, and owners/tenants/contractors to park on their respective tracts.
- The 2019 CC&Rs provide owners/tenants within the Deacon tract the right to mark some stalls for exclusive use.

Table 2 summarizes the City code requirement for shared parking within Cedar Creek Plaza after accounting for the restrictions imposed by the 2017 and 2019 CC&Rs.

**Table 2: Shared Parking Requirements**

	Deacon	Rembold	Providence	Total
Adjusted Minimum (See Table 1)	343	98	91	532
<b>2017 CC&amp;Rs</b>				
Resident Parking <sup>1</sup>	92	49	0	141
Employee Parking <sup>1</sup>	47	25	79	151
Owners/Tenants/Contractors <sup>2</sup>	7	1	1	9
<b>2019 CC&amp;Rs</b>				
Exclusive Use <sup>3</sup>	35	0	0	35
<b>Total Restrictions</b>	<b>181</b>	<b>75</b>	<b>80</b>	<b>336</b>
<b>Shared Parking Requirement (Adjusted Minimum less Total Restrictions)</b>	<b>162</b>	<b>23</b>	<b>11</b>	<b>196</b>

1. The resident and employee parking estimates are based on information provided by City of Sherwood from prior development applications as well as information collected by the applicant in a survey of local business owners/tenants on September 22, 2021. These estimates are further supported by data provided in Urban Land Institute's *Shared Parking*.

2. The Owners/Tenants/Contractors parking estimates assume one additional parking stall is required for each lot/building located within each tract. ULI notes that parking generated by owners, tenants, and contractors is generally reflected in employee and visitor parking ratios. Therefore, including a small number of additional stalls for these users will provide a conservative estimate while remaining consistent with the language of the 2017 CC&Rs.

3. "Exclusive Use" identifies the amount of parking that is reserved within the 2019 CC&Rs for the exclusive use of each lot/building contained within the Deacon Tract.



As shown in Table 2, the CC&Rs restrict parking on up to 336 of the 532 stalls required by City code for the Cedar Creek Plaza. The remaining 196 stalls are therefore available to all land uses as shared parking, including 162 stalls in the Deacon tract, 23 stalls in the Rembold tract, and 11 stalls in the Providence tract.

## PROPOSED PARKING SUPPLY

Table 3 summarizes the proposed parking supply with development of the Cedar Creek Apartments, including the amount of parking that can be shared between land uses when accounting for the CC&R restrictions.

**Table 3: Proposed Parking Supply**

	Deacon	Rembold	Providence	Total
Proposed Parking Supply	328	98	170	596
Total Restrictions (See Table 2)	181	75	80	336
<b>Proposed Shared Parking (Proposed Parking Supply – Total Restrictions)</b>	<b>147</b>	<b>23</b>	<b>90</b>	<b>260</b>

As shown in Table 3, the proposed parking supply includes 596 stalls, of which 260 can be shared between all land uses within the Cedar Creek Plaza.

## PARKING ASSESSMENT

Table 4 compares the proposed parking supply to the adjusted minimum parking requirements and the proposed shared parking supply to the shared parking requirements.

**Table 4: Parking Comparison**

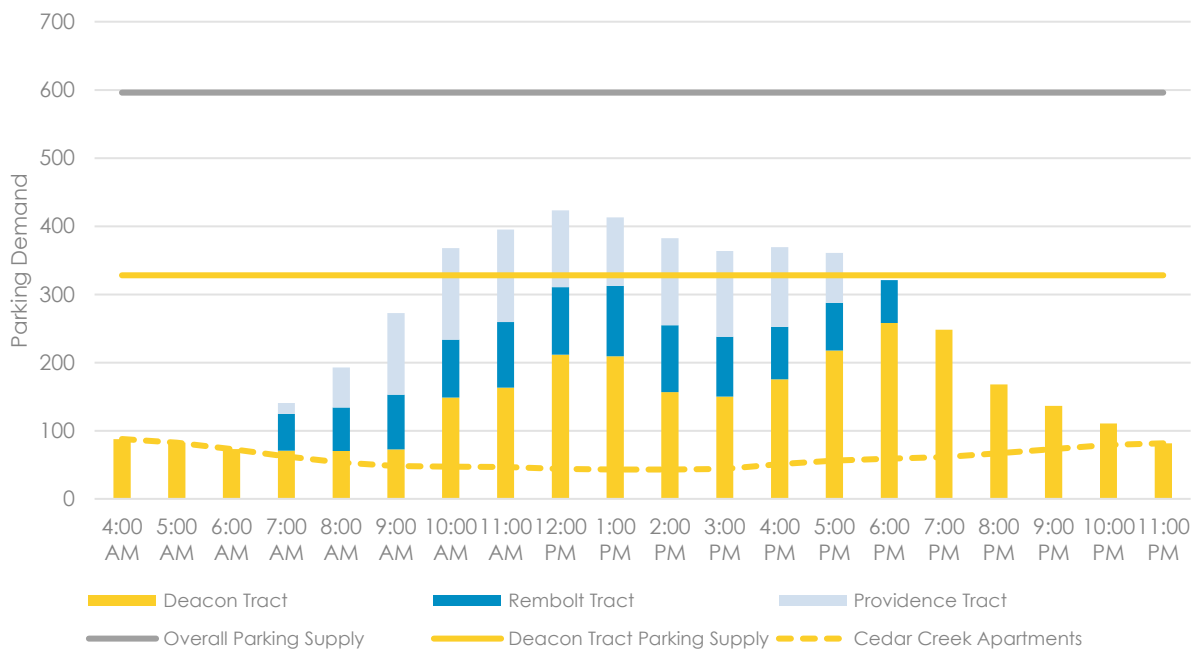
	Deacon	Rembold	Providence	Total
Adjusted Minimum (See Table 1)	343	98	91	532
Proposed Parking Supply (See Table 3)	328	98	170	596
<b>Parking Surplus/Deficit</b>	<b>-15</b>	<b>0</b>	<b>+79</b>	<b>+64</b>
Shared Parking Requirements (See Table 2)	162	23	11	196
Proposed Shared Parking (See Table 3)	147	23	90	260
<b>Shared Parking Surplus/Deficit</b>	<b>-15</b>	<b>0</b>	<b>+79</b>	<b>+64</b>

As shown in Table 4, the proposed parking supply for the Cedar Creek Plaza exceeds the adjusted minimum parking required by City code. In addition, the proposed shared parking supply exceeds the shared parking requirements after accounting for all CC&R restrictions. It is important to note that, while the Deacon tract has a deficit of 15 shared parking spaces, this deficit is fully addressed with the surplus in the Providence Tract. It is also noteworthy that this deficit is less than the current deficit of 21 shared parking spaces that exists without the proposed apartment development. The City's calculation of minimum parking requirements is based on the entire development and not on individual tracts within the development. Thus, the City's code-required minimum parking is met by the proposed development.

# Parking Demand

Parking generation estimates were prepared for land uses within each tract of the Cedar Creek Plaza, including the proposed Cedar Creek Apartments. These parking generation estimates were based on information provided in the standard reference manual, *Parking Generation, 5<sup>th</sup> Edition*, published by the Institute of Transportation Engineers (ITE). ITE provides peak hour parking generation rates for land uses like those within the Cedar Creek Plaza along with estimates of the percent of each land use's peak parking demand that occurs during each hour of the day. The rates reflect all parking demand associated with each use, including demand from ancillary sources. Chart 1 illustrates the parking demand estimates. Table B1 in Attachment B provides additional information on the parking generation estimates.

**Chart 1: Parking Generation Estimates**



As shown in Chart 1, the combined parking demand for all land uses within the Cedar Creek Plaza, including the proposed Cedar Creek Apartments, is less than the parking supply during each hour of the day. Peak parking demand is expected to typically occur at 12:00 PM with demand for 423 of the 596 stalls. This reflects an overall occupancy rate of approximately 71%. Transportation professionals typically strive for peak hour occupancy rates of 85% or lower in mixed-use environments; this is because drivers begin to report difficulty in finding an open stall when the parking lot is more than 85% occupied. Therefore, the proposed parking supply is sufficient to accommodate parking demand during each hour of the day.

Chart 1 also shows that parking demand for all land uses within the Deacon tract, including the Cedar Creek Apartments, is projected to be less than the parking supply during each hour of the day. Peak parking demand within the Deacon Tract is expected to occur at 6:00 PM with demand for 258 of the 328 stalls. This reflects an occupancy rate of approximately 79%. It is therefore concluded that the proposed parking supply within the Deacon Tract is sufficient to accommodate parking demand during each hour of the day.

Finally, Chart 1 shows that peak parking demand for the proposed Cedar Creek Apartments is expected to occur at 4:00 AM when 88 stalls will be required – this represents four fewer stalls than will be provided with completion of the apartment complex. Parking demand for all other land uses within Cedar Creek Plaza is

expected to be near 0% at 4:00 AM. This means that if parking at Cedar Creek Apartments is not fully utilized or if parking demand exceeds the available parking supply, stalls available within the Deacon tract can be shared with the apartments during this time period with no adverse effect on the parking needs of any other land use. This finding is characteristic of developments where the mix of land uses can effectively share the available parking without infringing on the peak hour demands of any single land use.

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## Field Observations

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Field observations were conducted on a typical Friday evening in September 2021 which was identified by an owner and tenant of a business in the Cedar Creek Plaza as the preferred time period for observing traffic conditions. The relatively low occupancy rates described above reflect conditions within the overall parking supply. However, field observations indicate that there are areas where parking demand is higher and areas where it is lower. The aerial photos in attachment C show parking conditions at the Cedar Creek Plaza on a typical Friday evening in September 2021 at 6:00 PM, 6:30 PM, and 7:00 PM. As shown parking occupancy within the central parking area that serves the retail land uses (View A) is relatively high whereas parking occupancy behind the fitness center (View B) is relatively low. However, spaces are available along nearly all the storefronts and nearby parking aisles to accommodate additional demand. It is noteworthy that no vehicles were observed circling the central parking area and looking for parking during these time periods.

Further review of aerial photos suggests there could be up to 15 employees parked within the central parking area during the peak time period. This was deduced by observing vehicles that were parked in the same location throughout the duration of the survey (4:00 PM to 7:30 PM). Attachment D shows the location of the vehicles. To the extent that these are employee-parked vehicles, then employees could be encouraged to park on the perimeter or behind the fitness center to ensure that stalls within the prime customer parking area are even more available.

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## Key Findings

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- The proposed parking supply for the overall study area exceeds the City's minimum requirements after accounting for shared parking – the proposed shared parking supply for the overall study area also exceeds the City's minimum requirements, even with the CC&R restrictions.
- The proposed parking supply is located within 500-feet of a majority of land uses within the Cedar Creek Plaza – there are continuous sidewalks and pedestrian paths that connect the parking to adjacent land uses.
- The proposed parking supply for the overall study area and within the Deacon tract will be sufficient to accommodate parking demand with development of the proposed Cedar Creek Apartments and provision of an additional 92 parking stalls.
  - The additional 92 stalls provided by the Cedar Creek Apartments will reduce the existing deficit in the Deacon Tract from 21 to 15 stalls. The existing and future deficits are fully addressed by the surplus in the Providence Tract.
- Peak parking demand generated by the proposed Cedar Creek Apartments does not occur at the same time as peak parking demand generated by the other uses within the Deacon, Remobld, or Providence tracts.
- Parking demand generated by the proposed Cedar Creek Apartments can be fully accommodated by the proposed parking supply. If the proposed parking supply is not fully utilized or if parking demand exceeds the available parking supply, the additional parking can be accommodated with shared parking stalls within the Deacon tract without disrupting operations to other land uses.

- Parking occupancy within the central parking area is relatively high whereas parking occupancy behind the fitness center is relatively low; however, an adequate number of spaces are always available in both areas.
- Employees may be parking within the prime customer parking area.

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## Suggested Parking Management Strategies

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A number of different strategies could be considered for further and more positive management of the available parking supply if periodic parking shortages become a problem for one or more of the Cedar Creek Plaza land uses; some of these include the following:

- Encourage employees to park along the perimeter or behind the fitness center for the duration of their shifts.
- Implement time limits with signing and/or markings for some parking spaces to ensure they are not used for long-term parking. These time limits might be in effect all day or only during certain hours of the day.
- Provide apartment dwellers with specific guidance on parking fields that are available to them.

None of these strategies should be implemented without further study and a clear indication of need, since their effectiveness and method of implementation will be dependent on the specific nature of the issue that is being addressed.

