

LAND USE APPLICATION  
CITY OF SHERWOOD, OREGON

# OLD TOWN APARTMENTS

**A 3-PARCEL PARTITION, TYPE IV SITE PLAN  
REVIEW FOR 24 MULTI-FAMILY UNITS, & A  
CLASS A VARIANCE TO REDUCE THE MINIMUM  
LOT AREA FOR MULTI-FAMILY UNITS**

**Tax Lot 2S1 32BD 00400**

**November 5, 2021  
Revised January 3, 2022**

**APPLICANT:**

**Edge Development  
2233 NW 23<sup>rd</sup> Avenue, #100  
Portland, OR 97210  
Contact: Ed Bruin  
Phone: (503) 292-7733  
Email: ed@edgedevelop.com**



**APPLICANT'S REPRESENTATIVE:**

**Pioneer Design Group  
9020 Washington Square Road, Suite 170  
Portland, OR 97223  
Contact: Matthew L. Sprague  
Phone: 503-643-8286  
Email: msprague@pd-grp.com**



CIVIL • PLANNING • SURVEY • LANDSCAPE  
P 503.643.8286 www.pd-grp.com  
9020 SW Washington Square Rd Suite 170  
Portland, Oregon 97223

**FACT SHEET**

Project Action: **Old Town Apartments - A 3-Parcel Partition, Type IV Site Plan Review for 24 Multi-Family Units, & a Class A Variance to Reduce the Minimum Lot Area for Multi-Family Units**

Tax Map/Lot: 2S1 32BD 00400

Site Size: 1.14 Acres

Addresses: 15665 SW Willamette Street, Sherwood, OR 97140

Location: On the north side of SW Pine Street, between SW Columbia Street and SW Willamette Street

Zoning: High Density Residential (HDR)

Overlay: Old Town (OT) Overlay District (Old Cannery Area)

**Owner:**

Estate of Kay Frances Strong-Elton & Aaron Boyd Elton  
2541 E. Gala Street #310  
Meridian, ID 83642

**Applicant:**

Edge Development  
2233 NW 23rd Avenue, #100  
Portland, OR 97210  
Contact: Ed Bruin  
Phone: (503) 292-7733  
Email: ed@edgedevelop.com

**Applicant's Representative:**

Planning/Engineering  
Pioneer Design Group  
9020 Washington Square Road, Suite 170  
Portland, OR 97223  
Contact: Matthew L. Sprague  
Phone: 503-643-8286  
Email: msprague@pd-grp.com

## **GENERAL INFORMATION**

The Applicant seeks approval of an application for a 3-Parcel Partition; Type IV Site Plan Review and Old Town Overlay Review to construct a 24-unit apartment building in Sherwood's Old Town Overlay District (Old Cannery Area); and a Class A Variance to allow a 2.05% reduction in the minimum lot area for the multi-family parcel. Following the 3-Parcel Partition, two parcels will support single-family residential dwellings, while the remainder of the site will support a single multi-family building with four residential wings. Each wing consists of two- and three-story's, with 6 apartment units per wing. Each of the 4 wings will include 2 ground floor studio/1-bedroom units located on the interior wall of each building and 4 two-story units, with 2 located at the outside edge of each wing, and 2 above the studio/1-bedroom units. This narrative has been prepared in order to describe the proposed development and compliance with the relevant sections of the City of Sherwood's Zoning and Community Development Code.

Neighborhood Meeting: The Applicant held a virtual neighborhood meeting to discuss the proposed development on September 14, 2021. Notice was mailed to all property owners within 1,000 feet of the site prior to the meeting. All required materials from the neighborhood meeting are included with this application.

## **VICINITY & SITE INFORMATION**

Site Location: The subject site is approximately 1.18 acres, and is identified as Tax Lot 2S132BD00400. The site is irregular in shape with frontages on SW Pine Street, SW Columbia Street, and SW Willamette Street. The City of Sherwood Comprehensive Plan indicates the site is Zoned RC and is located in the Old Town (Old Cannery Area) Overlay area.

Existing Uses: The site is currently vacant.

Surrounding Land Uses: Immediately adjoining the site to the north east is the 3-story Cannery Row apartment complex, approved as a Planned Unit Development in the City's High Density Residential Zone. Adjoining to the east of the site along SW Willamette Street are 2 single family detached residential parcels designated High Density Residential. The 2 single-family parcels of this development will be located adjoining these parcels on SW Willamette Street. Immediately opposite the site on the south side of SW Willamette Street are existing single-family dwellings in the Medium Density Residential Low zoning district. Adjoining the site in its north west corner is vacant High Density Residential land created within the Sherwood Cannery Square Plat. Across SW Pine Street and SW Columbia Street, existing uses include a mixture of vacant land, public open space (Cannery Square), and retail commercial development, all located within the Retail Commercial and Retail Commercial-Planned Unit Development zones. To the south west of the site are underdeveloped residential uses in the High-Density Residential Zone.

Overall, it can be considered that the surrounding area is one in transition from existing lower density uses to the higher intensity urban residential uses envisaged by the City for the Old Town Overlay area. The proposed development will serve as an appropriate transition between those new and existing uses.

It is noted that a small sliver of the site's SW Columbia Street frontage is located within the Retail Commercial zoning district. However, as advised by staff during the pre-application conference for the site, the Retail Commercial zoning requirements will not be applied to the development because

a commercial component is not practicable within this small area. The Retail Commercial standards are not further addressed in this report.

Topography: The property is relatively flat, sloping from the northeast to the southwest. The high point of the site is along the north boundary line at an elevation of approximately 196 feet, with a relative low point due to the wetland in the southwest corner of the property at an approximate elevation of 189 feet. Based on available jurisdictional maps, the site does not contain a 100-year floodplain or regionally significant habitat.

Vegetation: A natural resource assessment was conducted for the site by Pacific Habitat Services. As described in the assessment, the property is forested/shrubby, with little to no vegetation management. The northeastern portion of the site appears to have been occasionally mowed in some areas. Dominant species within the study area include pin oak (*Quercus palustris*), Chinese willow (*Salix babylonica*), one-seed hawthorn (*Crataegus monogyna*), Himalayan blackberry (*Rubus armeniacus*), sword fern (*Polystichum munitum*), blue grass (*Poa* sp.), and English ivy (*Hedera helix*).

Transportation: Transportation facilities for automobile, transit, pedestrians, and bicyclists are well developed in the Old Town District. The site has frontages on SW Pine Street (west side), SW Columbia Street (north side), and SW Willamette Street (south side).

SW Pine Street is a designated arterial. The TSP specifies a 60-foot right-of-way, with 36-foot paved section, including 7-foot parking lanes. In order to align with the existing full width street improvements along SW Pine Street near its intersection with SW Columbia Street, it is likely that approximately 70 feet of non-frontage improvements would be required to be constructed along the frontage of City owned property northwest of the subject property on SW Pine Street. Underdeveloped frontage also exists along the City owned property frontage at the intersection of SW Pine Street and SW Willamette Street. Off-site improvements are generally subject to a higher standard when considering a constitutional analysis of rough proportionality and rational nexus. As the site has no access to SW Pine Street beyond a single emergency vehicle access and is not otherwise able to use this frontage, the applicant has proposed to improve SW Pine Street along its existing alignment with sidewalks at ultimate line and grade and transitions to the existing improvements.

SW Columbia Street is a standard residential street. SW Columbia Street was constructed as part of the Cannery Square improvements and is fully improved along the subject property frontage; therefore, the City has indicated that no frontage improvements are anticipated to be required except as necessary to access the site. A new 2-way driveway is located at the eastern end of the subject property accessing SW Columbia Street. Existing parking stall configuration will need to be modified along SW Columbia Street as necessary to allow for turning movements into the site.

SW Willamette Street is not currently improved to City standards for a neighborhood route. City staff have indicated that SW Willamette Street will likely be required to have an 18-foot-wide street section from right-of-way centerline, with a 5-foot-wide landscape strip, 8-foot-wide sidewalk, and 1-foot buffer zone for a total half street right-of-way width of 32 feet. Additional right-of-way would need to be dedicated to achieve the 32-foot half right-of-way width.

The site is within the Tri-Met service district boundaries. The Old Town District is served by bus routes #93 (Tigard/Sherwood) and #94 (Pacific Highway/Sherwood). These routes run on 99W (Pacific Hwy), and enter Old Town on Sherwood Boulevard, looping through Old Town on SW Main Street, SW Pine and SW 1<sup>st</sup> Street.

## **PROJECT DESCRIPTION**

The Applicant seeks approval of an application for a 3-Parcel Partition; Type IV Site Plan Review and Old Town Overlay Review to construct a 24-unit apartment building in Sherwood's Old Town Overlay District (Old Cannery Area); and a Class A Variance to allow a 2.05% reduction in the minimum lot area for the multi-family parcel (proposed Parcel 1), from 41,000 square feet to 40,157 square feet. The site is approximately 1.14 acres, and is identified as Tax Lot 2S132BD00400. An isolated wetland on the site has been delineated by Pacific Habitat Services, and will be filled as part of this development. As mitigation, the applicant will purchase credits in an established mitigation bank to develop or enhance an area of wetland in the same drainage basin that is at least equal to the area and functional value of the wetland eliminated. Compliance with this requirement will be in accordance with R&O 13-12 (Mitigation for Vegetated Corridor Impacts Associated with Wetland Fill) per CWS SPL File No 21-002995.

The site is irregular in shape with frontages on SW Pine Street (arterial), SW Willamette Street (neighborhood route), and SW Columbia Street (local street). Based on the existing lot configuration, arterial and neighborhood route access restrictions, and City of Sherwood zoning requirements, permanent 2-way access to the multi-family portion of the site is required to be to SW Columbia Street and located at the north eastern corner of the site. Emergency vehicle access (EVA) only is provided to SW Pine Street. Parking is located internal to the site to the rear of the multi-family units, with 36 off-street spaces provided. The project will treat its collected runoff through a combination of LIDA planters, rain gardens, and proprietary single-cartridge stormfilter catch basins. Underground Stormtech detention chambers will provide detention for the site. The proposed storm drainage system will convey runoff into an existing public main located in SW Pine Street.

Following the 3-Parcel Partition, proposed Parcel 1 will support a multi-family residential building with four residential wings. Each wing consists of two- and three-story's, with 6 apartment units per wing. Each of the 4 wings will include 2 ground floor studio/1-bedroom units located on the interior wall of each building and 4 two-story units, with 2 located at the outside edge of each wing, and 2 above the studio/1-bedroom units. The result is a multi-family development with a two-story height at the outside edges, stepping up to three-story at the center. The primary pedestrian street serving the site is SW Columbia Street, and as such the Sherwood Zoning and Community Development Code (SZCDC) typically require that buildings are located adjacent to and flush to these streets. Within the HDR Zone the minimum front yard is 14 feet, and accordingly the buildings are located a minimum of 14 feet from SW Columbia Street, with front facades oriented parallel to the street and extending south into the site. Each ground floor unit will include an outdoor patio area at both front and rear, a covered entryway, and each wing of the building will be connected via exterior stairs located within a breezeway and elevated walkways.

While not subject to specific design criteria, the proposed building has been designed to be consistent with the Sherwood Old Town historical style. The building will be constructed using a combination of Cedar Mill Hardie Plank Lap Siding, one of 4 different brick options, or cement plaster, with substantial ground floor glazing grouped along the first-floor frontage and well-defined pedestrian entryways with awnings and decorative metal posts. A 24-inch-tall horizontal

band is located at the building base, and will be differentiated using color or materials. The buildings are divided using vertical detailing of individual units, providing vertical rhythm, with an overall symmetry provided along Columbia Street between both units and buildings. The buildings feature a prominent base, stringcourse detailing between the first and second floors and detailing of the parapet cornice roof to provide a horizontal element. The windows on the façade are single hung and oriented vertically, and include interior grids to provide additional interest.

Parcels 2 and 3 of the 3-parcel partition will support detached single-family residential dwellings, with lot areas of 5,002 square feet and 5,022 square feet respectively. Site Plan Review is not required for these units.

## **COMPLIANCE WITH CITY OF SHERWOOD COMMUNITY DEVELOPMENT CODE**

### ***Title 16 -ZONING AND COMMUNITY DEVELOPMENT CODE***

#### ***Division II. - LAND USE AND DEVELOPMENT***

##### ***Chapter 16.12 – RESIDENTIAL LAND USE DISTRICTS***

*The residential districts are intended to promote the livability, stability and improvement of the City's neighborhoods.*

##### ***16.12.010 – Purpose and Density Requirements***

###### ***E. High Density Residential (HDR)***

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

**RESPONSE:** The property is zoned High Density Residential (HDR) within the Old Cannery area of the City of Sherwood’s Old Town Overlay District. While the development includes a minor land partition, minimum density requirements are applicable as the site will be developed with multi-family residential units. Density calculations for the site are as follows:

Site Area	51,448 square feet
Right-of-way Dedication	1,267 square feet
Net Developable Area	50,181 square feet = 1.15 acres

Minimum Density  $1.15 \times 16.8 = 19.32 = 19$  units

Maximum Density  $1.17 \times 24 = 27.6 = 27$  units

The proposed 26 dwelling units meets the required density for the site.