Sincerely,

**KITTELSON & ASSOCIATES, INC.**

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Associate Planner  
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mbell@kittelson.com

Attachment A Site Map

## Attachment B Parking Analysis

**Table B1**

Cedar Creek Plaza Land Uses	ITE Use		Peak Parking	Peak Hour	Percent of Peak																					
	Size	Land Use			Avg Rate	4:00 AM	5:00 AM	6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM	11:00 PM	
Assisted Living	143,400	SQ FT	254	0.72	103	1:00 PM	0%	0%	0%	52%	62%	78%	82%	93%	96%	100%	95%	85%	75%	68%	61%	0%	0%	0%	0%	0%
Providence	42,000	SQ FT	720	3.23	136	11:00 AM	0%	0%	0%	12%	43%	88%	99%	100%	83%	74%	94%	93%	86%	54%	0%	0%	0%	0%	0%	
Retail	19,918	SQ FT	820	1.95	39	1:00 PM	0%	0%	0%	0%	15%	32%	54%	71%	99%	100%	90%	83%	81%	84%	86%	80%	63%	42%	15%	0%
Fitness	15,728	SQ FT	492	4.73	74	6:00 PM	0%	0%	0%	0%	0%	0%	62%	55%	44%	41%	36%	41%	69%	96%	100%	85%	0%	0%	0%	0%
Drive Thru Restaurant	2,250	SQ FT	937	5.22	12	9:00 AM	0%	0%	0%	73%	92%	100%	88%	73%	73%	77%	58%	62%	62%	0%	0%	0%	0%	0%	0%	0%
Restaurant	9,782	SQ FT	932	9.44	92	7:00 PM	0%	0%	0%	0%	0%	0%	26%	43%	95%	95%	49%	39%	37%	62%	99%	100%	83%	51%	28%	0%
Apartments	67	Units	221	1.31	88	4:00 AM	100%	94%	83%	71%	61%	55%	54%	53%	50%	49%	49%	50%	58%	64%	67%	70%	76%	83%	90%	93%

Cedar Creek Plaza Land Uses	ITE Use		Peak Parking	Peak Hour	Occupied Stalls																					
	Size	Land Use			Avg Rate	4:00 AM	5:00 AM	6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM	11:00 PM	
Assisted Living	143,400	SQ FT	254	0.72	103	1:00 PM	0	0	0	54	64	81	85	96	99	103	98	88	77	70	63	0	0	0	0	0
Providence	42,000	SQ FT	720	3.23	136	11:00 AM	0	0	0	16	58	119	134	136	113	100	128	126	117	73	0	0	0	0	0	0
Retail	19,918	SQ FT	820	1.95	39	1:00 PM	0	0	0	0	6	12	21	28	38	39	35	32	31	33	33	31	24	16	6	0
Fitness	15,728	SQ FT	492	4.73	74	6:00 PM	0	0	0	0	0	0	46	41	33	31	27	31	51	71	74	63	0	0	0	0
Drive Thru Restaurant	2,250	SQ FT	937	5.22	12	9:00 AM	0	0	0	9	11	12	10	9	9	9	7	7	7	0	0	0	0	0	0	0
Restaurant	9,782	SQ FT	932	9.44	92	7:00 PM	0	0	0	0	0	0	24	40	88	88	45	36	34	57	91	92	77	47	26	0
Apartments	67	Units	221	1.31	88	4:00 AM	88	83	73	62	54	48	47	47	44	43	43	44	51	56	59	61	67	73	79	82

		Peak Parking Demand																				
		4:00 AM	5:00 AM	6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM	11:00 PM	
Assisted Living/Medical Office		0	0	0	70	122	200	219	232	212	204	226	214	194	143	63	0	0	0	0	0	0
Retail/Commercial		0	0	0	9	17	24	101	117	167	166	114	106	124	161	199	187	101	63	32	0	0
<b>Subtotal</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>79</b>	<b>139</b>	<b>224</b>	<b>320</b>	<b>348</b>	<b>379</b>	<b>370</b>	<b>339</b>	<b>320</b>	<b>318</b>	<b>305</b>	<b>262</b>	<b>187</b>	<b>101</b>	<b>63</b>	<b>32</b>	<b>0</b>	<b>0</b>
Apartments		88	83	73	62	54	48	47	47	44	43	43	44	51	56	59	61	67	73	79	82	82
<b>Total</b>		<b>88</b>	<b>83</b>	<b>73</b>	<b>141</b>	<b>193</b>	<b>272</b>	<b>368</b>	<b>395</b>	<b>423</b>	<b>413</b>	<b>382</b>	<b>364</b>	<b>369</b>	<b>361</b>	<b>321</b>	<b>248</b>	<b>168</b>	<b>136</b>	<b>111</b>	<b>82</b>	<b>82</b>

Attachment C Aerial Photos



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# Friday, September 21, 2021 – 6:00 PM

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Central Parking Area – View A



Behind Fitness Center – View B

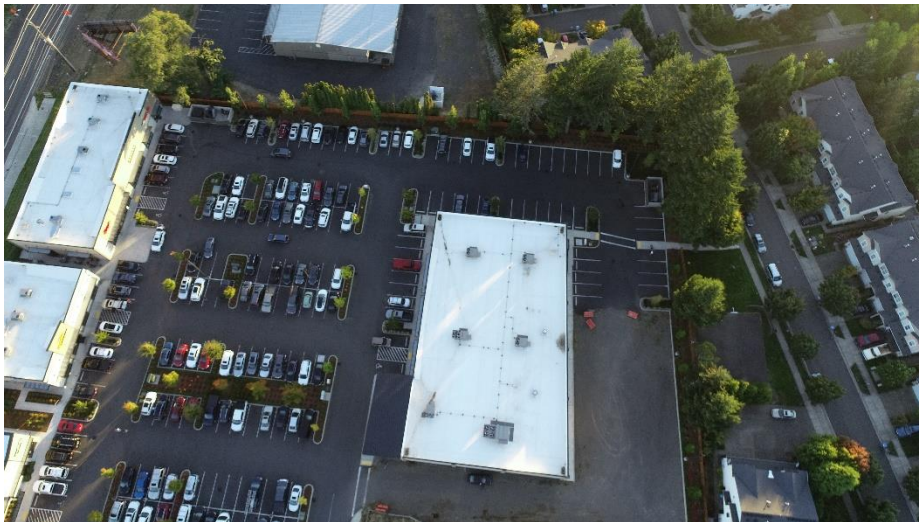


Providence – View C

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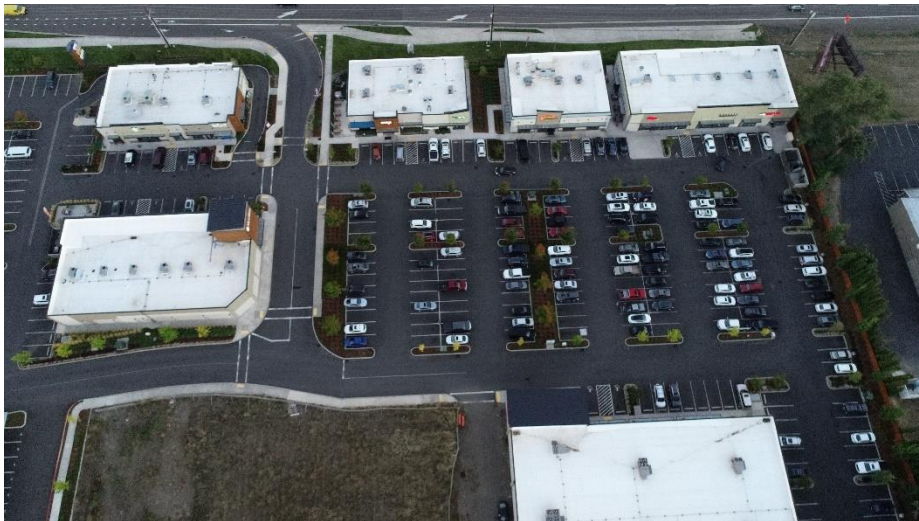
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Friday, September 21, 2021 – 6:30 PM

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Attachment D Possible Employee Parking



The red rectangles identify parking locations where the same vehicle remained parked for the duration of the survey (between 4pm and 7:15pm)



# CEDAR CREEK APARTMENTS

## 16764 SW Edy Road, Sherwood, OR 97140



**1** DRAWING INDEX

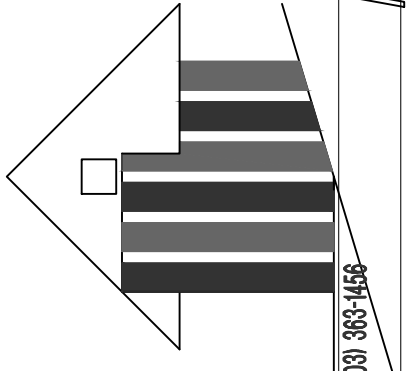
- A1.0 COVER SHEET
- A1.1 SITE PLAN
- A2.1 FIRST FLOOR PLAN
- A2.2 SECOND FLOOR PLAN
- A2.3 THIRD FLOOR PLAN
- A3.1 BUILDING ELEVATIONS
- A3.1a RENDERED ELEVATIONS
- A3.2 BUILDING ELEVATIONS
- A3.2a RENDERED ELEVATIONS
- A3.3 BUILDING SECTIONS
- A3.4 BUILDING SECTIONS
- A3.5 BUILDING SECTIONS



**2** VICINITY MAP  
SCALE: NOT TO SCALE

**1** BUILDING RENDERINGS REVISED TO REFLECT THE PARTIAL REMOVAL OF THIRD FLOOR UNITS

**RONALD JAMES PED**  
ARCHITECT P.C.

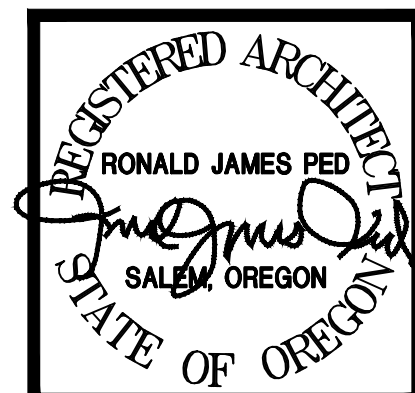


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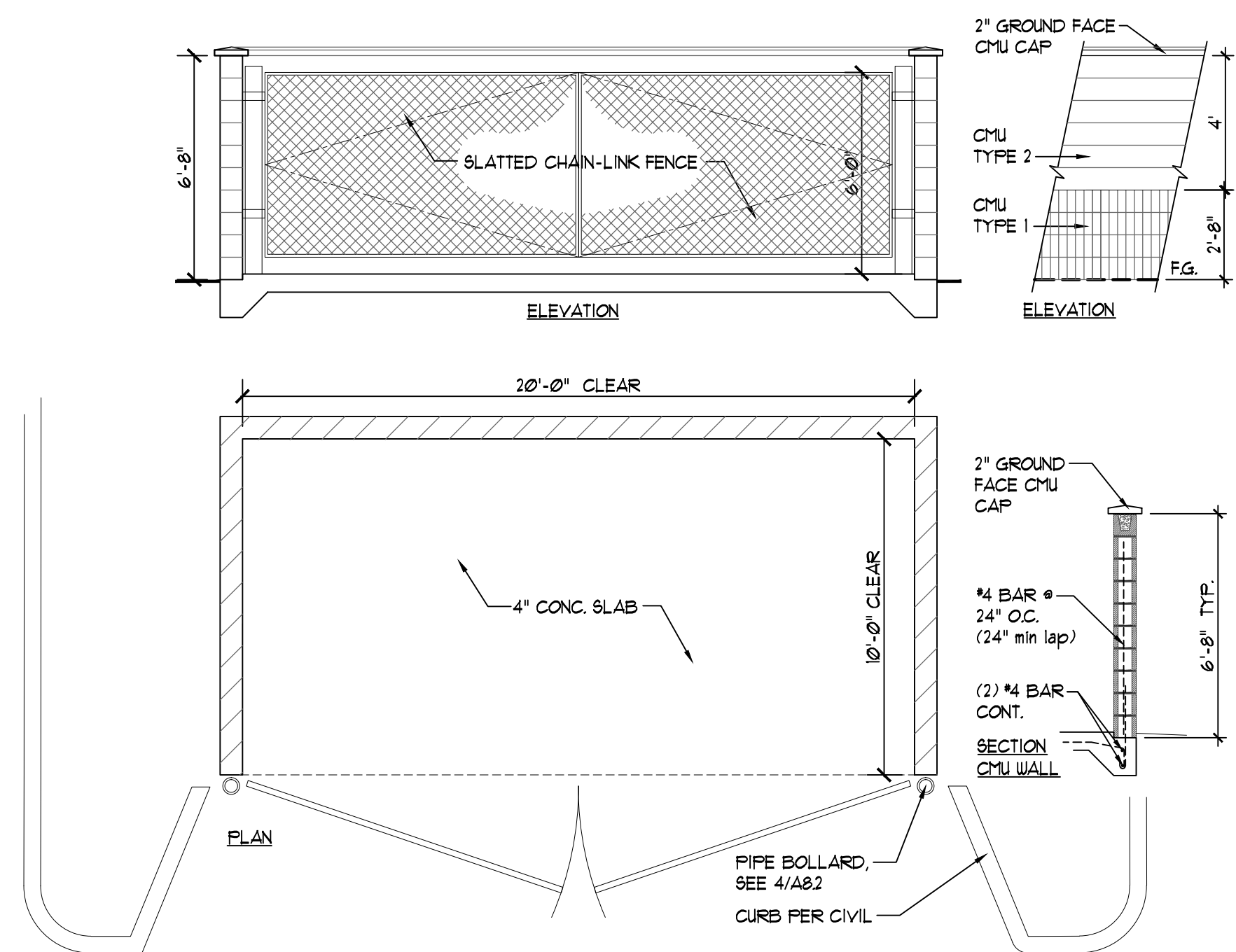
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NEW APARTMENTS AT  
**CEDAR CREEK**  
16864 SW Edy Road, Sherwood, OR 97140

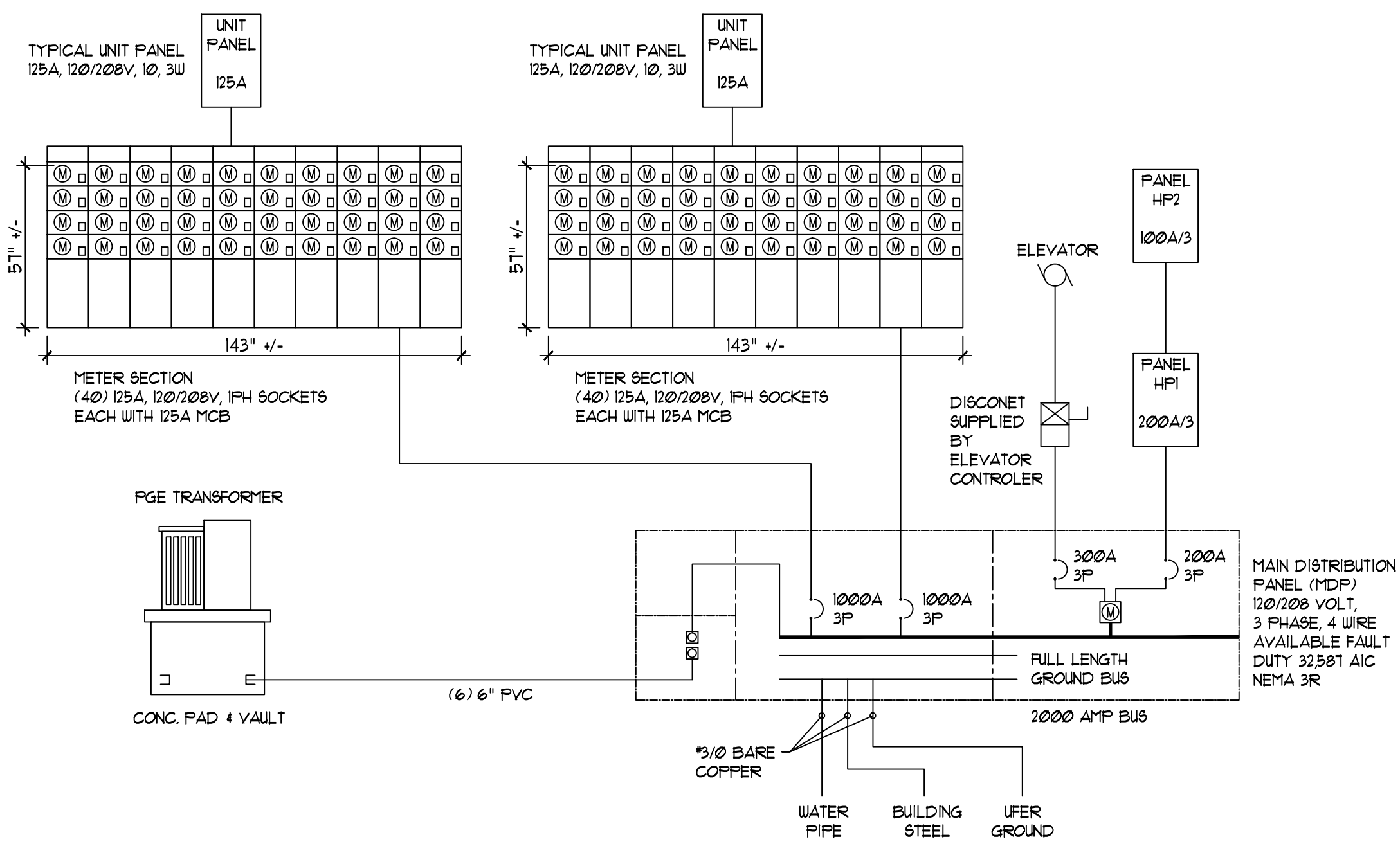
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JOB NO. 2089

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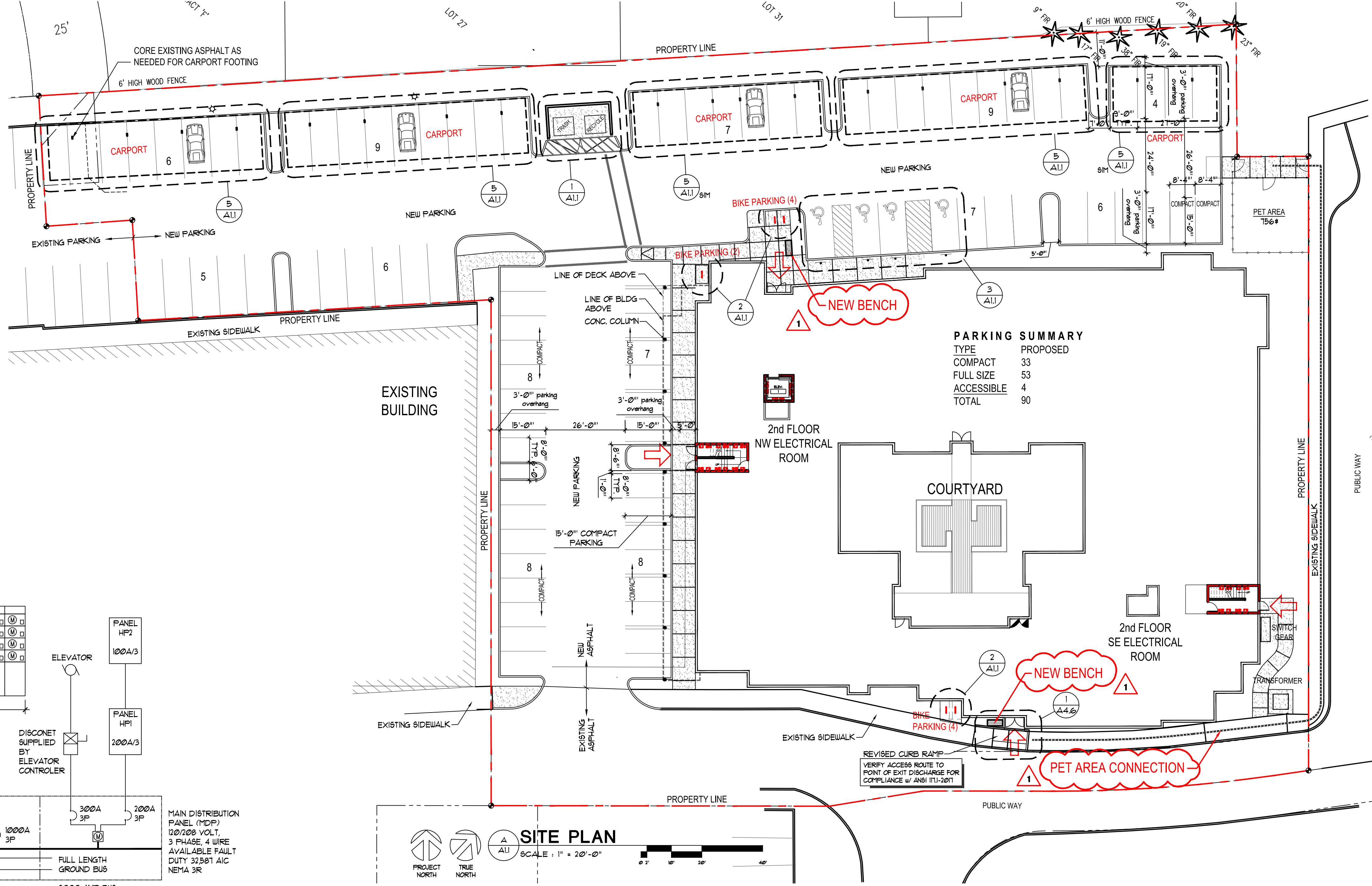
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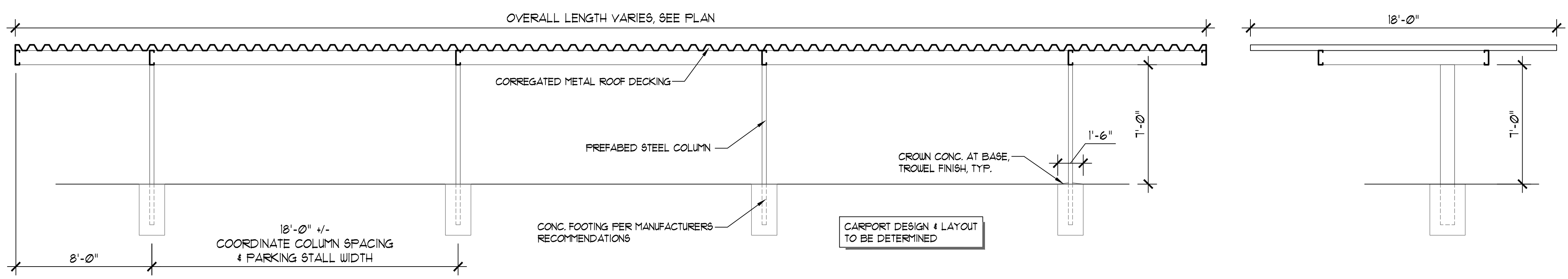
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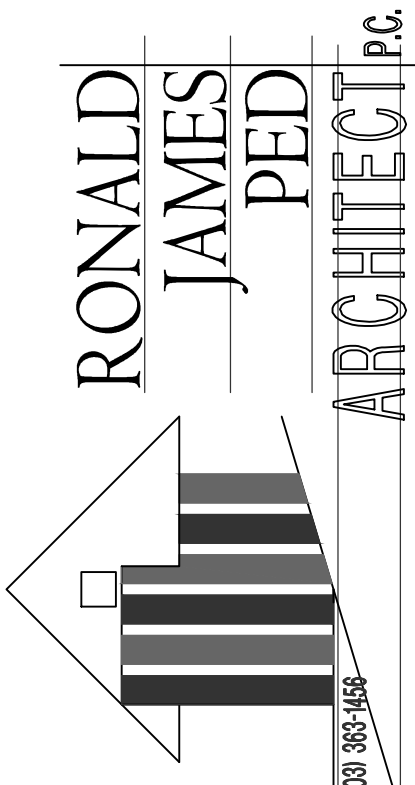
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 SCALE: NOT TO SCALE