##### ***16.12.020 - Allowed Residential Land Uses***

###### ***A. Residential Land Uses***

*The table below identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and defined in Chapter 16.10.*

USES	HDR
RESIDENTIAL	
• Single-Family Attached or Detached Dwellings	P
• Multi-family Dwellings	P

- B. *Any use not otherwise listed that can be shown to be consistent or associated with the permitted uses or conditionally permitted uses identified in the residential zones or contribute to the achievement of the objectives of the residential zones will be allowed or conditionally permitted using the procedure under Chapter 16.88 (Interpretation of Similar Uses).*
- C. *Any use that is not permitted or conditionally permitted under this zone that cannot be found to be consistent with the allowed or conditional uses identified as in B. is prohibited in the residential zone using the procedure under Chapter 16.88 (Interpretation of Similar Uses).*

**RESPONSE:** The property is zoned HDR. The applicant proposes 24 multi-family residential units within a single multi-family building with four residential wings. on Parcel 1, with single-family detached dwellings on Lots 2 and 3. Both unit types are a permitted use in the HDR zone.

*16.12.030 – Residential Land Use Development Standards*

A. *Generally*

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

B. *Development Standards*

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

C. *Development Standards per Residential Zone*

**RESPONSE:** The subject site is currently vacant, so there are no established setbacks. The application is subject to the relevant setbacks of the HDR zone and the Old Town Overlay District.

Development Standard by Residential Zone-		HDR
Minimum Lot areas:(in square ft.)		
• Single-Family Detached		5,000
• Two or Multi-Family: for the first 2 units		8,000
• Multi-Family: each additional unit after first 2		1,500
Minimum Lot width at front property line: (in feet)		25
Minimum Lot width at building line <sup>[7]</sup> : (in feet)		
• Single-Family		50
• Multi-family		60
Lot Depth		80
Maximum Height <sup>[8]</sup> (in feet)		40 or 3 stories
Setbacks (in feet)		
• Front yard <sup>[10]</sup>		14
• Face of garage		20
• Interior side yard		
	• Single-Family Detached	5
	• Multi-Family	
	• 18 ft. or less in height	5
	• Between 18—24 ft. in height	7
	• If over 24 ft. in height	<a href="#">§ 16.68</a> Infill

**RESPONSE:** Parcel 1 is proposed to support 24 apartment style units in will support a single multi-family building with four residential wings. In accordance with the above, the minimum required lot area for Parcel 1 is 8,000 square feet (first 2 units) + 33,000 square feet (22 x 1,500 square feet) = 41,000 square feet. As proposed, Parcel 1 measures 40,157 square feet, and



therefore does not meet the requirements of this section. Accordingly, the applicant has requested an adjustment to the minimum lot size for Parcel 1 under Section 16.84.030.C., being a 2.05 % (843 square feet) reduction in the minimum lot size for 24 multi-family units.

Single-family detached residential lots are required to have a minimum area of 5,000 square feet. At 5,002 square feet and 5,022, square feet respectively, Parcels 2 and 3 meet the requirements of this section.

### ***Chapter 16.58 - VISION CLEARANCE AND FENCE STANDARDS***

#### *16.58.010 - Clear Vision Areas*

- A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.*
- B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.*
- C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2½) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.*

*The following requirements shall govern clear vision areas:*

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

**RESPONSE:** Corner vision requirements are applicable at the intersection of the new private drive and SW Columbia Street. In accordance with the requirements of the HDR zone, buildings will be located a minimum of 14 feet from the property line, however there is no applicable side yard setback between the easternmost building wall to the driveway. Accordingly, the north eastern corner of the building encroaches into the corner vision by approximately 2 feet, as allowed by Section 16.58.010C.3. above

No landscaping is proposed which would otherwise impede the clear vision area.

16.58.020 - Fences, Walls and Hedges.

A. Purpose:

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

B. Applicability:

*The following standards apply to walls, fences, hedges, lattice, mounds, and decorative toppers. These standards do not apply to sound walls and landscape features that are not hedges.*

C. Fences, Walls, and Hedges in Residential Zones:

1. *All fences shall be subject to the clear vision provisions of Section 16.58.010.*
2. *A sound wall is permitted when required as a part of a development review or concurrent with a road improvement project. A sound wall may not be taller than twenty (20) feet.*
3. *Toppers, lattice, decorative top fencing are counted toward the height of the fence.*
4. *In cases where a sidewalk is located partially or entirely on private property, rather than entirely in the public right-of-way, a line drawn one (1) foot further back from the edge of the sidewalk that is furthest from the right of way shall be treated as the property line for purposes of the above table.*
5. *In cases where no sidewalk exists immediately adjacent to a street, a line drawn twenty-six (26) feet from the centerline of the street shall be treated as the property line for purposes of the above table.*

**RESPONSE:** The applicant proposes a minimum 6-foot-tall solid wooden fence around the perimeters of the site, except along the perimeter of water quality facilities and street frontages. No sound walls or fences in the clear vision area are proposed.

D. Location—Non-Residential Zone:

**RESPONSE:** The subject site is located in a residential zone; therefore, this standard is not applicable.

E. General Conditions—All Fences:

1. *Retaining, masonry, concrete, and modular retaining walls may not be constructed within the eight-foot public utility easement (PUE) located on the front and corner street side yards, without approval from the City Engineer.*
2. *Fences must be structurally sound and maintained in good repair. A fence may not be propped up in any way from the exterior side.*
3. *Chain link fencing is not allowed in any required residential front yard setback.*
4. *The finished side of the fence must face the street or the neighboring property. This does not preclude finished sides on both sides.*
5. *Buffering: If a proposed development is adjacent to a dissimilar use such as a commercial use adjacent to a residential use, or development adjacent to an existing farming operation, a buffer plan that includes, but is not limited to, setbacks, fencing, landscaping, and maintenance via a homeowner's association or managing company must be submitted and approved as part of the preliminary plat or site plan review process per Section 16.90.020 and Chapter 16.122.*
6. *In the event of a conflict between this Section and the clear vision standards of Section 16.58.010, the standards in Section 16.58.010 prevail.*
7. *The height of a fence or wall is measured from the actual adjoining level of finished grade measured six (6) inches from the fence. In the event the ground is sloped, the lowest grade within six (6) inches of the fence is used to measure the height.*
8. *Call before you dig (811) if placing a fence within the public utility easement (PUE) to have your utility lines located. This easement area is usually located eight (8) feet across the front yard and the side yard setback on a corner lot. Utility lines can be buried just beneath the surface.*

**RESPONSE:** As described above, the applicant proposes a minimum 6-foot-tall solid wooden fence around the perimeter of the site, except along the perimeter of water quality facilities and street frontages. No sound walls or fences in the clear vision area are proposed. All primary uses surrounding the site are residential in nature, and no additional buffering is required or proposed. Maintenance of the perimeter fencing will be the responsibility of a HOA, or other appropriate property management structure.

### ***Chapter 16.60 YARD REQUIREMENTS***

#### ***16.60.010 Through Lots***

*On a through lot the front yard requirements of the zone in which such a lot is located shall apply to the street frontage where the lot receives vehicle access; except where access is from an alley, the front yard requirements shall apply to the street opposite the alley.*

**RESPONSE:** The subject site has frontage on three sides, and can be considered a through lot. In accordance with the requirements of this section, the front yard requirements are applicable to the SW Columbia Street frontage. The proposed development complies with the 14-foot minimum with the front yard setback of the HDR zone

*16.60.020 Corner Lots*

*On a corner lot, or a reversed corner lot of a block oblong in shape, the short street side may be used as the front of the lot provided:*

- A. The front yard setback shall not be less than twenty-five (25) feet; except where otherwise allowed by the applicable zoning district and subject to vision clearance requirements.*
- B. The side yard requirements on the long street side shall conform to the front yard requirement of the zone in which the building is located.*

**RESPONSE:** The subject lot has no frontage at the adjacent street intersections, and is not a corner lot; the standards of this section do not apply.

*16.60.030 Yards*

- A. Except for landscaping, every part of a required yard (also referred to as minimum setback) shall be open and unobstructed from its lowest point to the sky, except that architectural features such as awnings, fire escapes, open stairways, chimneys, or accessory structures permitted in accordance with Chapter 16.50 (Accessory Structures) may be permitted when so placed as not to obstruct light and ventilation.*
- B. Where a side or rear yard is not required, and a primary structure is not erected directly on the property line, a primary structure must be set back at least three (3) feet.*

**RESPONSE:** All applicable yard areas will remain vertically unobstructed as required by this section, unless specifically permitted elsewhere in this code. However, no obstructions which would otherwise obstruct light and ventilation within a required yard are proposed with this application.

*16.60.040 Lot Sizes and Dimensions*

- A. If a lot or parcel, or the aggregate of contiguous lots or parcels, recorded or platted prior to the effective date of this Code, has an area or dimension which does not meet the requirements of this Code, the lot or aggregate lots may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located.*

**RESPONSE:** The underlying parcel exceeds the dimensional requirements of the HDR zone; therefore, the standards of this section are not applicable.

- B. Exceptions*

1. *Residential uses are limited to a single-family dwelling, or to the number of dwelling units consistent with the density requirements of the zone. However, a dwelling cannot be built on a lot with less area than thirty-two hundred (3,200) square feet, except as provided in Chapter 16.68.*
2. *Yard requirements of the underlying zone may be modified for infill developments as provided in Chapter 16.68 (Infill Development).*

**RESPONSE:** No exceptions to the standards of this section are required or proposed.

### ***Chapter 16.84 - VARIANCES***

#### *16.84.010 Purpose*

*This Chapter provides standards and procedures for variances, which are modifications to land use or development standards that are not otherwise permitted elsewhere in this Code as exceptions to Code standards. This Chapter provides flexibility, while maintaining the purposes and intent of the Code. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use is located. In granting a variance, conditions may be imposed when necessary to protect the best interests of surrounding properties and neighborhoods, and otherwise achieve the purposes of the adopted Comprehensive Plan, the Transportation System Plan, and other Code provisions.*

#### *16.84.020 Applicability*

##### *A. Exceptions and Modifications versus Variances*

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

**RESPONSE:** The applicant requests approval of a variance request in order to reduce the minimum lot size for a 24-unit multi-family residential development in the HDR District. The SZCDC provisions for the HDR zone do not expressly provide for exceptions or modifications to the minimum lot area of SZCD Section 16.12.030.C., therefore a variance is required to modify this standard. The provisions of Chapter 16.84 apply.

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

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

**RESPONSE:** The applicant submits this variance in combination with the related 3-parcel partition and site plan review for development within the Old Town Overlay District.

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

**RESPONSE:** The application does not propose a Planned Unit Development, or alterations to an existing Planned Unit Development.

*16.84.030 - Types of Variances*

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

C. *Class A Variances*

1. *Generally*

- a. *The Class A variance procedure may be used to modify a standard for three (3) or fewer lots, including lots yet to be created through a partition process.*

**RESPONSE:** The applicant is requesting the modification of the minimum lot area requirement for Parcel 1 of a proposed 3-parcel partition, which has yet to be created, and is included as a concurrent request. The variance request meets the requirements of this section.

- b. *An applicant who proposes to vary a standard for lots yet to be created through a subdivision process may not utilize the Class A variance procedure. Approval of a Planned Unit Development shall be required to vary a standard for lots yet to be created through a subdivision process, where a specific code section does not otherwise permit exceptions.*

**RESPONSE:** The applicant is requesting the modification of the minimum lot area requirement for Parcel 1 of a proposed 3-parcel partition, as opposed to a subdivision. The Variance request is the appropriate procedure for this application.

- c. *A Class A Variance shall not be approved that would vary the "permitted, conditional or prohibited uses" of a land use district.*

**RESPONSE:** The applicant is requesting the modification of the minimum lot area requirement for Parcel 1 of a proposed 3-parcel partition. The development proposes 24 multi-family residential units and 2 single-family detached residential parcels, of which both uses are considered permitted activities in the HDR zone. The Class A Variance request is the appropriate procedure for this request.

2. *Approval Process:*

- a. *Class A Variances shall be processed using a Type IV procedure, as governed by Chapter 16.84, using the approval criteria in subsection 3, below.*
- b. *In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the*

*reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.*

**RESPONSE:** The applicant submits the Type IV Class A Variance request as a consolidated application with the Type II 3-parcel partition and Type IV site plan review for development within the Old Town Overlay District, including this written narrative and supporting materials. The applicant understands that the review authority for each request is the City of Sherwood Planning Commission.

3. *Approval Criteria: The City shall approve, approve with conditions, or deny an application for a Class A Variance based on the following criteria:*
  - a. *The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;*

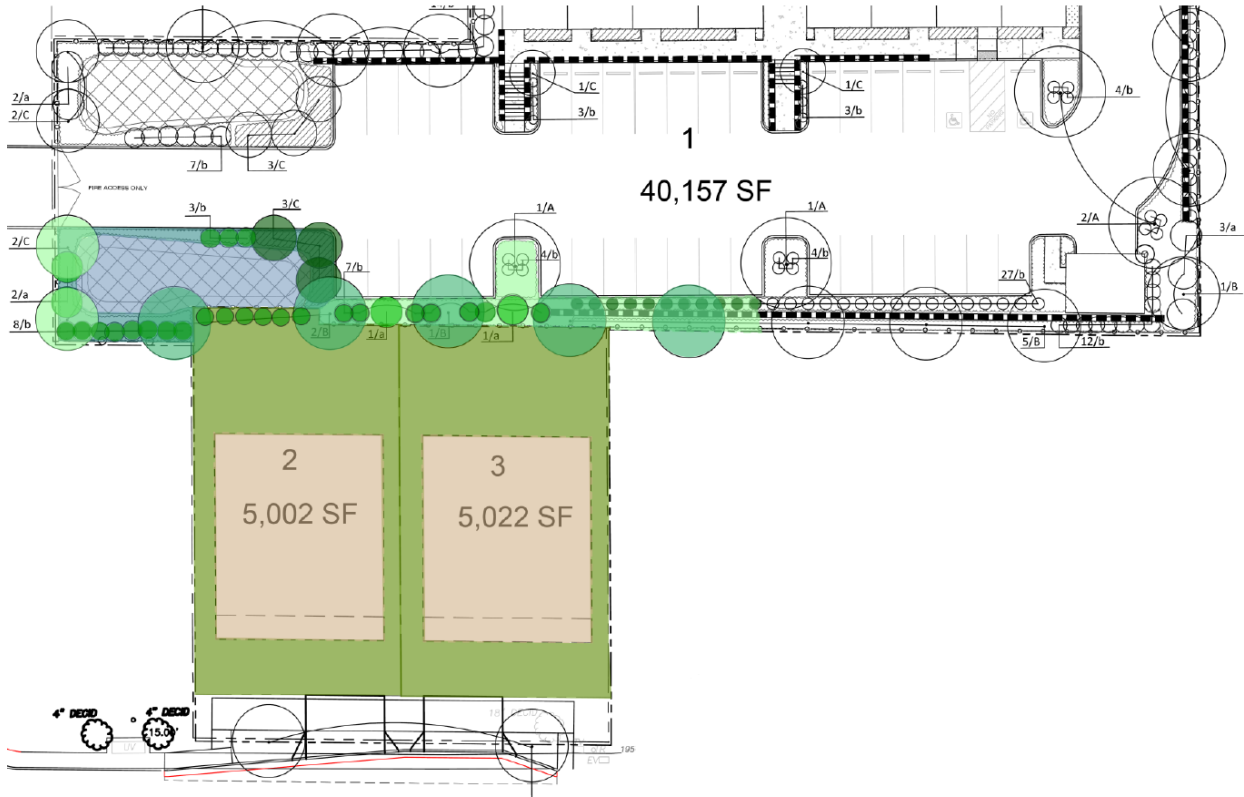
**RESPONSE:** The applicant requests a reduction of the minimum lot area for a 24-unit multi-family development in the HDR zone, which is calculated in accordance with Section 16.12.030.C. as follows:

First 2 units = 8,000 square feet  
22 units at 1,500 square feet per unit = 33,000 square feet  
Minimum lot area = 41,000 square feet

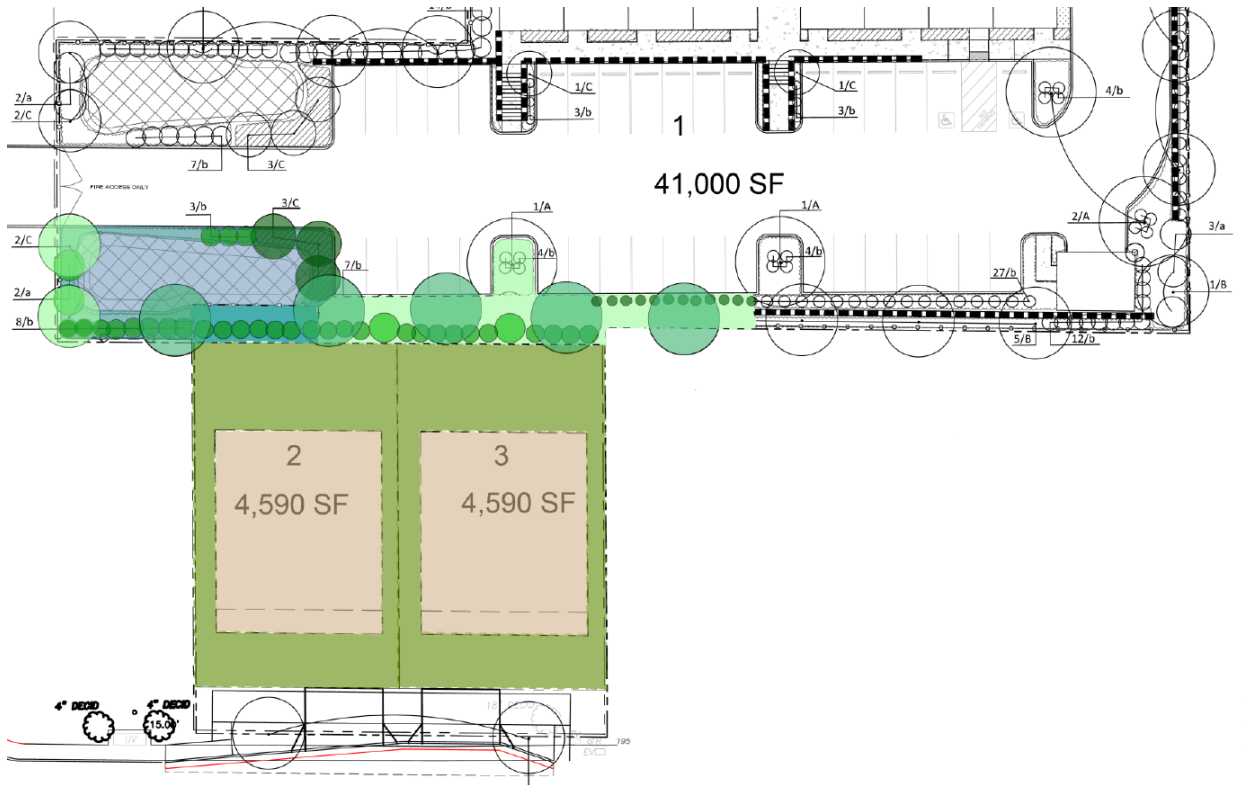
As currently proposed, Lot 1 is 40,157 square feet in area, or 843 area below the required 41,000 square feet, for a 2.05% reduction in the minimum lot area. On its face, the impact of a reduction in the minimum lot area of 2.05% is insignificant, and does not impact the average lot size. No impacts which could be considered *materially detrimental to the purposes of this Code, to any other applicable policies and standards, or to other properties in the same land use district or vicinity* will result from such a minor reduction.

The location of the area in question also limits the potential for adverse impacts. With its irregular shape; 3 street frontages; and significantly varying width and depth across its length, it is impracticable to create a single cohesive development on the site. All frontages have limited access, with permanent access to Parcel 1 ultimately required to be taken to SW Columbia Street from the north east corner of the site. As part of the neighborhood meeting for the development, a comment was received was from a neighbor on SW Willamette Street who was concerned in part about compatibility and the streetscape on SW Willamette Street. At that time the applicant looked at the existing single family detached nature of Willamette, especially the Medium Density Residential Low development on the south side, and determined that single-family detached would provide a more consistent and appealing streetscape. In order to provide 5,000 square foot single-family detached parcels on SW Willamette Street in addition to the 12-foot-wide right-of-way dedication requested by the City, the applicant has moved the rear property line of the single-family parcels northwards, resulting in Parcels 2 and 3 with lot areas of 5,002 and 5,022 square feet respectively. Effectively, as shown below, the 843 square feet has been eliminated, the property line has simply shifted north and the additional perimeter parking area landscaping, is transferred to the single-family lots as usable rear yard area.

**Parcel 1 at 40,157 square feet per this request, with Variance approved:**



**Parcel 1 at 41,000 square feet without Variance:**





As shown above, the relocation of the 843 square feet is almost undetectable, and approval of the Variance will not result in any materially relevant impacts. While the loss of the 843 square feet from Parcel 1 will be unlikely to be noticed by residents of the site, surrounding residents, or the general public, the ability to provide a consistent streetscape on SW Willamette Street and additional outdoor yard area to Parcels 2 and 3 will have significant, realized benefits.

- b. *A hardship to development exists which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);*

**RESPONSE:** As described, the underlying parcel is irregular in shape. Development of the site is constrained or otherwise restricted by a number of factors unique to the property, including but not limited to its irregular shape with varying width and depth; 3 public street frontages; no permanent access for the multi-family units to Pine Street or Willamette Street; access and frontage to Pine Street blocked at both the Columbia Street and Willamette Street intersections; and access limited on Columbia by existing tract and improvements. This is exacerbated by the 12-foot right-of-way dedication on SW Willamette Street reducing the parcel size by approximately 1,260 square feet, and the presence and location of the wetland on site.

- c. *The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;*

**RESPONSE:** As shown in the images above, approval of the Variance will not materially impact uses on or adjoining the subject site, and will not allow a use not already permitted on the site. Approval of the 2.05% reduction in minimum lot area allows for more efficient use of the site and community resources by allocating what is essentially passive perimeter landscaping in excess of the minimum requirement and reallocating that space to a higher use, namely active outdoor yard area.

- d. *Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;*

**RESPONSE:** As described above and shown in the images provided, approval of the Variance in and of itself will not materially impact existing physical and natural systems on or adjoining the subject site.

- e. *The hardship is not self-imposed; and*

**RESPONSE:** The applicant has elected to apply for the variance for the site in order to maximize the efficient usage of developable land to the benefit of the development, future residents, and surrounding community. The applicant recognizes that there are development options which would eliminate the need for a Variance in this instance. This is generally the case for any residential or mixed-use development which exceeds minimum density, and in particular where elimination of lots may create less demand for developable area. However, neither this section nor the SZCDC require approval of a variance to be determined by the proposed density of the development, or

whether any other possible alternatives exist which would negate the need for the variance regardless of how impracticable or uneconomic they may be. Such a narrow interpretation of the variance criteria would result in inefficient use of land within the City boundaries, which would not be consistent with the intent and purpose of the SZCDC. Primarily, the intent of the Variance Chapter is to provide flexibility while maintaining the purpose and intent of the Code, such that better outcomes can be achieved in those specific instances where the SZCDC and specific site constraints would otherwise create a hardship. Consistent with this, the proposed Variance provides efficient use of the land, usable outdoor area, and a consistent street frontage on SW Willamette Street while resulting in no observable impacts beyond the boundaries of the site.

In terms of alternative options, as an example it is recognized that the applicant could revise the single-family detached lots to attached units, and increase the area of the multi-family lot. However, we believe the 843 square feet being discussed are more beneficial to residents and the City as outdoor yard area for the single family lots. Adding the area to the multi-family units (approximately 35 SF per unit) would not be noticeable to the multifamily residents due to its location (which is fixed), however would be usable outdoor area beneficially enjoyed by the single family detached lots. In addition, the detached units are more consistent with the adjacent development, and provide a better buffer between the single family detached on Willamette Street and the higher densities and commercial uses to the north.

It is also recognized that we could eliminate the two single-family lots altogether and increase the number of multi-family units provided, thus eliminating the need for the variance. However, as the City requires the buildings to be oriented to SW Columbia Street, that would essentially render the only practical use for the Willamette frontage to be additional parking area, with no access or nexus to the dedication and improvements on Willamette Street, which is not a benefit to the community, or ultimately, the future residents of the site.

Finally, it has been suggested that by reducing the number of multi-family units to 23 units, the required area of Parcel 1 would reduce to 39,500 square feet, eliminating the need for the variance. This alternative is an excellent example of the applicant's argument that the gateway test for approving a variance should not be whether there are any other options for development of the site, regardless of how inefficient and impracticable they may be. The City of Sherwood is actively encouraging the development and revitalization of Old Town. Key to that effort is the development of infill and redevelopment projects, which provide additional density through small-lot single family homes and/or two- to three story multi-family housing appropriately scaled to the nearby existing structures. Immediately adjacent to the site is the Sherwood Cannery Square, which includes public spaces holding events such as the Sherwood Saturday Market. Development of the site provides excellent opportunities for multi-modal transportation and reduced vehicle trips in the Old Town area, along with adding the required population density to support community businesses, and the vitality necessary to see Old Town continue to revitalize and thrive in the manner anticipated by the City. Reducing the number of multi-family units in the development serves to reduce the housing density in Old Town, while making one of the 4 wings of the building inconsistent with the others, and causing a loss of efficiency through the need to vary building design and construction methods for a single wing of the building. Ultimately, while this alternative would eliminate the need for the Variance, it would decrease density and increase the average cost of the units within the development, therefore increasing required rental or sale prices. In exchange, a de minimis area of internal perimeter landscaping would be widened above SZCDC requirements.