**SITE PLAN**  
 SCALE: 1" = 20'-0"



**5 CARPORT SECTIONS**  
 SCALE: 1/4" = 1'-0"



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**REVISED LAND USE SET - 3/17/22**  
**NEW APARTMENTS AT CEDAR CREEK**  
 16864 SW Edy Road, Sherwood, OR 97140  
 DATE: 21 April 2021  
 DRAWN: JOB NO. 2089  
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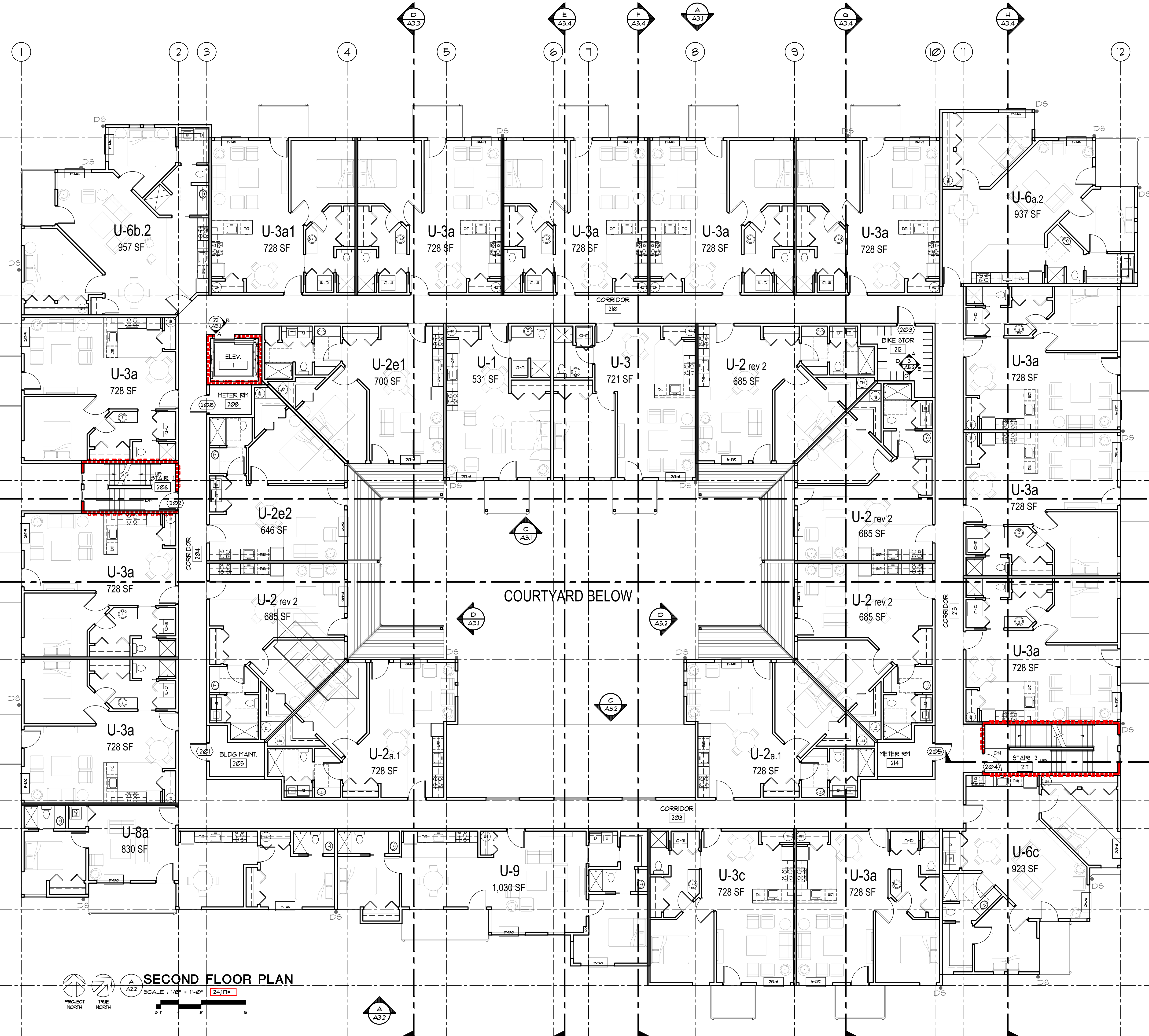




**1 SECOND FLOOR UNIT SUMMARY**

Suite Type	Unit type	Sq. Ft.	Second
U-1	studio	531	1
U-1a1	studio	531	0
U-1b1	studio	403	0
U-2 rev2	1 bd/1 ba	685	4
U-2a.1	1 bd/1 ba	728	2
U-2e	1 bd/1 ba	689	0
U-2e1	1 bd/1 ba	700	1
U-2e2	1 bd/1 ba	646	1
U-3	1 bd/1 ba	721	1
U-3a	1 bd/1 ba	728	11
U-3a1	1 bd/1 ba	728	1
U-3a.2	1 bd/1 ba	634	0
U-3a4	1 bd/1 ba	455	0
U-3b	1 bd/1 ba	728	0
U-3c	1 bd/1 ba	982	1
U-6a.2	2 bd/1 ba	937	1
U-6b.1	2 bd/1 ba	940	0
U-6b.2	2 bd/1 ba	956	1
U-6b3	1 bd/1 ba	705	0
U-6c	2 bd/2 ba	940	1
U-8a	2 bd/2 ba	830	0
U-8a1	1 bd/1 ba	653	0
U-9	2 bd/2 ba	1030	0
U-9a	1 bd/1 ba	419	0
U-9a	1 bd/1 ba	752	0
<b>MERGED</b>	<b>1 bd</b>	<b>630</b>	<b>3</b>
<b>Total</b>			<b>29</b>

FLOOR PLAN REVISED TO REFLECT THE PARTIAL REMOVAL OF THIRD FLOOR UNITS



**SECOND FLOOR PLAN**

SCALE: 1/8" = 1'-0" [24]ITR

**RONALD JAMES PED**  
ARCHITECT P.C.

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 Mario Martin  
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 STATE OF OREGON

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**REVISSED LAND USE SET - 3/17/22**

**NEW APARTMENTS AT**  
**CEDAR CREEK**  
 16864 SW Edy Road, Sherwood, OR 97140

DATE: 21 April 2021  
 DRAWN: JWB  
 JOB NO.: 2089  
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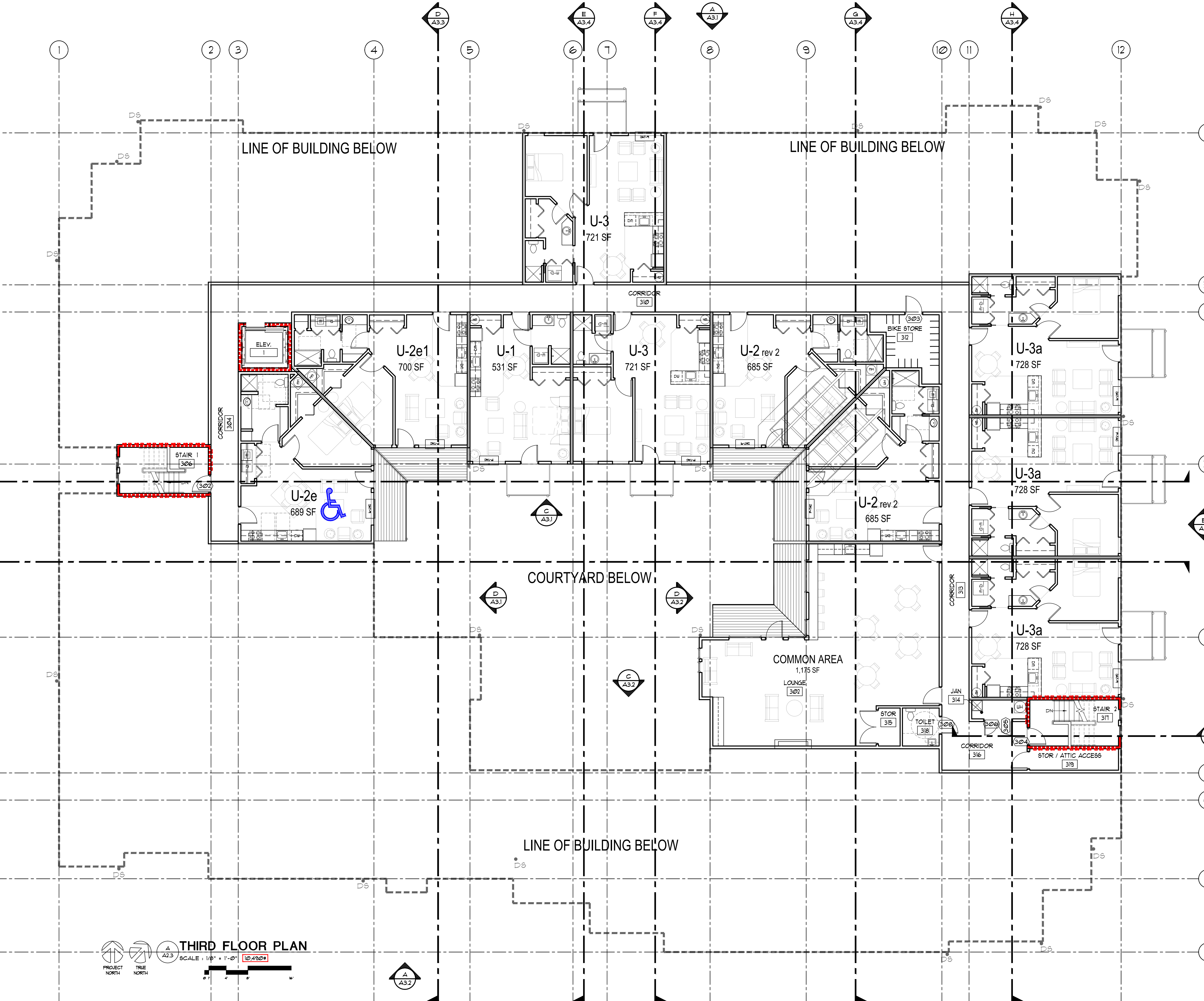
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**1 THIRD FLOOR UNIT SUMMARY**

Suite Type	Unit type	Sq. Ft.	Third
U-1	studio	531	1
U-1a1	studio	531	0
U-1b1	studio	403	0
U-2 rev2	1 bd/1 ba	685	2
U-2a.1	1 bd/1 ba	728	0
U-2e	1 bd/1 ba	689	1
U-2e1	1 bd/1 ba	700	1
U-2e2	1 bd/1 ba	646	0
U-3	1 bd/1 ba	721	1
U-3a	1 bd/1 ba	728	4
U-3a1	1 bd/1 ba	728	0
U-3a.2	1 bd/1 ba	634	0
U-3a4	1 bd/1 ba	455	0
U-3b	1 bd/1 ba	728	0
U-3c	1 bd/1 ba	982	0
U-6a.2	2 bd/1 ba	937	0
U-6b.1	2 bd/1 ba	940	0
U-6b.2	2 bd/1 ba	956	0
U-6b3	1 bd/1 ba	705	0
U-6c	2 bd/1 ba	940	0
U-8a	2 bd/2 ba	830	0
U-8a1	1 bd/1 ba	653	0
U-9	2 bd/2 ba	1030	0
U-9a	1 bd/1 ba	419	0
U-9o	1 bd/1 ba	752	0
<b>MERGED</b>	<b>1 bd</b>	<b>630</b>	<b>0</b>
<b>Total</b>		<b>10</b>	<b>0</b>

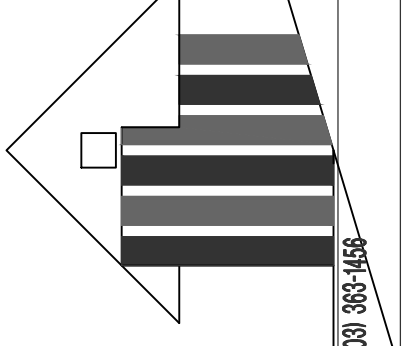
FLOOR PLAN REVISED TO REFLECT THE PARTIAL REMOVAL OF THIRD FLOOR UNITS

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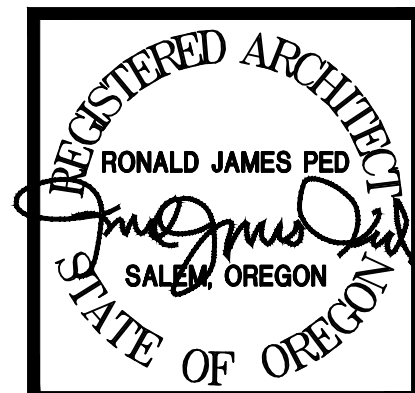


**THIRD FLOOR PLAN**  
 SCALE: 1/8" = 1'-0" (10:450)  
 PROJECT NORTH, TRUE NORTH

**RONALD JAMES PED**  
 ARCHITECT P.C.



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**REVISED LAND USE SET - 3/17/22**  
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 16864 SW Edy Road, Sherwood, OR 97140  
 DATE: 21 April 2021  
 DRAWN:  
 JOB NO. 2089  
**A2.3**



1 NORTH ELEVATION - METAL SIDING  
A3.1a SCALE: 1/8" = 1'-0"

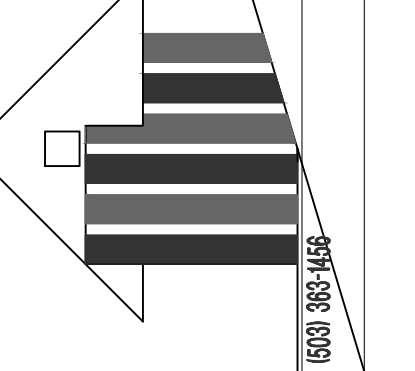


2 EAST ELEVATION - METAL SIDING  
A3.1a SCALE: 1/8" = 1'-0"

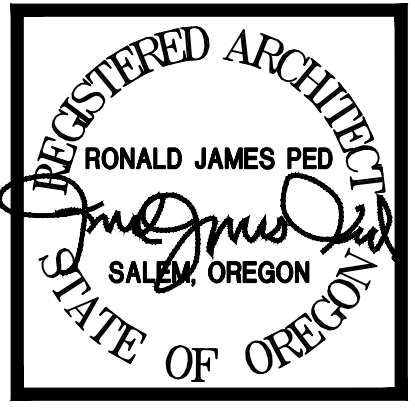
RENDERED ELEVATIONS  
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BUILDING ELEVATIONS REVISED  
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 REMOVAL OF THIRD FLOOR UNITS

RONALD  
 JAMES  
 PED  
 ARCHITECT P.C.