As a 2-3 story multi-family development with 2 smaller single-family lots, this proposal is exactly the type of development anticipated in the Old Town area. Such development is crucial if Old Town is to continue to attract locally-owned, small-scale businesses that will benefit from the pedestrian environment and the historic character of Old Town.

The variance is not self-imposed precisely because the site has approvable alternatives, and development of the site is not necessarily dependent on the variance. We are requesting the variance in order to provide a more holistic development that will better meet the intent and purpose of the SZCDC, with a design which more effectively uses the otherwise constrained nature of the existing lot, and allows the applicant and community to realize the full potential of the site. The applicant would argue that the improved outcomes from allowing the Variance request are exactly the kind of flexibility the Variance provisions are intended to provide.

*f. The variance requested is the minimum variance that would alleviate the hardship.*

**RESPONSE:** As a result of the Variance request, Parcel 1 will be decreased by 843 square feet to 40,857 square feet, a 2.05% reduction. This is the minimum variance practicable to allow Parcels 2 and 3 to exceed 5,000 square feet, at 5,002 and 5,022 square feet respectively.

## ***DIVISION V – COMMUNITY DESIGN***

### ***Chapter 16.90 - SITE PLANNING***

#### ***16.90.020 - Site Plan Review***

##### ***A. Site Plan Review Required***

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

*B. Exemption to Site Plan Requirement*

1. *Single and two family uses*
2. *Manufactured homes located on individual residential lots per Section 16.46.010, but including manufactured home parks.*

**RESPONSE:** The application constitutes a new use of the currently vacant site, and the multi-family portion of the site is therefore subject to the City's Site Plan Review Process. The 2 single family parcels are not subject to the site plan review in accordance with Section 16.90.020.B.1., and are not further addressed in this section.

*C. Reserved*

*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.*

**RESPONSE:** The applicant has addressed compliance with all applicable zoning district standards and design standards in Division II and all applicable provisions of Divisions V, VI, VIII, and IX within this land use narrative. It is noted that the applicant is requesting a Type A Variance to the minimum lot area requirement of Division II Section 16.12.030.C, however compliance with the Variance requirements and the intent and purpose of the Code is demonstrated in the applicant's response to Section 16.84.030.C.

The requirements of this section have been met.

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

**RESPONSE:** The applicant has addressed all applicable criteria in this narrative and has provided a utility plan demonstrating that the proposed development can be adequately served by services conforming to the Community Development Plan.

The requirements of this section have been met.

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

**RESPONSE:** The applicant acknowledges that covenants, agreements and other specific documents adequate in the City's determination of ownership, management, maintenance of structures, landscaping and other on-site features will be provided prior to Final Land Use Approval for the application. The proposed building and on-site features will be maintained by the owner. While an HOA or other property management structure is likely to be established for the management and maintenance of shared spaces, all use/maintenance/ownership responsibilities will be confirmed prior to Final Land Use Approval.

The requirements of this section have been 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 subject site is currently vacant, but does contain an area of isolated wetlands. Filling of the wetland area will be mitigated through the purchase of credits with an approved Mitigation Bank. All relevant jurisdictional approvals will be obtained prior to commencing work on the site, and all work will comply with the requirements of Section Division VIII of this Code and Chapter 5 of the Community Development Code. This requirement will be 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:** The City Engineer has not requested a Traffic Impact Analysis for this project. The International Trip Generation Manual (10<sup>th</sup> Edition) (ITE) provides estimated trip rates for the uses which have been contemplated within the development.

The development consists of twenty-four (24) attached residential units, each capable of generating approximately 5.44 average daily trips (ADT) (ITE Code 221 Multifamily Housing - Mid Rise). The total number of trips which may be generated by the project is therefore not expected to exceed 131 ADT, significantly below the 400 ADT threshold identified above.

The requirements of this section are not applicable.

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, multifamily, 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.*
- 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:** The applicant has prepared a design which considers the Old Town Design Standards of Chapter 16.162 within this narrative, per subsection 6.e above. The proposed building has been designed to comply with these standards.

Specifically, it is noted that as per the building elevations submitted with this application, each of the 8 ground floor units located along the south side of Columbia Street has direct access to the adjacent pedestrian street via primary covered entrances. The building line is located at the 14-foot front yard setback at the north east corner to meet the standards of the HDR zone, and significant glazing exists on all floors of the primary façade. In particular, each unit has vertical windows with internal

dividers facing the street to break up the mass and provide architectural variation, in addition to belly bands, varying heights, varying building materials, and a cornice around the building.

The requirements of this section have been met.

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

**RESPONSE:** The subject site is zoned HDR and will not include industrial development.

The requirements of this section are not applicable.

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:** The proposed development does not include driveways of more than twenty-four (24) feet in width.

The requirements of this section have been 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.*

**RESPONSE:** The proposed development will consist of 100% residential units in the Old Town Overlay District, including single-family detached units on their own parcels on Parcels 2 and 3 and 24 multi-family attached units on Parcel 1. A site plan is required for the multi-family portion of the site; therefore, a landscaping plan is also required for Parcel 1. As shown on the submitted landscape plan, Sheet L1.0, those areas not occupied by structures, paved roadways, walkways, or patios or other permitted facilities are landscaped in accordance with the requirements of this section. notes on the landscape plan acknowledge and confirm that the proposed landscape design will comply with City of Sherwood Chapter 16.92 Landscaping Requirements

### *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.*

**RESPONSE:** As shown on the submitted landscape plan, Sheet L1.0, ground cover plants are proposed for areas not planted with trees and shrubs. Recommended plan species include Dwarf Sweet Box, Periwinkle, Massachusetts Kinnickinnick, Dwarf Japanese Garden Juniper, Heartleaf Bergenia and Majestic Lilyturf. All ground covers are specified at 1 gallon, and spaced according to species requirements.

*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.*

**RESPONSE:** As shown on the submitted landscape plan, Sheet L1.0, a variety of small, medium, and large shrubs are proposed. All shrubs are proposed at a size appropriate to the species, and will be spaced according to species requirements and compatibility with surrounding plantings.

*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:** The subject site is being developed in accordance with the requirements of the HDR zone, which results in the majority of the site being required to be developed with buildings, paved areas, and landscaping complying with this Section. As a result, all trees on the site are required to be removed to facilitate development of the site. As shown on the submitted



landscape plan, Sheet L1.0, a variety of small, medium, and large trees are proposed. All trees are proposed with a minimum size of 2 caliper inches, and will be spaced according to species requirements and compatibility with surrounding plantings.

*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 proposed landscaping plan has been prepared by Anderson Associates Landscape Architecture, a professional firm familiar with the City requirements and appropriate plant species for the local area. Accordingly, all vegetation is proposed to be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan, and has been selected and sited to produce a hardy and drought-resistant landscape area. The requirements of this section are met.

*C. Existing Vegetation*

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

**RESPONSE:** The subject site is being developed in accordance with the requirements of the HDR zone, which results in the majority of the site being required to be developed with buildings, paved

areas, and landscaping complying with this Section. Additionally, a small isolated wetland is proposed to be filled in accordance with the requirements of Chapter 16.144 (Wetland, Habitat, and Natural Resources). As a result, all trees on the site are required to be removed to facilitate development of the site.

*D. Non-Vegetative Features*

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

**RESPONSE:** While the site does include patio areas for each of the proposed units, no non-native vegetative features are proposed as part of the required site landscaping.

*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).*

- 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.*
- 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.*
- 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:** With the exception of the sliver of undevelopable Retail Commercial abutting SW Columbia Street, the surrounding properties are all designated residential; therefore, no specific perimeter screening is required based on site zoning. However, it is noted that the applicant does propose fencing meeting the requirements of this section around the perimeter of Parcel 1 (excluding access points), including between the proposed Parcel 1 and Parcels 2 and 3, and the adjoining Tax Lots 401 and 402 to the south.

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.*
- b. *The access drives to a rear lot 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:** As shown on the submitted landscape plan, Sheet L1.0, a 10-foot buffer is provided around the rear of the parking area and is planted with ground cover plants, shrubs, and trees. Along the access drive from Columbia Street, the buffer is reduced to 4 feet as described above, with a minimum of a forty-two-inch sight-obscuring fence provided along the driveway's eastern edge.

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 reduction is proposed under this section.

B. *Parking Area Landscaping*

1. *Purpose*

*The standard is a landscape treatment that uses a combination of trees, shrubs, and ground cover to provide shade, storm water management, aesthetic benefits, and screening to soften the impacts of large expanses of pavement and vehicle movement. It is applied to landscaped areas within and around the parking lot and loading areas.*

2. *Definitions*

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

b. *Canopy Factor*

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

$$\text{Canopy Factor} = \text{Mature Height (in feet)} \times \text{Canopy Spread (in feet)} \times \text{Growth Rate Factor} \times .01$$

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

3. *Required Landscaping*

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

4. *Amount and Type of Required Parking Area Landscaping*

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

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

(1) *Any combination of the following is required:*

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

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

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

(iv) *At least five (5) percent of the required trees must be evergreen.(2)Street trees may be included in the calculation for the number of required trees in the parking area.*

**RESPONSE:** As shown on the submitted landscape plan, Sheet L1.0, parking area landscaping with trees includes the following outside of required perimeter landscaping, and the associated parking coverage per the requirements above:

Small Trees	-	13 trees	-	26 spaces
Medium Trees	-	6 trees	-	18 spaces
Large Trees	-	4 trees	-	16 spaces

Accordingly, the applicant is providing trees equivalent to coverage for 60 parking spaces. Thirty-six spaces are provided; therefore, this requirement is met. At least 5% of the required trees, or any combination to cover 2 spaces ( $36 \times 5\% = 1.8$ ), will be evergreens.

*b. Shrubs:*

- (1) *Two (2) shrubs are required per each space.*
- (2) *For spaces where the front two (2) feet of parking spaces have been landscaped instead of paved, the standard requires one (1) shrub per space. Shrubs may be evergreen or deciduous.*

**RESPONSE:** As shown on the submitted landscape plan, Sheet L1.0, parking area landscaping with shrubs includes the following outside of required perimeter landscaping, and the associated parking coverage per the requirements above:

Small Shrubs	-	4 shrubs	-	2 spaces
Medium Shrubs	-	88 shrubs	-	44 spaces
Large Shrubs	-	2 shrubs	-	1 space

Accordingly, the applicant is providing shrubs equivalent to coverage for 47 parking spaces. Thirty-six spaces are provided; therefore, this requirement is met.

*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:** As shown on the submitted landscape plan, Sheet L1.0, parking area landscaping not used for trees or shrubs is proposed to be planted with a variety of ground covers. This requirement has been 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.*
- 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.*
  - (2) *Multi or mixed-uses, institutional and commercial uses: one (1) island for every ten (10) contiguous parking spaces.*
  - (3) *Industrial uses: one (1) island for every twelve (12) contiguous parking spaces.*
- e. *Storm water bio-swales may be used in lieu of the parking landscape areas and may be included in the calculation of the required landscaping amount.*

**RESPONSE:** The applicant is providing 18 parking spaces on the north side of the parking area, and 19 on the south. Accordingly, each side requires 3 landscape islands  $(18(19)/8 = 2.25 (2.375))$  for a total of 6 within the parking area. As shown on the submitted landscape plan, Sheet L1.0, a total of 6 landscape islands are proposed, with 5 meeting the requirements above by being curbed, a minimum width of 5 feet, measuring greater than 90 square feet in area, and being evenly spread out. The 6<sup>th</sup> is located next to the solid waste collection facility, and does not include at least one tree. As such, the applicant has included the landscaping surrounding the storm water facilities located at the west end of the parking area to meet this requirement.

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:** No exceptions to the landscape requirements are requested.

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:** As shown on the submitted landscape plan, Sheet L1.0, parking area landscaping has been limited to shrubs and ground covers at the access point to SW Columbia Street.

- 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:** Mechanical equipment and storage is limited to typical residential uses, including air-conditioning and solid waste and recycling storage. While mechanical equipment is not currently proposed, if located on the roof of the buildings it will be shielded from view through use of a parapet cornice roof design. Outdoor storage of solid waste is located at the south east corner of the site, and is designed to be screened from view of public street by buildings and landscaping, and has been designed in accordance with the requirements of Pride Disposal.

The requirements of this section have been met.

***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.*

*16.94.020 - Off-Street Parking Standards*

A. *Generally*

*Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements*

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

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

Minimum Parking Standard		Maximum Permitted Parking Zone A <sup>1</sup>	Maximum Permitted Parking Zone B <sup>2</sup>
<b>Single, two-family and manufactured home on lot <sup>3</sup></b>	1 per dwelling unit	None	None
<b>Multi-family <sup>4</sup></b>	1 per unit under 500 sf 1.25 per 1 bdr 1.5 per 2 bdr 1.75 per 3 bdr	None	None

...

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

**RESPONSE:** The subject site is located within the Old Cannery Area of the Old Town Overlay District; therefore, the off-street parking requirement is reduced to 65% of the required parking in this section, pursuant to SZCDC 16.162.070.C.

Per the above table, parking requirements are as follows:

Single-family = 1 x 2 = 2 spaces

Multi-family = 8 x 1.25 (1 bdr) + 16 x 1.5 (2 bdr) = 10 + 24 = 34 spaces.

Additionally, as required by Footnote 4 of Table 1, an additional 15% of the required number of parking spaces shall be provided as visitor parking for multi-family residential uses.

Accordingly, the revised base parking requirement is 34 spaces + 15% = 40 spaces (39.1).

As noted previously, the applicant is providing at least two spaces per single family unit in driveways and garages, and a total of 36 spaces within the multi-family portion of the site. SZCDC 16.162.070.C. reduces the minimum parking requirement to 65% of that required by SZCDC 16.94.020 for multi-family development in the Oldtown Overlay Area, therefore actual minimum parking required is 26 (40 x 65% = 26). Minimum parking requirements for the site are met.

**B. Dimensional and General Configuration Standards**

1. *Dimensions. For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent of*



*required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.*

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

...

3. *Wheel Stops*

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

**RESPONSE:** The applicant proposes 36 off-street parking spaces within the multi-family development, accessed off a 24-foot wide 2-way drive aisle. As shown on the Overall Site Plan (Sheet P3.0), the 36 spaces are proposed as follows:

- 2 stalls are proposed as ADA compliant spaces, with a 9-foot width and a 20-foot paved depth (including wheel stops);
- 19 are proposed as standard stalls with a 9-foot width, a 17-foot paved depth and an additional 3-foot bumper overhang over low-lying landscape, providing the 20-foot depth required above and by Table 3: Two-Way Driving Aisle (not shown);
- 6 of the stalls are proposed as standard stalls with a 9-foot width and a 20-foot paved depth (including wheel stops);
- 4 of the stalls are proposed as compact stalls with an 8-foot width and a 20-foot paved depth (including wheel stops); and
- 5 are proposed as compact stalls with an 8-foot width, a 15-foot paved depth and an additional 3-foot bumper overhang over low-lying landscape, providing the 18-foot depth required above and by Table 3: Two-Way Driving Aisle.

The 9 compact stalls represent 25% of the provided spaces ( $36 \times 0.25 = 9$ ), as allowed by this Section.

The requirements of this Section are met.

### *C. Bicycle Parking Facilities*

#### *1. General Provisions*

- a. *Applicability. Bicycle parking spaces shall be provided for new development, changes of use, and major renovations, defined as construction valued at twenty-five (25) percent or more of the assessed value of the existing structure.*
  - b. *Types of Spaces. Bicycle parking facilities shall be provided in terms of short-term bicycle parking and long-term bicycle parking. Short-term bicycle parking is intended to encourage customers and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for at least several hours a weather protected place to park bicycles.*
  - c. *Minimum Number of Spaces. The required total minimum number of bicycle parking spaces for each use category is shown in Table 4, Minimum Required Bicycle Parking Spaces.*
  - d. *Minimum Number of Long-term Spaces. If a development is required to provide eight (8) or more required bicycle parking spaces in Table 4, at least twenty-five (25) percent shall be provided as long-term bicycle with a minimum of one (1) long-term bicycle parking space.*
  - e. *Multiple Uses. When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.*
2. *Location and Design.*
- a. *General Provisions*
    - (1) *Each space must be at least two (2) feet by six (6) feet in area, be accessible without moving another bicycle, and provide enough space between the rack and any obstructions to use the space properly.*
    - (2) *There must be an aisle at least five (5) feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.*
    - (3) *Lighting. Bicycle parking shall be at least as well-lit as vehicle parking for security.*
    - (4) *Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.*
    - (5) *Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" or staple design is appropriate. Alternative, creative designs are strongly encouraged.*

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

*Table 4: Minimum Required Bicycle Parking Spaces*

<i>Use Categories</i>	<i>Minimum Required Spaces</i>
<i>Residential Categories</i>	
<i>Household living</i>	<i>Multi-dwelling — 2 or 1 per 10 auto spaces. All other residential structure types — None</i>

**RESPONSE:** The proposed development will include 24 multi-family units within the Old Town Overlay District. Based on Table 4 above, a total of four short-term bicycle parking

spaces are required. Long Term bicycle parking is not required pursuant to SZCDC 16.94.020.C.1.(d), as less than 8 spaces are required.

As shown on the Overall Site Plan (P3.0) submitted with the application, short term bicycle parking racks providing space for 4 bicycles are located at the southeast corner of the buildings adjacent to the parking area, and at the northeast corner of the westernmost building adjacent to SW Columbia Street.

The requirements of this section have been 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:** The subject development is residential, and no specific loading requirements are specified for residential uses.

#### ***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.*

**B. Maintenance**

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

**C. Joint Access**

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

**D. Connection to Streets**

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

**RESPONSE:** The proposed development has frontage on SW Pine Street, SW Willamette Street, and SW Columbia Street. Sidewalks are proposed along the SW Pine Street and SW Willamette Street frontages to accommodate pedestrians in a safe and convenient manner. The existing sidewalk on SW Columbia may be altered to eliminate parking areas and improvements conflicting with the new driveway access, and will be returned to City standard immediately following driveway construction.

The applicant has provided direct connections to the sidewalk for the 8 ground level units fronting SW Columbia Street, with covered street level entryways linked to the sidewalk. Walkways extend through the center of the site south to the parking areas by way of a breezeway, turning east and west along the front façades of the south facing units, and providing direct access to SW Columbia Street. Each wing of the building is connected via exterior stairs located within a breezeway and elevated walkways for the 2<sup>nd</sup> story units. Bicycle and pedestrian access is also provided through the emergency vehicle access to SW Pine Street from the parking area.

The requirements of this section have been met.

**E. Maintenance of Required Improvements**

*Required ingress, egress and circulation improvements shall be kept clean and in good repair.*

**RESPONSE:** The applicant acknowledges that the owner is responsible for the maintenance of required ingress, egress and circulation improvements related to the proposed development.

*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 applicant is not proposing permanent ingress or egress from SW Pine Street, with emergency vehicle access only being provided. The requirements of this section are met.

*G. Service Drives*

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

**RESPONSE:** The applicant is not proposing a service drive.

The requirements of this section are not applicable.

*16.96.020 Minimum - Residential standards*

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

*A. Driveways*

- 1. Single-Family: One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.*

2. *Two-Family: One (1) shared driveway improved with hard surface pavement with a minimum width of twenty (20) feet; or two (2) driveways improved with hard surface pavement with a minimum width of ten (10) feet each. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.*
3. *Multi-Family: Improved hard surface driveways are required as follows:*

<b>Number of Units</b>	<b>Number of Driveways</b>	<b>One Way Drive Width (Pair)</b>	<b>Two Way Drive Width</b>
3—49	1	15 feet	24 feet

**RESPONSE:** The proposed development is providing a single two-way driveway to serve the multi-family portion of the site. The driveway is 24-feet in width and is located at the northwest corner of the site, with access to SW Columbia Street. Each of the single-family detached residential homes will have individual paved driveways of 10 feet in width. The requirements of this section are met.

*B. Sidewalks, Pathways and Curbs*

4. *Single, Two-Family, and Manufactured Home on Individual Residential Lot: No onsite sidewalks and curbs are required when not part of a proposed partition or subdivision.*

**RESPONSE:** The proposed development has frontage on SW Pine Street, SW Willamette Street, and SW Columbia Street. Sidewalks are proposed along the SW Willamette Street frontages of Parcels 2 and 3, to accommodate pedestrians in a safe and convenient manner. It is anticipated that each dwelling will have a pathway connecting the front door to the sidewalk, either directly or via a paved driveway.

5. *Multi-family:*
  - a. *A system of private pedestrian sidewalks/pathways extending throughout the development site shall connect each dwelling unit to vehicular parking areas, common open space, storage areas, recreation facilities, adjacent developments, transit facilities within five hundred (500) feet of the site, and future phases of development. Main building entrances shall also be connected to one another.*
  - b. *Required private pathways/sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators, on one (1) side of approved driveways connecting to the public sidewalk or curb of the public street that provides required ingress and egress. Curbs shall also be required at a standard approved by the Review Authority.*

- c. *Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick/masonry pavers, or other durable surface, at least five (5) feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump).*
- d. *Exceptions Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.*

**RESPONSE:** As described previously, the proposed development has frontage on SW Pine Street, SW Willamette Street, and SW Columbia Street. Sidewalks are proposed along the SW Pine Street and SW Willamette Street frontages to accommodate pedestrians in a safe and convenient manner. The existing sidewalk on SW Columbia may be altered to eliminate parking areas and improvements conflicting with the new driveway access, and will be returned to City standard immediately following driveway construction.

The applicant has provided direct connections to the sidewalk for the 8 ground level units fronting SW Columbia Street, with covered street level entryways linked to the sidewalk. Walkways extend through the center of the site south to the parking areas by way of a breezeway, turning east and west along the front façades of the south facing units, and providing direct access to SW Columbia Street and the parking area. Each wing of the building is connected via exterior stairs located within a breezeway and elevated walkways for the 2nd story units. All pedestrian ways will consist of a hard, durable surface of at least 5 feet wide. Bicycle and pedestrian access is also provided through the emergency vehicle access to SW Pine Street from the parking area.

The requirements of this section have been met.

*16.96.030 - Minimum Non-Residential Standards*

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

**RESPONSE:** The proposed development is entirely residential; therefore, the requirements of this section are 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.*



*B. Joint Access [See also Chapter 16.108]*

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

*C. Connection to Streets*

*1. Except for joint access per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.*

*2. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.*

*D. Maintenance of Required Improvements*

*Required ingress, egress and circulation improvements shall be kept clean and in good repair.*

*E. Service Drives*

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

**RESPONSE:** The applicant is not proposing any change to general circulation in the surrounding area. Vehicular access to the parking area and solid waste and recycling will be provided via a single two-way driveway access. Based on the existing lot configuration, arterial and neighborhood route access restrictions, and City of Sherwood zoning requirements, permanent 2-way access to the multi-family portion of the site is required to be to SW Columbia Street and located at the north eastern corner of the site. Based on existing development patterns, shared access with the adjoining Cannery Square PUD development is not available. Emergency vehicle access (EVA) only is provided to SW Pine Street.

While an HOA or other property management structure is likely to be established for the management and maintenance of shared spaces, including driveway and parking areas as described above, all use/maintenance/ownership responsibilities will be confirmed prior to Final Land Use Approval.

The requirements of this section have been met.

***Chapter 16.98 - ON-SITE STORAGE***

***16.98.010 - Recreational Vehicles and Equipment***

*Recreational vehicles and equipment may be stored only within designated and improved off-street parking areas. Such areas shall meet the screening and landscaping requirements of Section 16.92.030.*

**RESPONSE:** The proposed development will not provide storage of recreational vehicles or equipment; therefore, the requirements for this section are not applicable.

*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 solid waste and recycling area is located at the south eastern corner of the site, shielded from public view by buildings and/or landscaping. The shared receptacles will be screened by a minimum six (6) foot high sight-obscuring enclosure constructed of materials consistent with those used for the main building, including roofing materials, and painted to match. Pride Disposal have issued a Service Provider Letter for the enclosure, confirming access is available meeting their requirements.

The requirements of this section are met.

*16.98.030 - Material Storage*

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

**RESPONSE:** All service and storage activities other than solid waste and recycling will be located interior to the buildings.

The requirements of this section can be met.

## ***DIVISION VI- PUBLIC INFRASTRUCTURE***

### ***Chapter 16.106 – TRANSPORTATION FACILITIES***

#### ***16.106.020 Required Improvements***

##### ***A. Generally***

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

##### ***B. Existing Streets***

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

**RESPONSE:** The subject site is bordered by SW Pine Street to the west; SW Columbia Street to the north; and by SW Willamette Street to the south. No new public or private streets are proposed as part of this development.

SW Pine Street is a designated arterial. The TSP specifies a 60-foot right-of-way, with 36-foot paved section, including 7-foot parking lanes. In order to align with the existing full width street improvements along SW Pine Street near its intersection with SW Columbia Street, it is likely that approximately 70 feet of non-frontage improvements would be required to be constructed along the frontage of City owned property northwest of the subject property on SW Pine Street. Underdeveloped frontage also exists along the City owned property frontage at the intersection of SW Pine Street and SW Willamette Street. Off-site improvements are generally subject to a higher standard when considering a constitutional analysis of rough proportionality and rational nexus. As the site has no access to SW Pine Street beyond a single emergency vehicle access and is not otherwise able to use this frontage, the applicant has proposed to improve SW Pine Street along its existing alignment with sidewalks at ultimate line and grade and transitions to the existing improvements.

SW Columbia Street is a standard residential street. SW Columbia Street was constructed as part of the Cannery Square improvements and is fully improved along the subject property frontage; therefore, the City has indicated that no frontage improvements are anticipated to be required except as necessary to access the site. A new 2-way driveway is located at the eastern end of the subject property accessing SW Columbia Street. Existing parking stall configuration will need to be modified along SW Columbia Street as necessary to allow for turning movements into the site.