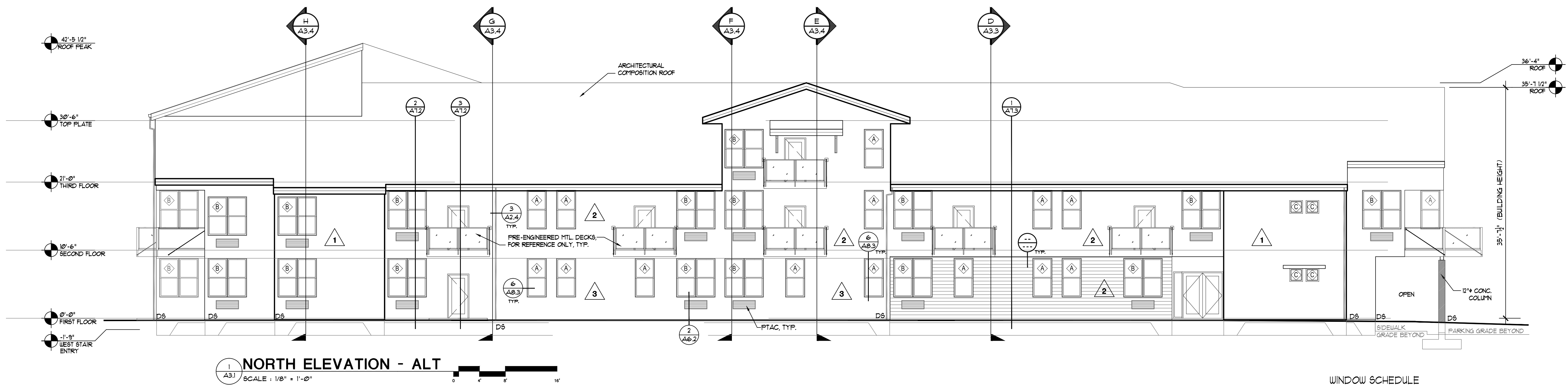
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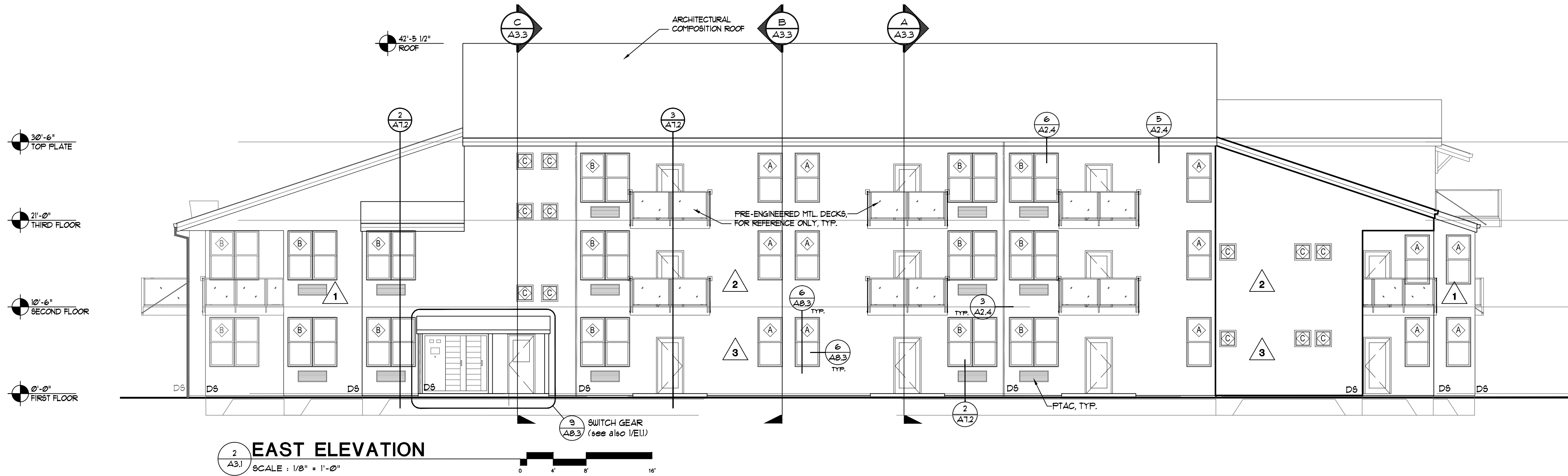
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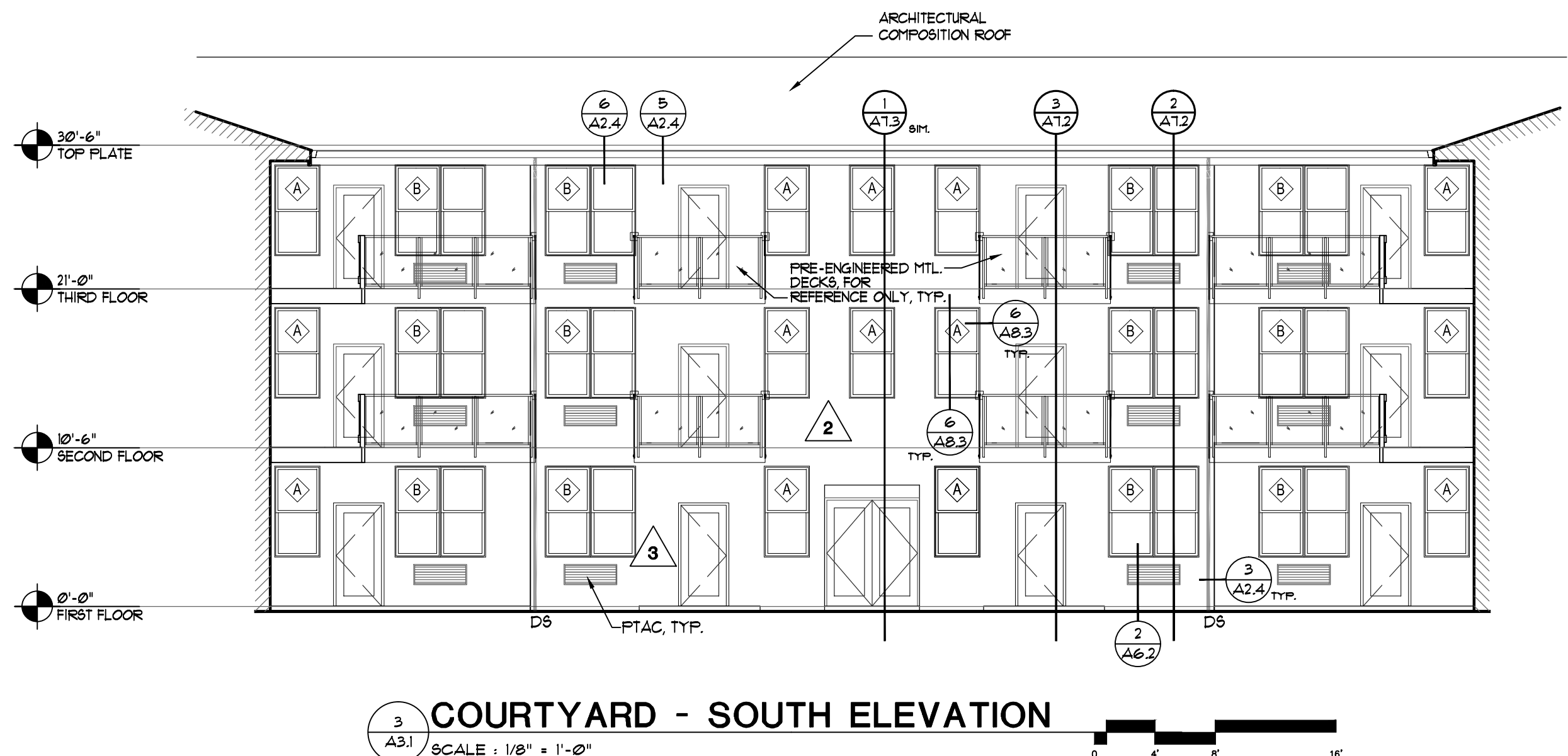
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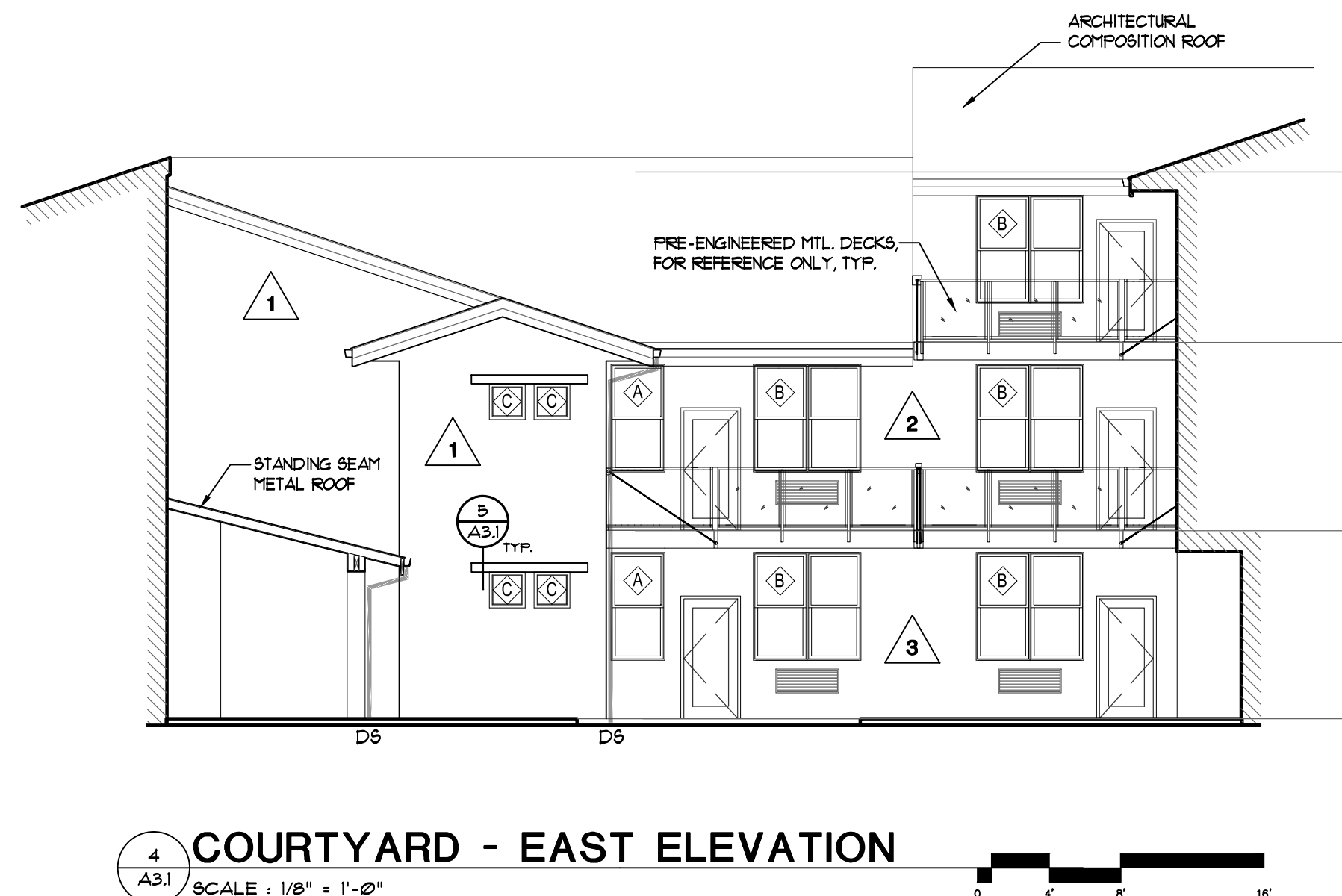
1 NORTH ELEVATION - ALT  
SCALE: 1/8" = 1'-0"