SW Willamette Street is not currently improved to City standards for a neighborhood route. City staff have indicated that SW Willamette Street will likely be required to have an 18-foot-wide paved street section from right-of-way centerline, with a 5-foot-wide landscape strip, 8-foot-wide sidewalk, and 1-foot buffer zone for a total half street right-of-way width of 32 feet. Additional right-of-way would need to be dedicated to achieve the 32-foot half right-of-way width, and the applicant has proposed a 12-foot right-of-way dedication to achieve this standard.

*D. Extent of Improvements*

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

**RESPONSE:** The applicant has proposed improvements to SW Pine Street, SW Willamette Street, and SW Columbia Street in response to SZCDC 16.106.020.A. and B. above. These improvements are subject to appropriate findings from the City that the improvements meet the requirement for a rational nexus between the development and the requested improvement, and that a rough proportionality exists between the exaction and the impact of the development on the facility. All improvements proposed have been designed to be consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards.

*16.106.040 - Design*

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

*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:** The proposed development will be located within an established city block. No new streets are proposed.

*16.106.060 - Sidewalks*

*A. Required Improvements*

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

2. *For Highway 99W, arterials, or in special industrial districts, the City Manager or designee may approve a development without sidewalks if alternative pedestrian routes are available.*
3. *In the case of approved cul-de-sacs serving less than fifteen (15) dwelling units, sidewalks on one side only may be approved by the City Manager or designee.*

**B. Design Standards**

**1. Arterial and Collector Streets**

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

**2. Local Streets**

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

**3. Handicapped Ramps**

*Sidewalk handicapped ramps shall be provided at all intersections.*

**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:** The applicant has proposed improvements to SW Pine Street, SW Willamette Street, and SW Columbia Street in response to SZCDC 16.106.020.A. and B. above. Proposed sidewalk improvements include SW Pine Street along the site frontage at ultimate line and grade with transitions to the existing improvements; a half-street improvement along the SW Willamette Street frontage including an 8-foot-wide sidewalk behind planter strips; and necessary work to repair existing sidewalk at the proposed access point along SW Columbia Street. All improvements proposed have been designed to be consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards and ADA requirements.

**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.*

#### *16.110.020 - Design Standards*

##### *A. Capacity*

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

##### *B. Over-Sizing*

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

#### *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:** A Preliminary Composite Utility plan has been submitted with this land use application. As shown on the plan, a 12-inch diameter public sanitary sewer line is located along the subject property frontage of SW Willamette Street, and an 8-inch diameter public sanitary sewer along the subject property street frontage of SW Columbia Street. Parcel 1, supporting the multifamily units, will extend a lateral line to connect to the system in SW Columbia Street, while the single-family Parcels 2 and 3 will have individual lateral connections to SW Willamette Street. All surrounding properties in this area have public sanitary sewer service or access to public sanitary sewer service, therefore no extension of the existing sanitary sewer system is anticipated

The requirements of this section have been 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.*

#### *16.112.020 - Design Standards*

##### *A. Capacity*

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

##### *B. Fire Protection*

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

##### *C. Over-Sizing*

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

#### *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:** A Preliminary Composite Utility plan has been submitted with this land use application. A 12-inch diameter public water main is located along the street frontage of SW Pine Street and SW Willamette Street, and an 8-inch diameter public water main is located along the street frontage of SW Columbia Street. Parcel 1 will provide 2 connections to the 8” main in SW Columbia Street to serve the multifamily units, while service to Parcels 2 and 3 will be provided via individual connections to the 12” main in SW Willamette Street. All surrounding properties in this area have public water service or access to public water service, therefore no extension of the existing water system is anticipated.

The requirements of this section have been met.

### ***Chapter 16.114 - STORM WATER***

#### *16.114.010 - Required Improvements*

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

#### *16.114.020 - Design Standards*

##### *A. Capacity*

*Storm water drainage systems shall be sized, constructed, located, and installed at standards consistent with this Code, the Storm Drainage Master Plan Map, attached as Exhibit E, Chapter 7 of the Community Development Plan, other applicable City standards, the Clean Water Services Design and Construction standards R&O 04-9 or its replacement, and hydrologic data and improvement plans submitted by the developer.*

##### *B. On-Site Source Control*

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

##### *C. Conveyance System*

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



*16.114.030 - Service Availability*

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

**RESPONSE:** The applicant has submitted a Preliminary Storm Drainage Report (PSDR) and Composite Utility Plan with the application, confirming compliance with the requirements of this section and Clean Water Services Design and Construction Standards. As described in further detail in the PSDR, the project will treat its collected runoff through a combination of LIDA planters, rain gardens, and proprietary single-cartridge stormfilter catch basins. Underground Stormtech detention chambers will provide detention for the site. The proposed storm drainage system will convey runoff into an existing 27” public main located in SW Pine Street. The new impervious area within public right-of-way created by widening SW Willamette Street and installing new sidewalks, as well as impervious areas modified by installing driveway approaches, are not collected and will not be treated with this project. However, an existing downstream public water quality facility located on SW Columbia Street adjacent to the railroad treats surface water from the downtown area.

The requirements of this section have been 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.*

*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.*

**B. Fire Flow**

*Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty (20) pounds per square inch residual*

*pressure. Water supply for fire protection purposes shall be restricted to that available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists.*

*C. Access to Facilities*

*Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.*

*D. Hydrants*

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

*16.116.030 - Miscellaneous Requirements*

*A. Timing of Installation*

*B. When fire protection facilities are required, such facilities shall be installed and made serviceable prior to or at the time any combustible construction begins on the land unless, in the opinion of the Fire District, the nature or circumstances of said construction makes immediate installation impractical.*

*C. Maintenance of Facilities*

*D. All on-site fire protection facilities, shall be maintained in good working order. The Fire District may conduct periodic tests and inspection of fire protection and may order the necessary repairs or changes be made within ten (10) days.*

*E. Modification of Facilities*

*On-site fire protection facilities, may be altered or repaired with the consent of the Fire District; provided that such alteration or repairs shall be carried out in conformity with the provisions of this Chapter.*

**RESPONSE:** The proposed development is located within 250 feet from an adequate water supply for fire protection. All fire protection facilities will be designed to meet the specifications of the Fire District, including access and maintenance, consistent with this Code.

The requirements of this section have been met.

## **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, and applicable utility company and City standards.*
- B. Public utility easements shall be a minimum of eight (8) feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.*
- C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).*
- D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.*
- E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.*
- F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.*

### *16.118.030 - Underground Facilities*

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

**RESPONSE:** No overhead utility services exist along the site frontages; therefore, the applicant will not be required to relocate these utilities, and no overhead service is proposed. New utilities serving the site will be located within appropriate easements, as required by these Sections.

***Division VII. - LAND DIVISIONS, SUBDIVISIONS, PARTITIONS, LOT LINE ADJUSTMENTS AND MODIFICATIONS***

***Chapter 16.122 - LAND PARTITIONS***

*16.122.010 – Generally*

***A. Approval Required***

*A tract of land or contiguous tracts under a single ownership shall not be partitioned into two (2) or more parcels until a partition application has been approved by the City Manager or his/her designee.*

***B. City Action***

*The City Manager or his/her designee shall review the partition applications submitted in accordance with Section 16.70 and shall approve, approve with conditions or deny the application.*

**RESPONSE:** This submittal includes a partition application, payment of the appropriate fee, and all applicable supporting materials as required by this section. The applicant requests this approval in order to partition the site into 3 parcels.

*16.122.020 - Approval Criteria: Preliminary Plat*

*Partitions shall not be approved unless:*

***A. The partition complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX, and complies with Chapter 16.128 (Land Division Design Standards).***

**RESPONSE:** This narrative demonstrates that the request complies with the applicable standards listed above, with the exception of the area of Parcel 1, which is proposed to support 24 residential units in a single multi-family building with four residential wings. In accordance with the requirements of the HDR zone, the minimum required lot area for Parcel 1 is 8,000 square feet (first 2 units) + 33,000 square feet (22 x 1,500 square feet) = 41,000 square feet. As proposed, Parcel 1 measures 40,157 square feet, and therefore does not meet the minimum lot size requirement. Accordingly, the applicant has requested an adjustment to the minimum lot size for Parcel 1 as allowed under Section 16.84.030.C., being a 2.05 % (843 square feet) reduction in the minimum lot size for 24 multi-family units.

***B. The partition dedicates to the public all required common improvements and areas including but not limited to streets, parks, floodplains, and sanitary sewer, storm water, and water supply systems.***

**RESPONSE:** The subject site includes frontage to SW Columbia Street (Standard Residential) to the north, SW Pine Street (Collector) to the west, and SW Willamette Street (Neighborhood Route) to the south. SW Pine Street and SW Columbia Street both have sufficient right-of-way meeting the requirements of the City of Sherwood Engineering Design and Standard Details Manual. Right-

of-Way along the SW Willamette Street frontage is insufficient; therefore, an additional 12-foot right-of-way dedication is shown on plans and the Preliminary Plat (Sheet P0.2) to create the necessary 32-foot half street width for a neighborhood route.

All necessary easements for access and utility services are

- C. *Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land, as determined by the City and are in compliance with City standards. For the purposes of this section:*
1. *Connection to the City water supply system shall be deemed to be adequate water service.*
  2. *Connection to the City sewer system shall be deemed to be adequate sanitary sewer service if sewer lines are within three-hundred (300) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within three-hundred (300) feet.*
  3. *The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.*

**RESPONSE:** As described in response to the applicable Chapters of Division VI - Public Infrastructure, above, required services are available to the site and will be provided in accordance with City standards.

- D. *Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.*

**RESPONSE:** Land adjoining the site is either fully developed with its own individual access, or is located such that access is not required to be provided over the subject site.

- E. *Future Development Ability*

*In addition to the findings required by Section 16.122.010, the City Manager or his/her designee must find, for any partition creating lots averaging one (1) acre or more, that the lots may be re-partitioned or resubdivided in the future in full compliance with the standards of this Code. The City Manager or his/her designee may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If re-partitioning or resubdividing in full compliance with this Code is determined not to be feasible, the City Manager or his/her designee shall either deny the proposed partition, require its redesign, or make a finding and condition of approval that no further partitioning or subdivision may occur, said condition to be recorded against the property.*

**RESPONSE:** No lots in this development will exceed 1 acre, and accordingly the average lot size is below 1 acre. This standard is not applicable.

*16.122.030 - Final Partition Plat*

*By means of a Type I procedure, the City shall review the final plat based on findings regarding compliance with the following criteria:*

**RESPONSE:** Following preliminary approval, the applicant will submit a final approval application as appropriate, in accordance with the standards of this section.

***Chapter 16.128 - LAND DIVISION DESIGN STANDARDS***

*16.128.010 – Blocks*

*A. Connectivity*

*1. Block Size*

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

*2. Block Length*

*Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.*

*3. Pedestrian and Bicycle Connectivity.*

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

**RESPONSE:** The subject site includes frontage to SW Columbia Street (Standard Residential) to the north, SW Pine Street (Collector) to the west, and SW Willamette Street (Neighborhood Route) to the south. The subject development does not have the ability to influence these existing block and circulation patterns.

SW Pine Street and SW Columbia Street both have sufficient right-of-way meeting the requirements of the City of Sherwood Engineering Design and Standard Details Manual. Right-of-Way along the SW Willamette Street frontage is insufficient; therefore, an additional 12-foot right-of-way dedication is shown on plans and the Preliminary Plat (Sheet P0.2) to create the necessary 32-foot half street width for a neighborhood route. New sidewalks are proposed along the SW Pine Street and SW Willamette Street frontages to accommodate pedestrians in a safe and convenient manner. The existing sidewalk on SW Columbia may be altered to eliminate parking areas and improvements conflicting with the new driveway access, and will be returned to City standard immediately following driveway construction.

*B. Utilities*

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

*C. Drainages*

*Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.*

**RESPONSE:** As described in response to the applicable Chapters of Division VI - Public Infrastructure, above, required services are available to the site and will be provided in accordance with City standards, including appropriate easements. The existing wetland on site is to be filled as part of this development; no other water areas are present on the site.

*16.128.020 - Pedestrian and Bicycle Ways*

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

**RESPONSE:** The subject site includes frontage to SW Columbia Street (Standard Residential) to the north, SW Pine Street (Collector) to the west, and SW Willamette Street (Neighborhood Route) to the south. The subject development does not have the ability to influence these existing block and circulation patterns, and the SZCDC does not require additional public connections. Pedestrian pathways are provided internal to the site as required.

*16.128.030 – Lots*

*A. Size and Shape*

*Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision or partition, and shall comply with applicable zoning district requirements, with the following exception:*

- 1. Lots in areas not served by public sewer or water supply shall conform to any special County Health Department standards.*

*B. Access*

*All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68.*

*C. Double Frontage*

*Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.*

**D. Side Lot Lines**

*Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.*

**E. Grading**

*Grading of building sites shall conform to the following standards, except when topography of physical conditions warrants special exceptions:*

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

**RESPONSE:** The subject site includes frontage to SW Columbia Street (Standard Residential) to the north, SW Pine Street (Collector) to the west, and SW Willamette Street (Neighborhood Route) to the south. No double frontage lots are being created, and the partition has been designed in accordance with the requirements of the SZCDC, as shown on the Preliminary Plat (Sheet P0.2). All grading on the site will be undertaken in accordance with the requirements of Clean Water Services, the SZCDC, and the City of Sherwood's Engineering Design Manual. See Sheet 2.0 – Preliminary Grading and Erosion Control Plan for further details.

***DIVISION VIII. – ENVIRONMENTAL RESOURCES***

***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).*

***16.142.020 - Multi-Family Developments***

**A. Standards**

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



1. *Open Space*

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

2. *Recreation Facilities*

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

3. *Minimum Standards*

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

4. *Terms of Conveyance*

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

**RESPONSE:** Sheet 4.0 – Common Area Plan, of the submitted plan set identifies the location of open space within the multi-family portion of the development, exceeding the minimum 20% requirement of this Section.

As shown on the Common Area Plan, open space within the site is provided in 6 areas, with each located to be readily accessible for use by all residents of the development, as follows:

- 516 square feet adjacent to SW Columbia Street;
- 1049 square feet located between buildings extending from SW Columbia Street to the parking area south of the buildings;
- 220 square feet located on the 2<sup>nd</sup> floor elevated walkway;
- 2,640 square feet in two areas running east to west between buildings; and
- 3,978 square feet at the west end of the parking area, incorporating the planted storm facilities and emergency vehicle access.

In total, 8,031 square feet of open space is required, and 8,403 square feet are being provided. Several of the open space areas provide opportunities for more passive recreation such as

seating, including both quiet seating and relaxation areas (between buildings extending from SW Columbia Street to the parking area; 2<sup>nd</sup> floor elevated areas; planted storm facilities) and more active areas for observing pedestrian and street activities (adjacent to SW Columbia Street). Active recreation areas equaling 4,340 square feet (52%) are provided running east to west between buildings, and within and adjacent to the emergency vehicle access. Between the buildings, recreational opportunities include walking paths; paved exercise areas; gathering spaces for social activities, and planted areas suitable for small scale gardening. The largest active recreation area is that located within and adjacent to the emergency vehicle access. This area is not available for vehicular use, with the infrequent exception of emergency vehicles, and access will be limited to the extent allowed by the Fire Marshal. The area will be paved to provide an attractive space differentiated from the parking and access areas of the site, and provides a rare opportunity for a large, active all-weather play space for activities from passing a ball, street hockey, basketball or pickle ball, to yoga, snowman building and other aerobic exercises. Attractive landscaping and seating adjacent to the emergency vehicle access area will complement the activities available, while also providing an opportunity to observe the habitat provided by the planted storm facilities.

It is also noted that in addition to the on-site open space, residents will enjoy close proximity to other recreational opportunities in downtown Sherwood including the Library, Sherwood Center for the Arts, and Cannery Square, providing an even greater range of options within a short walking distance.

Maintenance of common open space areas will be by a Condo Association or other legal ownership or management entity established at the time of development.

#### *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:*

**RESPONSE:** The proposed development is located within the Old Town Overlay; therefore, the requirements of this section are not applicable.

#### *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 areas that have been designated on the Natural Resources and Recreation Plan Map; therefore, the requirements of this section are 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 will be provided as needed along the frontage of all 3 street frontages as shown on the submitted Landscape Plan, Sheet L1.0, consistent with the requirements of this section.

*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.*

**RESPONSE:** Street trees will be provided as needed along the frontage of all 3 street frontages as shown on the submitted Landscape Plan, Sheet L1.0, consistent with the requirements of this section. While several trees are proposed for removal from the SW Pine Street frontage, these are not specifically planted street trees, and conflict with the proposed emergency vehicle access and required street and utility improvements. A single existing street tree will be removed from the SW Columbia Street frontage in order to provide access to the site.

C. *Homeowner's Association Authorization.*

*The Planning Commission may approve a program for the adoption, administration and enforcement by a homeowners' association (HOA) of regulations for the removal and replacement of street trees within the geographic boundaries of the association.*

**RESPONSE:** The establishment of an HOA beyond the boundaries of the site is not proposed.

The requirements of this section are not applicable.

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.*

E. *Notwithstanding any other provision in this section, the city manager or the manager's designee may authorize the removal of a street tree in an emergency situation without a tree removal permit when the tree poses an immediate threat to life, property or utilities. A decision to remove a street tree under this section is subject to review only as provided in ORS 34.100.*

**RESPONSE:** As described above, street trees will be provided as needed along the frontage of all 3 street frontages as shown on the submitted Landscape Plan, Sheet L1.0, consistent with the requirements of this section.

F. *Trees on Private Property Causing Damage.*

*Any tree, woodland or any other vegetation located on private property, regardless of species or size, that interferes with or damages public streets or utilities, or causes an unwarranted increase in the maintenance costs of same, may be ordered removed or cut by the City Manager or his or her designee. Any order for the removal or cutting of such trees, woodlands or other vegetation, shall be made and reviewed under the applicable City nuisance abatement ordinances.*

G. *Penalties. The abuse, destruction, defacing, cutting, removal, mutilation or other misuse of any tree planted on public property or along a public street as per this Section, shall be subject to the penalties defined by Section 16.02.040, and other*

*penalties defined by applicable ordinances and statutes, provided that each tree so abused shall be deemed a separate offense.*

**RESPONSE:** The applicant is not aware of any trees located on private property causing damage, although it is noted that trees located in the right-of-way immediately adjacent to the SW Pine Street frontage are to be removed to avoid conflict with existing and proposed access and utilities.

*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 is currently vacant, with a small isolated wetland and predominantly overgrown and invasive vegetation. As demonstrated in the Natural Resource Assessment prepared by Pacific Habitat Services and submitted with this application, the existing habitat conditions on site are considered “Marginal” as defined by CWS. As further described in the alternatives analysis in the Habitat Assessment, due to the irregular nature of the site and the location of the wetland and surrounding vegetation in its center, the site would be unable to be developed in accordance with the standards of the HDR zone with the retention of onsite vegetation, which once substantial clearing has occurred, can become vulnerable to disease and high winds. It is noted that the landscape plans include the planting of approximately 48 trees on the site, along with shrubs and groundcovers, which will replace the existing primarily invasive species on the site. In addition to the proposed landscaping, mitigation for wetland and vegetated corridor impacts will include the purchase of wetland credits from a wetland mitigation bank, and participation in the CWS Payment to Provide for Mitigation program.

*16.142.090 - Recommended Street Trees*

A. *Recommended Street Trees:*

B. *Recommended Street Trees under Power Lines:*

C. *Prohibited Street Trees:*

- D. *Alternative Street Trees: Trees that are similar to those on the recommended street tree list can be proposed provided that they are non-fruit bearing, non-invasive and not listed on the prohibited street tree list. A letter from a certified arborist must be submitted, explaining why the tree is an equivalent or better street tree than the recommended street trees that are identified in this section.*

**RESPONSE:** As described above, street trees will be provided as needed along the frontage of all 3 street frontages as shown on the submitted Landscape Plan, Sheet L1.0, consistent with the requirements of this section. Tree species shown on the Landscape Plan have been selected to be consistent with the requirements above. No overhead powerlines are present along any of the 3 site frontages.

#### **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.*

##### *16.144.020 – Standards*

- A. *The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development. A facility complies with this standard if it complies with the criteria of subsections A.1.a and A.1.b, below:*
1. *The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by an area determined by the Clean Water Services Design and Construction Standards R&O 00-7 or its replacement provided Section 16.140.090 does not require more than the requested setback.*
    - a. *A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.*
    - b. *Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.*
    - c. *A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.*



**RESPONSE:** As described previously, the site is currently vacant with a small isolated wetland lying in a predominantly east-west direction across the site. It is noted that the wetland is not identified on Metro's Regionally Significant Fish & Wildlife Habitat Inventory Maps, or included in the Oregon Department of State Lands approved local wetlands inventory. Pacific Habitat Services has delineated the resource areas onsite, and has prepared a Natural Resource Assessment as part of obtaining a Sensitive Areas Service Provider Letter (SPL) from Clean Water Services, which is submitted with this application (CWS File No. 21-002995). The Habitat Assessment was prepared in compliance with the requirements of the current CWS Design and Construction Standards. The applicant proposes to fill the on-site wetland as part of the development in accordance with Section 16.144.020.A. 2 below., which also removes the surrounding vegetated corridor (VC).

2. *If existing wetlands are proposed to be eliminated by the facility, the applicant shall demonstrate that the project can, and will develop or enhance an area of wetland on the site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.*

**RESPONSE:** In preparing the Natural Resource Assessment, PHS undertook a function and values assessment of the sensitive areas and VC on site as part of a Tier 2 analysis. As described by PHS, portions of the wetland appear to store surface waters seasonally, promoting nutrient uptake, sediment deposition, and pollutant assimilation. These water quality functions are very localized, and have limited effect on downstream resources since there is no direct connection to downstream waters or wetlands. The wetlands and associated VC consist of trees and shrubs throughout their boundaries, which likely provide nesting opportunities for birds. Additionally, the wetland may provide forage or habitat for common species such as deer, rodents and other small mammals. Wildlife functions provided by the wetland are likely limited, however due to the wetland's proximity to developed areas and roadways. Fish are not present within the wetland. The wetland's vegetation contains some invasive nuisance plants, including Himalayan blackberry and English Ivy. Tree canopy is present in most areas, but species across all strata are predominantly non-native.

The Natural Resources Assessment also includes a Type 2 Alternatives Analysis. The Alternatives Analysis found that the site would be unable to be developed in accordance with the standards of the HDR if the wetland and buffer areas are retained, and therefore there is no practicable alternative to the proposed wetland impact. Mitigation for permanent impacts to sensitive areas will be provided through DSL and COE permit requirements, as outlined in Section 5.1 of the Natural Resources Assessment. Mitigation for the proposed wetland impact will be met through the purchase of wetland credits from a wetland mitigation bank, while mitigation for VC encroachment associated with the wetland impact area will be addressed through the CWS Payment to Provide for Mitigation program, in accordance with CWS Design and Construction Standards.

The requirements of this Section are met.

### ***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 subject development is residential in nature, rather than commercial, industrial, or institution. This section is not applicable.

### ***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.*

#### *16.148.020 - Exceptions*

*This Chapter does not apply to vibration caused by construction activities including vehicles accessing construction sites, or to vibrations caused by automobiles, trucks, trains, aircraft, and other similar vehicles when said vehicles are properly maintained and operated and are using properly designated rights-of-way, travelways, flight paths or other routes. Nothing in this Chapter shall preclude the City from abating any vibration problem as per applicable City nuisance and public safety ordinances.*

**RESPONSE:** The subject development is residential in nature, rather than commercial, industrial, or institution. This section is not applicable.

### ***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:** The subject development is residential in nature, rather than commercial, industrial, or institution. This section is not applicable.

## **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.*

### *16.152.030 - Exceptions*

*Nothing in this Chapter shall preclude the City from abating any odor problem as per applicable City nuisance and public safety ordinances.*

**RESPONSE:** The subject development is residential in nature, rather than commercial, industrial, or institution. This section is not applicable.

## **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.*

### *16.154.020 - Exceptions*

*Nothing in this Chapter shall preclude the City from abating any heat and glare problem as per applicable City nuisance and public safety ordinances.*

**RESPONSE:** The subject development is residential in nature, rather than commercial, industrial, or institution. This section is not applicable.

## **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.*

*16.156.020 - Standards*

- A. Building Orientation - The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.*
- B. Wind - The cooling effects of prevailing summer breezes and shading vegetation shall be accounted for in site design. The extent solar access to adjacent sites is not impaired vegetation shall be used to moderate prevailing winter wind on the site.*

*16.156.030 - Variance to Permit Solar Access*

*Variances from zoning district standards relating to height, setback and yard requirements approved as per Chapter 16.84 may be granted by the Commission where necessary for the proper functioning of solar energy systems, or to otherwise preserve solar access on a site or to an adjacent site.*

**RESPONSE:** The proposed development has been designed to have the long axis of 50% of the units facing south, with no structures located between the south building wall and the parking area in order to enable unobstructed sunlight to reach the front of these units. The remaining units are also oriented so the maximum wall area is south facing, while still providing an active pedestrian street scape along the frontage of SW Columbia Street. The separation between the north and south wings of the building of approximately 20 feet is also anticipated to allow significant sunlight to reach the upper floors of the remaining units.

Site Landscaping has been designed to provide cooling shade to impervious surfaces such as the parking areas, drive aisle, and patios, whilst maximizing solar access from the south.

The requirements of this section have been met.