2 EAST ELEVATION  
SCALE: 1/8" = 1'-0"



3 COURTYARD - SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



4 COURTYARD - EAST ELEVATION  
SCALE: 1/8" = 1'-0"

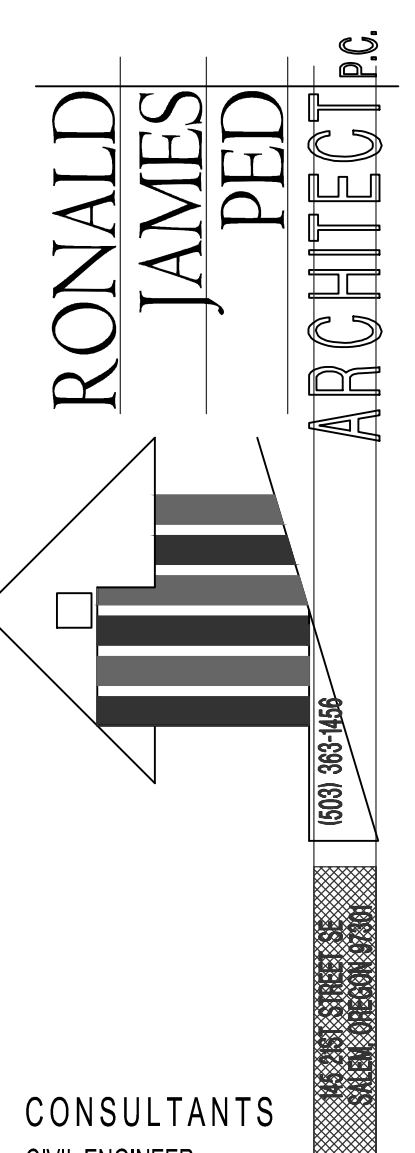
**WINDOW SCHEDULE**

WINDOW TYPE - A	WINDOW TYPE - B	WINDOW TYPE - C	WINDOW TYPE - D
SINGLE VINYL MOLDED WINDOW	SINGLE VINYL MOLDED WINDOW	SINGLE VINYL MOLDED WINDOW	SINGLE VINYL MOLDED WINDOW
SINGLE VINYL MOLDED WINDOW	SINGLE VINYL MOLDED WINDOW	STOREFRONT SIDELITE WINDOW	SINGLE TIMELY FRAME WINDOW

**MATERIAL SCHEDULE**

	24ga SHEET METAL SIDING, VERTICAL
	HARDI-PLANK HORIZONTAL LAP SIDING
	HARDI-PANEL SIDING

BUILDING ELEVATIONS REVISED TO REFLECT THE PARTIAL REMOVAL OF THIRD FLOOR UNITS



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A3.2a  
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1 SOUTH ELEVATION - METAL SIDING  
SCALE: 1/8" = 1'-0"



2 WEST ELEVATION - METAL SIDING  
SCALE: 1/8" = 1'-0"

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REMOVAL OF THIRD FLOOR UNITS

1

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JAMES  
PED  
ARCHITECT P.C.

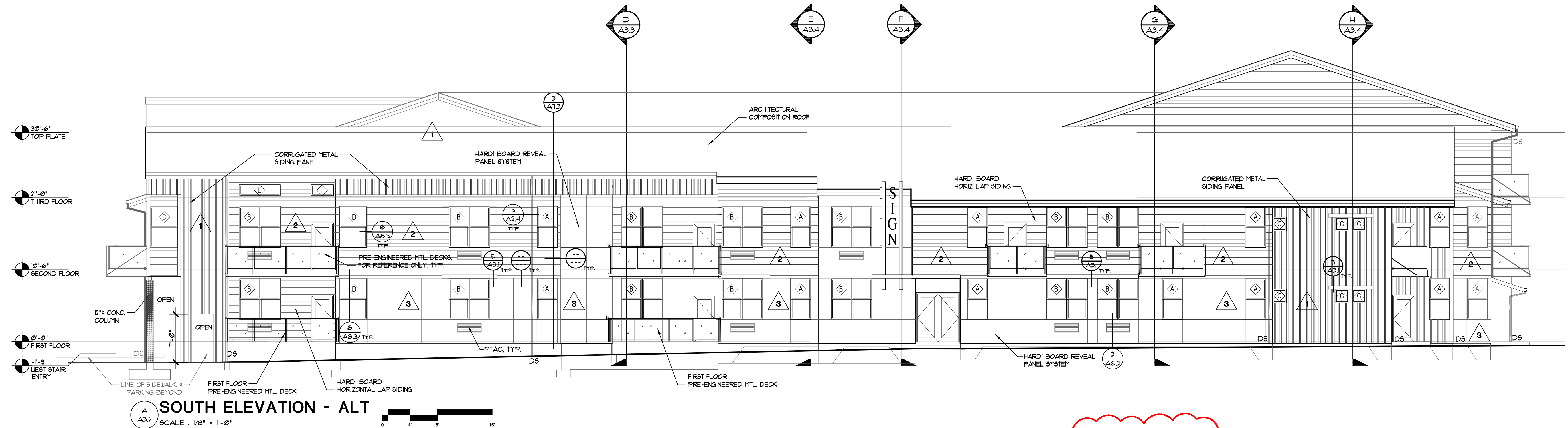
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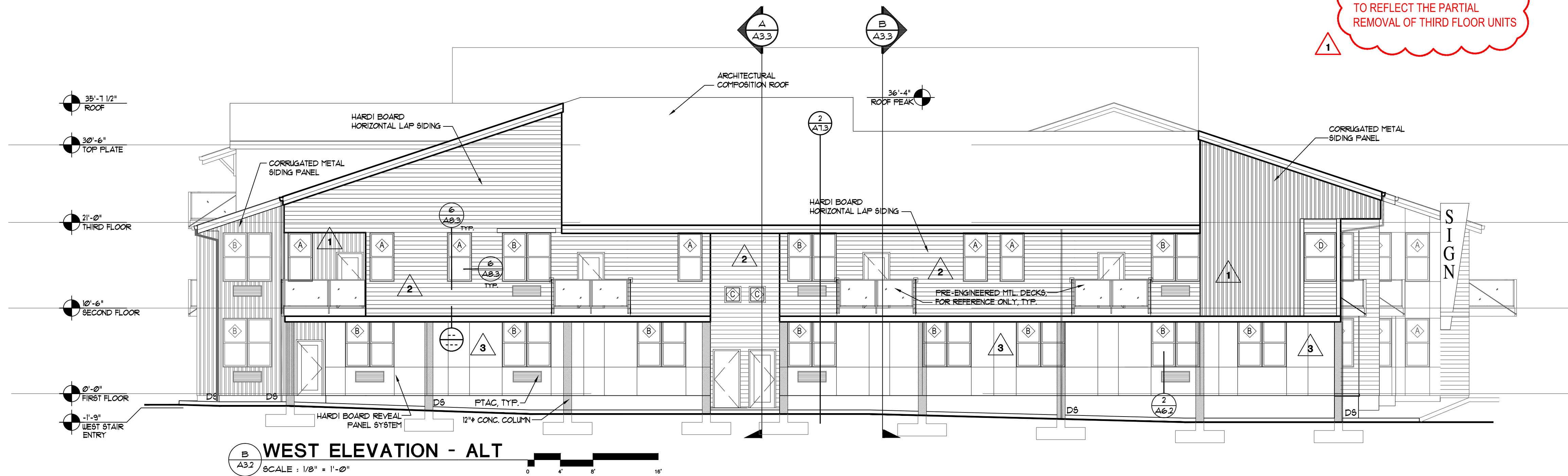
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**SOUTH ELEVATION - ALT**  
 SCALE: 1/8" = 1'-0"

BUILDING ELEVATIONS REVISED TO REFLECT THE PARTIAL REMOVAL OF THIRD FLOOR UNITS



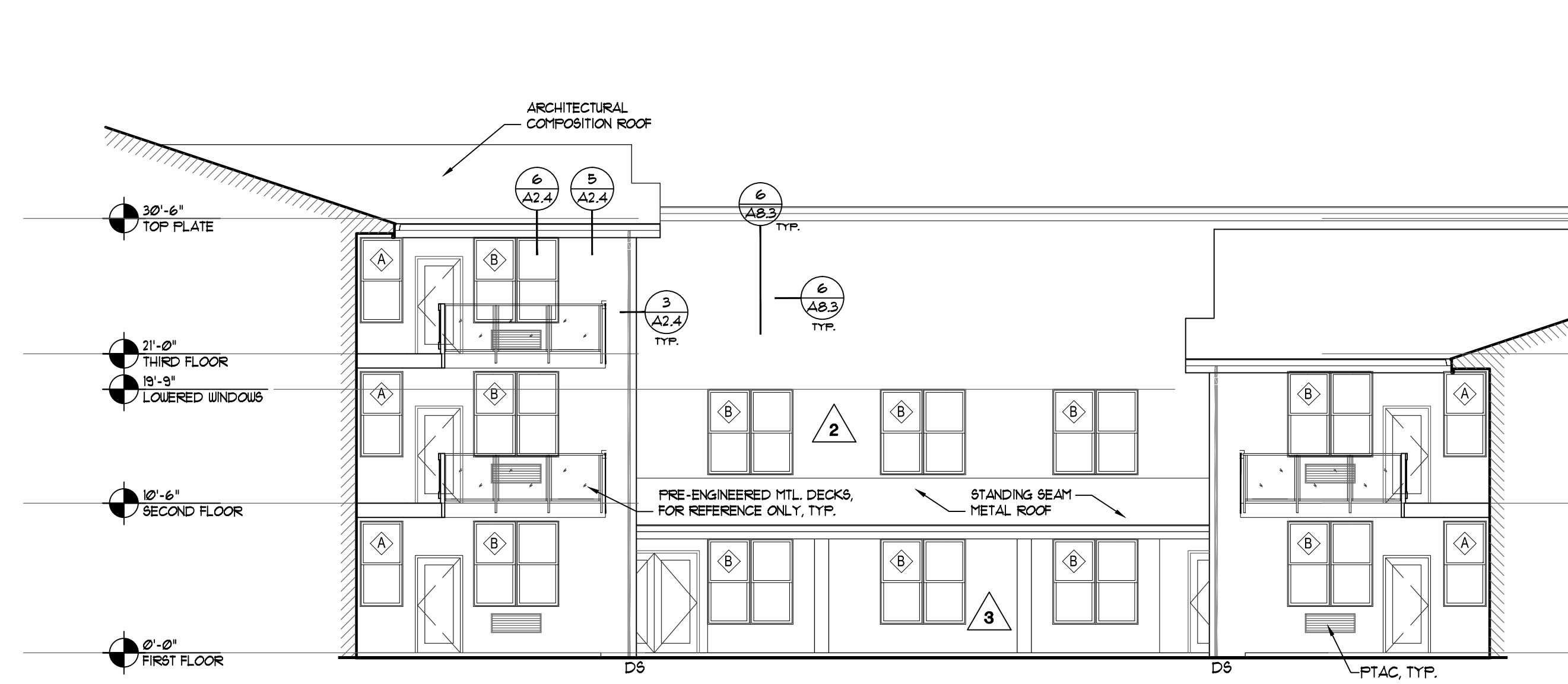
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 SCALE: 1/8" = 1'-0"

**WINDOW SCHEDULE**

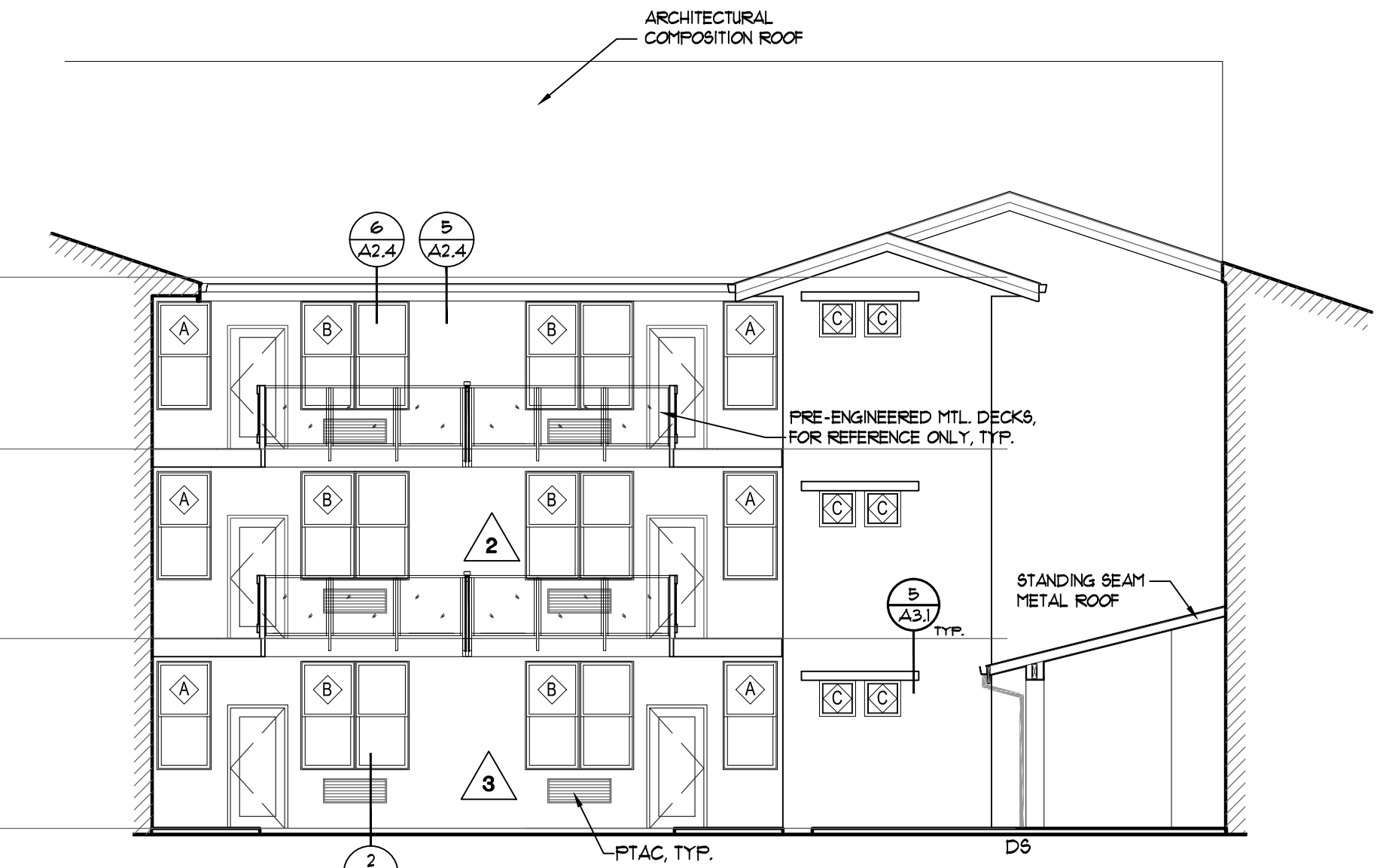
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SINGLE VINYL MOLDED WINDOW	SINGLE VINYL MOLDED WINDOW	SINGLE VINYL MOLDED WINDOW	SINGLE VINYL MOLDED WINDOW
SINGLE VINYL MOLDED WINDOW	SINGLE VINYL MOLDED WINDOW	STOREFRONT SIDELITE WINDOW	SINGLE TIMELY FRAME WINDOW

**MATERIAL SCHEDULE**

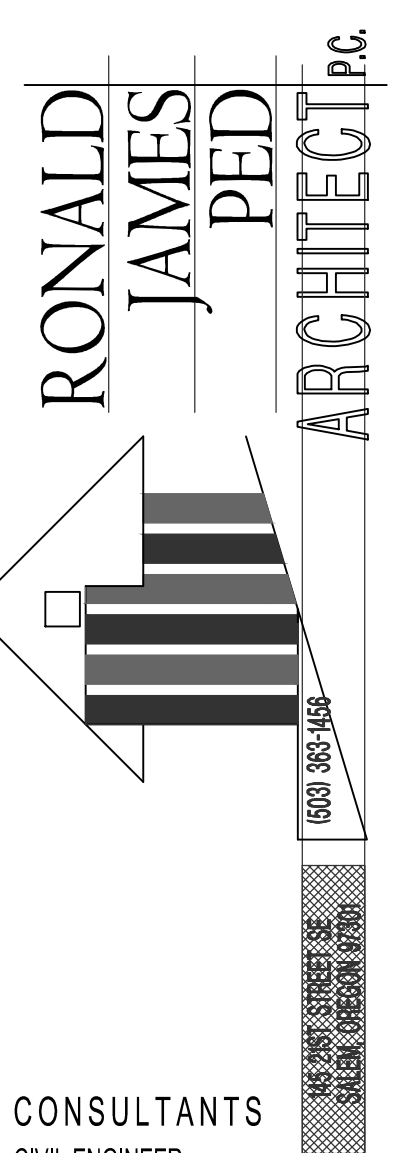
	24ga SHEET METAL SIDING, VERTICAL
	HARDI-PLANK HORIZONTAL LAP SIDING
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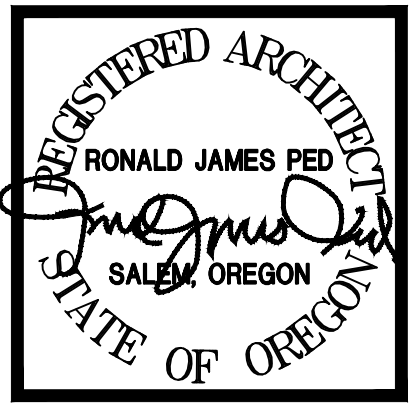
**COURTYARD - NORTH ELEVATION**  
 SCALE: 1/8" = 1'-0"



**COURTYARD - WEST ELEVATION**  
 SCALE: 1/8" = 1'-0"



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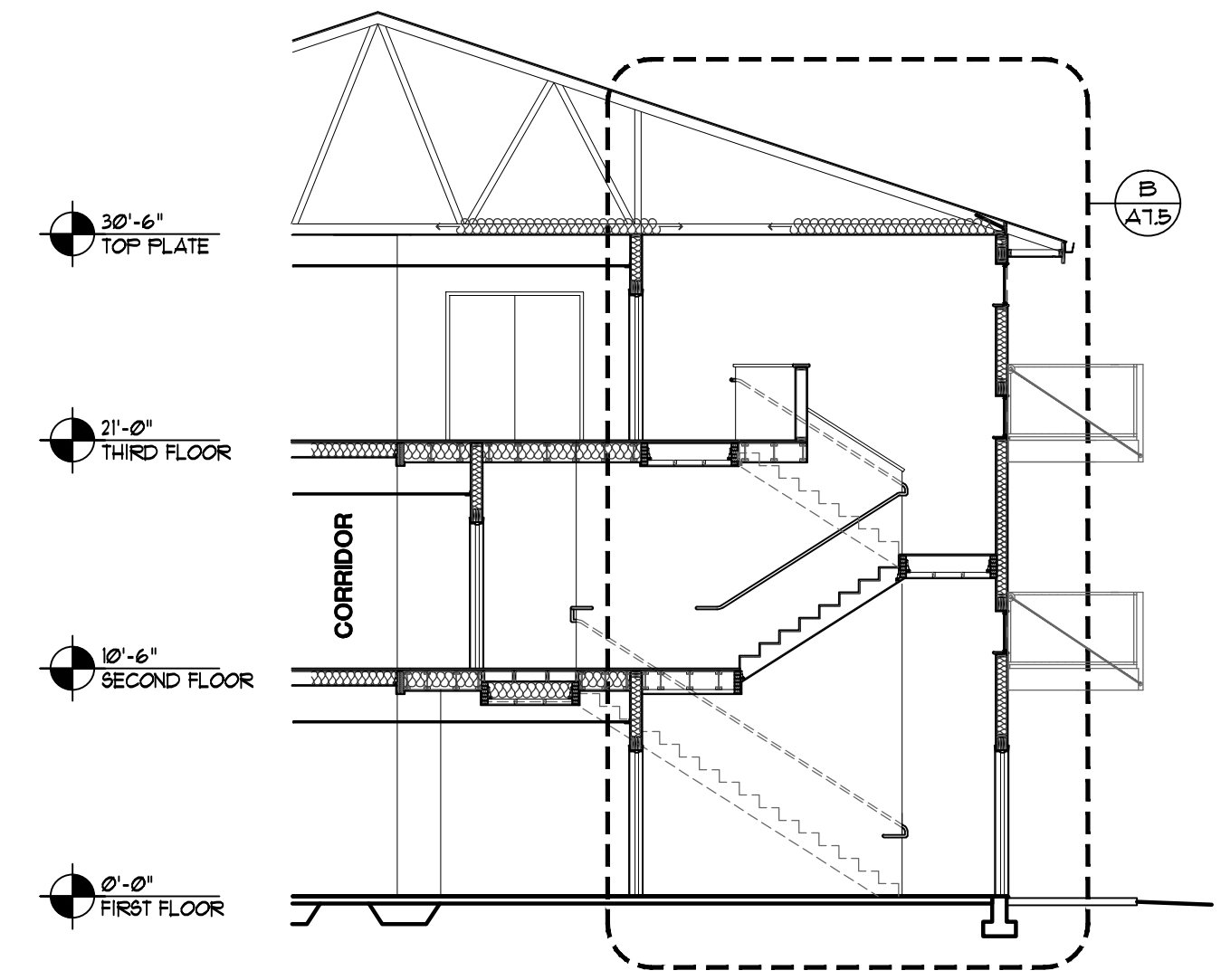
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 DRAWN: 2089  
 JOB NO.: 2089  
**A3.2**



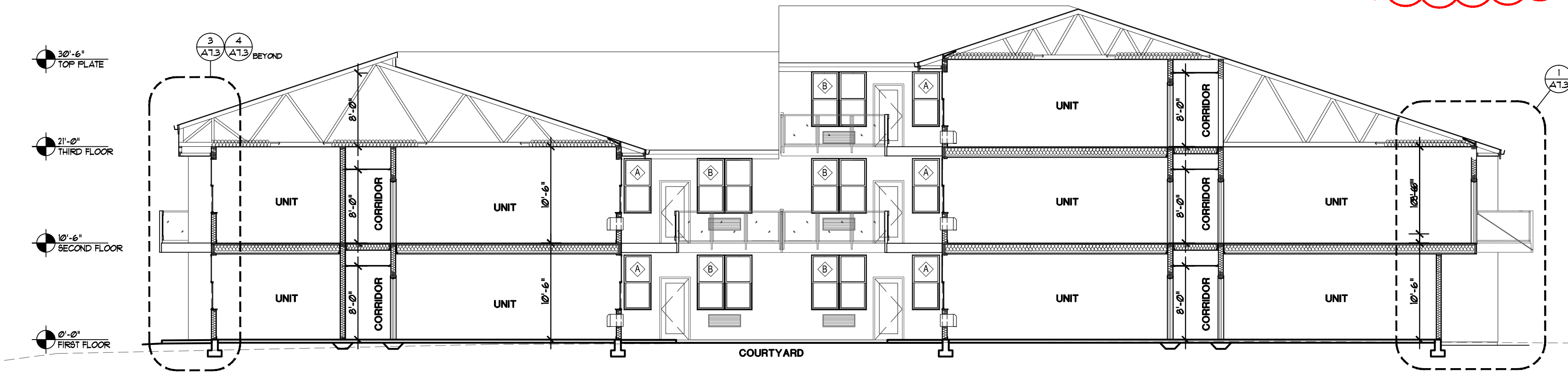
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SCALE: 1/8" = 1'-0"



**B** LONGITUDINAL SECTION  
SCALE: 1/8" = 1'-0"



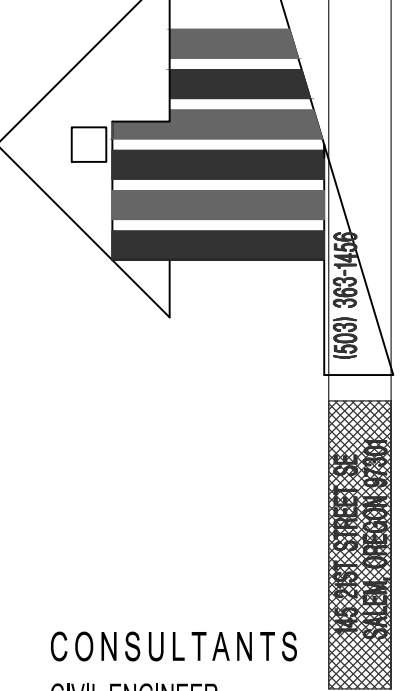
**C** STAIR SECTION  
SCALE: 1/8" = 1'-0"