***DIVISION IX. – HISTORIC RESOURCES***

***Chapter 16.162 - OLD TOWN (OT) OVERLAY DISTRICT***

*16.162.010 - Purpose*

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

*The OT zoning district is an overlay district generally applied to property identified on the Old Town Overlay District Map, and applied to the Sherwood Plan and Zone Map in the Smockville Subdivision and surrounding residential and commercial properties,*

*generally known as Old Town. The OT overlay zone recognizes the unique and significant characteristics of Old Town, and is intended to provide development flexibility with respect to uses, site size, setbacks, heights, and site design elements, in order to preserve and enhance the area's commercial viability and historic character. The OT overlay zone is designated a historic district as per Chapters 16.166 and 16.168. Furthermore, the OT District is divided into two distinct areas, the "Smockville" and the "Old Cannery Area," which have specific criteria or standards related to architectural design, height, and off-street parking.*

**RESPONSE:** The subject site is located within the Old Town Overlay District, and is further located with the "Old Cannery Area". As described above, these standards are generally applied to property identified on the Old Town Overlay District Map, and applied to the Sherwood Plan and Zone Map in the Smockville Subdivision. These standards have been addressed within this narrative, to the extent that they relate to residential development within the Old Cannery Area.

*16.162.020 - Objectives*

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

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

**RESPONSE:** The proposal is for 24 multi-family units, with two-single family detached lots. The multi-family units. Twelve of the units are located to front to SW Columbia Street, the primary pedestrian street, with 8 units having direct access to the street via a primary covered entrance. The multi-family units are consistent with the zoning for the area, and compliment the existing Old Cannery PUD Development. With Sherwood Cannery Square located opposite the site, the units provide density and support for community activities in the Old Town area such as the Sherwood Saturday Market, and close proximity to the Sherwood Center for the Arts, City Hall, and the Sherwood Library.

The detached single-family lots are designed to be consistent with the adjoining single family detached homes adjoining the site to the south east, and the Medium Density Residential Low zoning on the south side of SW Willamette Street. This provides a consistent streetscape along the Willamette Street frontage, along with screening and buffering of the higher density residential and retail commercial developments to the north.

The requirements of this section have been met.

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

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

**RESPONSE:** Parcel 1, the multi-family parcel, will support a single multi-family building with four residential wings. Each wing consists of two- and three-story's, with 6 apartment units per wing. Each of the 4 wings will include 2 ground floor studio/1-bedroom units located on the interior wall of each building and 4 two-story units, with 2 located at the outside edge of each wing, and 2 above the studio/1-bedroom units. The result is an attractive multi-family development with a two-story height at the outside edges, stepping up to three-story at the center of the site, reducing the bulk and mass of buildings at the property line, and creating a varied and interesting streetscape.

While not subject to specific design criteria, the proposed multi-family building has been designed to be consistent with the Sherwood Old Town historical style. Each wing will be constructed with a combination of Cedar Mill Hardie Plank Lap Siding, one of 4 different brick options or cement plaster, with substantial ground floor glazing grouped along the first-floor frontage and well-defined pedestrian entryways with awnings and decorative metal posts. A 24-inch-tall horizontal band is located at the building base, and will be differentiated using color or materials. All proposed colors are earth toned, as shown in the materials sheet submitted with the architectural building elevations. The buildings are divided using vertical detailing of individual units, providing vertical rhythm, with an overall symmetry provided along Columbia Street between both units and buildings. The building wings each feature a prominent base, stringcourse detailing between the first and second floors and detailing of the parapet cornice roof to provide a horizontal element. The windows on the façade are single hung and oriented vertically, and include interior grids to provide additional interest.

An isolated wetland on the site has been delineated by Pacific Habitat Services, and will be filled as part of this development. As mitigation, the applicant will purchase credits in a local mitigation bank to develop or enhance an area of wetland in the same drainage basin that is at least equal to the area and functional value of the wetland eliminated. The requirements of this section have been met.

*16.162.030 - Permitted Uses*

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

- A. *Uses permitted outright in the RC zone, Section 16.28.020; the HDR zone, Section 16.20.020; and the MDRL zone, Section 16.16.020; provided that uses permitted outright on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by this Section and Section 16.162.040.*

**RESPONSE:** The proposed development will include a combination of multi-family residential and single-family detached residential. All proposed uses are allowed outright in the HDR zone.

*16.162.060 - Dimensional Standards*

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

- A. *Lot Dimensions - Minimum lot area (RC zoned property only): Twenty-five hundred (2,500) square feet.*
- B. *Setbacks - Minimum yards (RC zoned property only): None, including structures adjoining a residential zone, provided that Uniform Building Code, Fire District regulations, and the site design standards of this Code, not otherwise varied by this Chapter, are met.*

**RESPONSE:** The subject site is located in the HDR zone, and is there not subject to the requirements of this section.

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

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

*Minimum height: A principal building in the RC and HDR zones must be at least sixteen (16) feet in height.*

**RESPONSE:** The proposed development will be a two-to three-story residential building with a maximum height of 33 feet, and a minimum height of 24 feet, as shown on the submitted architectural elevations.

The requirements of this section have been met.

- D. *Coverage - Home occupations permitted as per Chapter 16.42 and Section 16.162.030 may occupy up to fifty percent (50%) of the entire floor area of all buildings on a lot.*

**RESPONSE:** Home occupations are not proposed as a part of this development.

The requirements of this section are not applicable.

#### *16.162.070 - Community Design*

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

- A. *Generally*

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

*B. Landscaping for Residential Structures*

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

**RESPONSE:** The proposed development will be residential in nature, and is not proposed to include home occupations at this time. The site is landscaped to meet the applicable parking area and perimeter landscaping requirements of Section 16.92.030, as demonstrated throughout this narrative and the Landscape Plan, Sheet L1.0, submitted with this application.

*C. Off-Street Parking*

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

**RESPONSE:** SZCDC 16.94.020 requires a minimum of 40 off-street spaces to serve the multi-family units. Thirty-six parking spaces are provided. SZCDC 16.162.070.C. reduces the minimum parking requirement to 65% of that required by SZCDC 16.94.020, therefore actual minimum parking required is 26 ( $40 \times 65\% = 26$ ). The requirements of this section are met.

*D. Off-Street Loading*

- 1. Off-street loading spaces for commercial uses in the "Old Cannery Area" may be shared and aggregated in one or several locations in a single block, provided that the minimum area of all loading spaces in a block, when taken together, shall not be less than sixty-five percent (65%) of the minimum standard that is otherwise required by Section 16.94.030B.*
- 2. For all property and uses within the "Smockville Area" of the Old Town Overlay District, off-street loading is not required.*



**RESPONSE:** The subject development is residential in nature and is located within the “Old Cannery Area” of the Old Town Overlay District, therefore this section is not applicable.

- E. Signs - In addition to signs otherwise permitted for home occupations, as per Section 16.42.010, one (1) non-illuminated, attached, exterior sign, up to a maximum of nine (9) square feet in surface area, may be permitted for each approved home occupation.*
- F. Non-conforming Uses - When a nonconforming lot, use, or structure within the OT overlay zone has been designated a landmark as per Chapter 16.166, or when a nonconforming lot within the OT overlay zone is vacant, and the proposed change will, in the City's determination, be fully consistent with the goals and standards of the OT overlay zone and other City guidelines to preserve, restore, and enhance historic resources, nonconforming use restrictions contained in Chapter 16.48 may be waived by the Commission.*

**RESPONSE:** The applicant is not proposing any non-conforming uses or home occupations with this land use application; therefore, the requirements of these sections are not applicable.

- G. Downtown Street Standards - All streets shall conform to the Downtown Street Standards in the City of Sherwood Transportation System Plan and Downtown Streetscape Master Plan, and as hereafter amended. Streetscape improvements shall conform to the Construction Standards and Specifications, and as hereafter amended.*

**RESPONSE:** The applicant has submitted a site plan showing the proposed frontage improvements consistent with the requirements of this section. See Sheets P0.0 and P3 of the submitted plan set.

The requirements of this section have been met.

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

**RESPONSE:** The applicant has submitted a color palette with this land use application. The building’s proposed color palette will be neutral earth-toned.

The requirements of this section have been met.

*16.162.080 - Standards for All Commercial, Institutional and Mixed-Use Structures in the Old Cannery Area.*

*The standards in this section apply to development of all new principal commercial, institutional and mixed-use structures in the "Old Cannery Area" of the Old Town Overlay District. These standards also apply to exterior alterations in this zone, when the exterior alteration requires full compliance with the requirements of applicable building codes.*

**RESPONSE:** The development includes only residential uses in a residential area. As such, the requirements of this section are not applicable.

## **Chapter 16.168 - LANDMARK ALTERATION**

### *16.168.020 - Alteration Standards*

*The following general standards are applied to the review of alteration, construction, removal, or demolition of designated landmarks that are subject to this Chapter. In addition, the standards and guidelines of any applicable special resource zone or historic district shall apply. In any landmark alteration action, the Landmarks Advisory Board shall make written findings indicating compliance with these standards.*

#### *1. Generally*

- A. Every reasonable effort has been made by the property owner, in the City's determination, to provide a use of the landmark which requires minimal alteration of the structure, site, or area.*
- B. In cases where the physical or structural integrity of a landmark is questionable the proposed alterations are the minimum necessary to preserve the landmarks physical or structural integrity, or to preserve the feasibility of the continued occupation, or use of the landmark given its structural condition.*
- C. In cases where the landmark has been significantly altered in the past, that it is technically feasible to undertake alterations tending to renovate, rehabilitate, repair or improve the landmark to historic standards given those prior alterations.*
- D. The compatibility of surrounding land uses, and the underlying zoning designation of the property on which the historic resource is sited, with the historic resources continued use and occupation, and with the renovation, rehabilitation, repair, or improvement of the resource to historic standards.*
- E. Alterations shall be made in accordance with the historic character of the landmark as suggested by the historic resources inventory and other historic resources and records. Alterations to landmarks within special historic districts shall, in addition, be made in accordance with the standards and guidelines of that zone or district.*
- F. Alterations that have no historic basis and that seek to create a thematic or stylistic appearance unrelated to the landmark or historic district's architectural history and vernacular based on the original architecture or later architecturally or historically significant additions shall not be permitted.*

**RESPONSE:** The subject site is currently vacant; therefore, the guidelines of this section have been applied as they relate to new development within the Old Town Overlay District. The proposed residential structures are compatible with the surrounding neighborhood, which has a mixture of commercial and high density, medium density, and low-density residential uses. The design of the overall development is consistent with the standards of Section 16.162.

The requirements of this section have been met.

## 2. *Architectural Features*

- A. *The distinguished original qualities or character of a landmark shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided. Distinctive stylistic or architectural features or examples of skilled craftsmanship which characterize a landmark shall be preserved.*
- B. *Deteriorated architectural features shall be restored wherever possible. In the event replacement is necessary, the new materials should match the material being replaced in composition, design, color, texture, and other visual qualities.*
- C. *Repair or replacement of missing architectural features should be based, wherever possible, on accurate duplications of said features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.*
- D. *The surface cleaning of landmarks shall be undertaken using methods generally prescribed by qualified architects and preservationists. Sandblasting and other cleaning methods that will damage historic building materials shall not be undertaken.*
- E. *Contemporary design for alterations and additions to landmarks may be allowed when such alterations and additions do not, in the City's determination, destroy significant historical, architectural, or cultural features, and such design is compatible with the size, scale, color, material, and character of the designated landmark or historical district.*
- F. *Whenever possible, new additions or alterations to landmarks shall be done in such a manner that, if such additions or alterations were removed in the future, the historic form and integrity of the landmark would be unimpaired.*

**RESPONSE:** The subject site is currently vacant; therefore, the guidelines of this section have been applied as they relate to new development within the Old Town Overlay District. The proposed residential units are consistent with the standards of Section 16.162.

The requirements of this section have been met.

### *16.168.030 - Variances to Alteration Standards*

#### *Generally*

- A. *Any variances to landmark alteration standards shall be considered as per Chapter 16.84, provided, however, that the Landmarks Advisory Board shall first receive and consider a report and recommendation from city staff, in addition to considering the criteria specified in subsection B of this Section. Variances to landmark alteration standards, as per Chapter 16.84, shall be considered only if the landmark has been subject to the full landmark alteration review procedure as per Section 16.168.010.*

- B. In any variance action, the Landmarks Advisory Board shall give full consideration and weight to the importance of the landmark, its classification and designation as a landmark, the standards and guidelines of any applicable special historic resource zones or designated historic districts, the standards of this Section, and to any adverse economic or visual impacts and any variance on adjacent landmarks, special historic resource zones, or designated historic districts.*

**RESPONSE:** The subject site is currently vacant; therefore, the guidelines of this section have been applied as they relate to new development within the Old Town Overlay District. The applicant is not proposing variances or alterations to the Landmark standards.

The requirements of this section have been met.

## **SUMMARY AND CONCLUSION**

Based upon the materials submitted herein, the Applicant respectfully requests approval from the City of Sherwood Planning Commission of an application for a 3-Parcel Partition; Type IV Site Plan Review and Old Town Overlay Review to construct a 24-unit apartment building in Sherwood's Old Town Overlay District (Old Cannery Area); and a Class A Variance to allow a 2.05% reduction in the minimum lot area for the multi-family parcel.