**D** CROSS SECTION  
SCALE: 1/8" = 1'-0"

**1** BUILDING SECTIONS REVISED TO REFLECT THE PARTIAL REMOVAL OF THIRD FLOOR UNITS

**RONALD JAMES PED**  
ARCHITECT P.C.



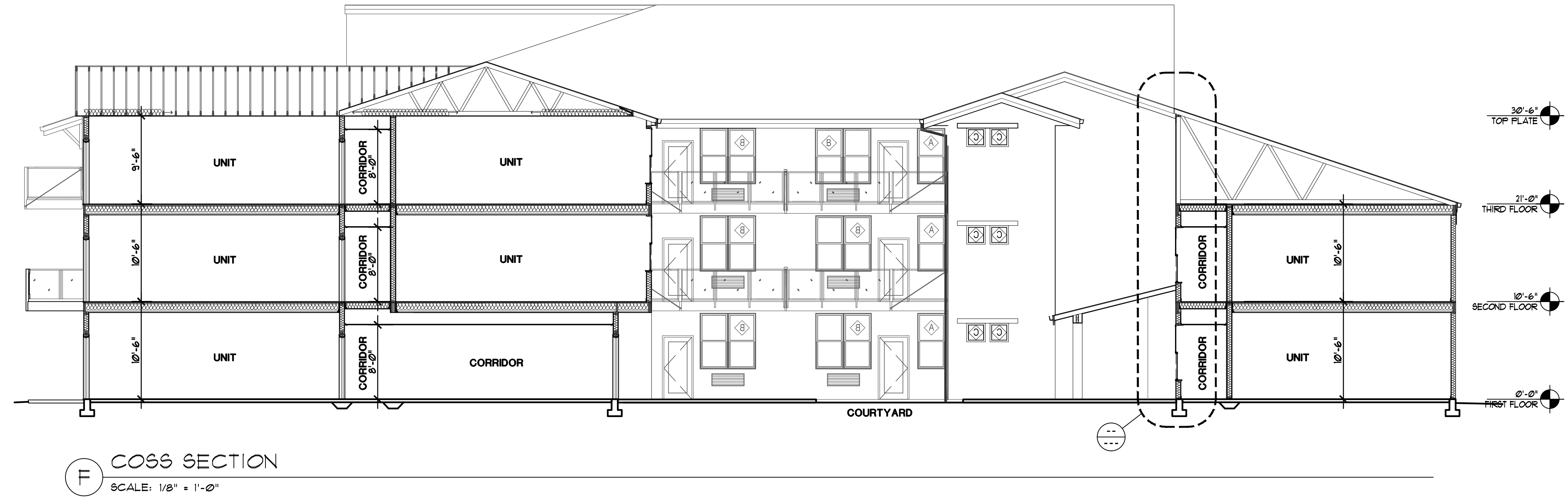
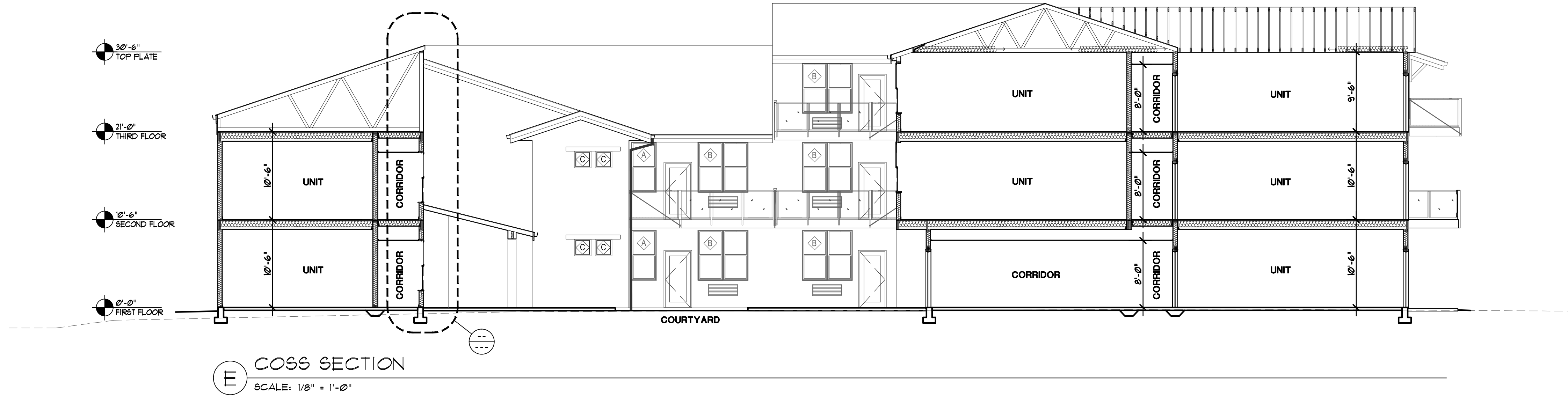
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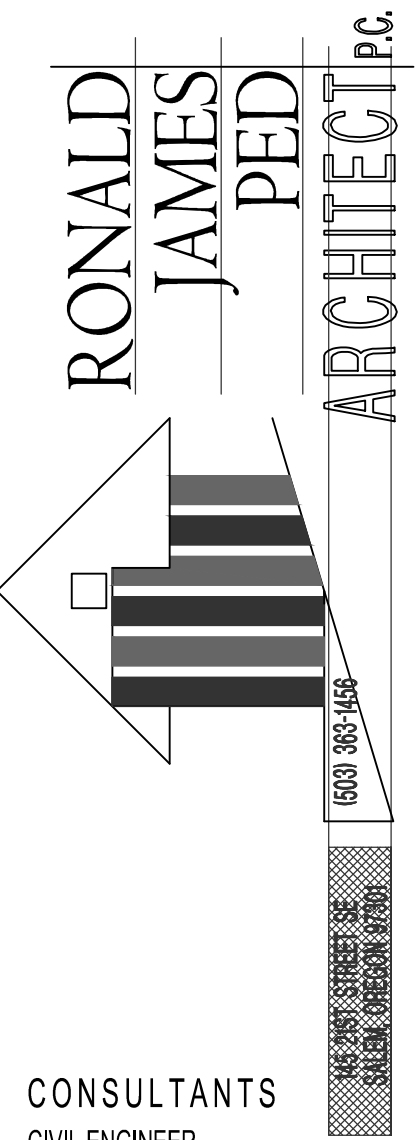
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**A3.3**

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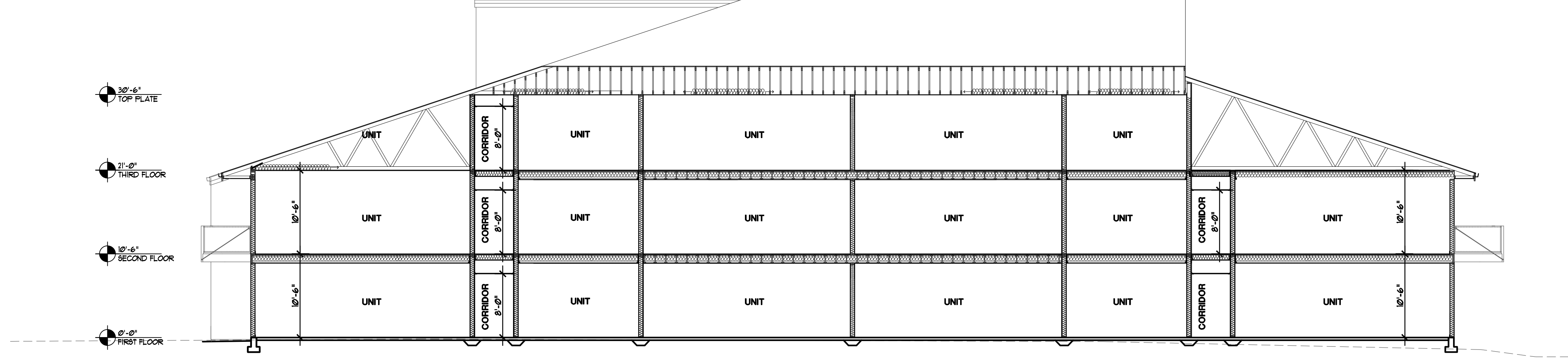
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**REVISED LAND USE SET - 3/17/22**

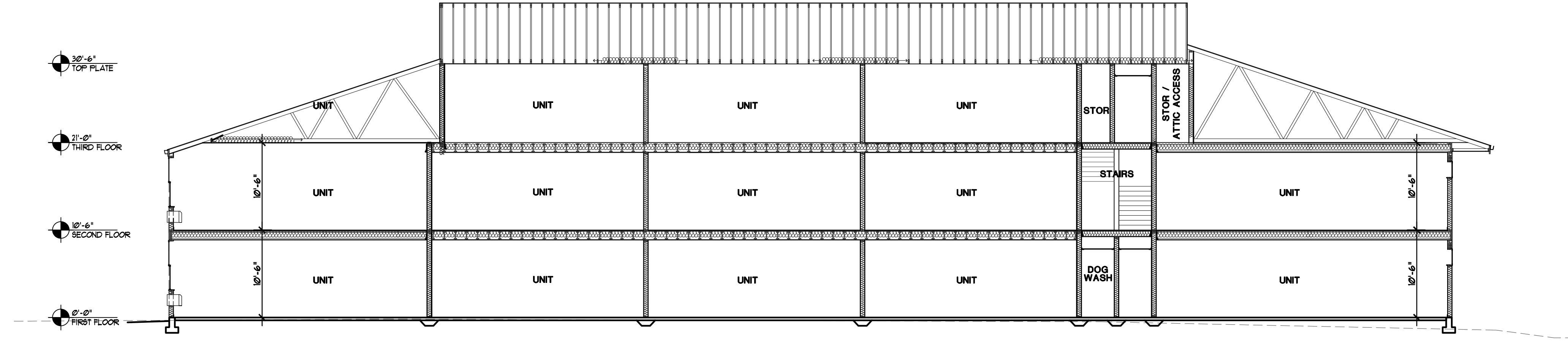
**NEW APARTMENTS AT CEDAR CREEK**  
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DATE: 21 April 2021  
 DRAWN:  
 JOB NO. 2089  
**A3.4**



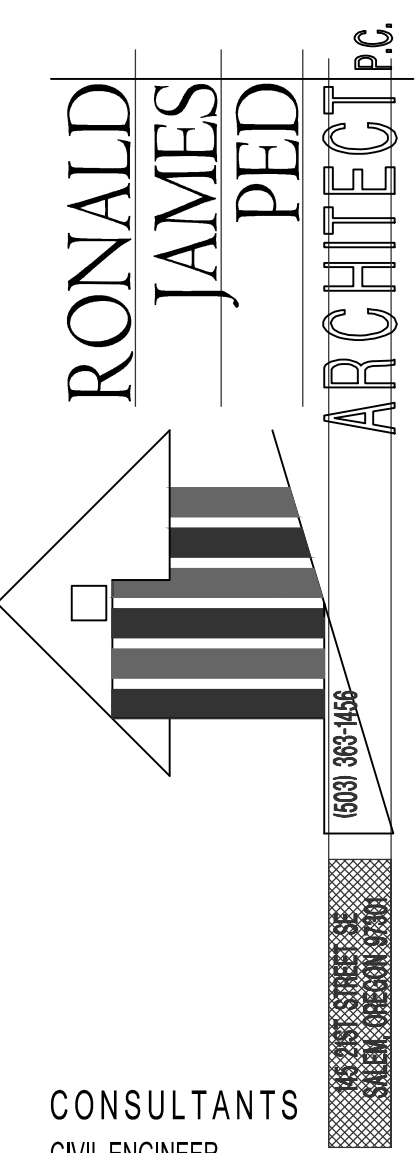


**G** CROSS SECTION  
 SCALE: 1/8" = 1'-0"

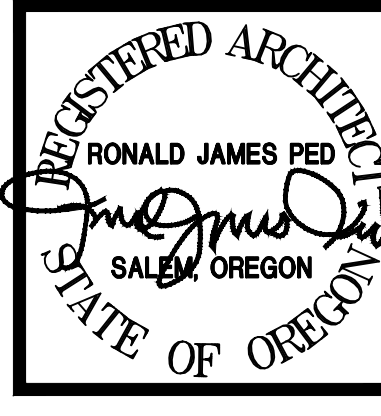


**H** CROSS SECTION  
 SCALE: 1/8" = 1'-0"

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 DRAWN: [Signature]  
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**A3.5**