



NOTICE OF DECISION

TAX LOT: 2S132BD00400
CASE NO: LU 2021-022 SP / VAR / MLP
Old Town Apartments
DATE OF NOTICE: March 14, 2022

Applicant

Edge Development
2233 NW 23rd Ave
Portland, OR 97210

Owner

Estate of Kay Frances Strong Elton
2541 E. Gala St. #310
Meridian, ID 83642

NOTICE

Because you are the applicant or because you testified in writing or virtually at the Planning Commission Hearing on this matter, you are receiving notice that on March 8, 2022, the Sherwood Planning Commission approved land use application 2021-022 SP / VAR / MLP Old Town Apartments. The approval is for a 3-lot partition, Class A Variance, and Site Plan Approval for a 24 unit multi-family building and two single-family residences.

INFORMATION: The full Planning Commission findings report and conditions of approval can be viewed at: <https://www.sherwoodoregon.gov/planning/project/lu-2021-022-sp-var-la-mlp-old-town-apartments> or can be obtained by contacting Eric Rutledge, Associate Planner, at 503-625-4242 or rutledgee@sherwoodoregon.gov

APPEAL

Pursuant to Sherwood Zoning and Community Development Code Section 16.72.010.B.3.d, the Sherwood City Council is the Appeal Authority for Type IV land use decisions. Any person who testified before the Planning Commission at the public hearing or who submitted written comments prior to the close of the record may appeal the Planning Commission's decision, no later than 14 days from the date of this notice. Details on appeal procedures are located in SZCDC § 16.76. **An appeal of this decision must be filed no later than 5:00 PM on March 28, 2022.**

I, Eric Rutledge, for the Planning Department, City of Sherwood, State of Oregon, in Washington County, declare that the Notice of Decision LU 2021-022 SP / VAR / MLP was placed in a U.S. Postal receptacle, or transmitted via electronic mail, on March 14, 2022.

Eric Rutledge, Associate Planner
City of Sherwood Planning Department

**CITY OF SHERWOOD
PLANNING COMMISSION FINDINGS
MARCH 11, 2022**




**OLD TOWN APARTMENTS
SITE PLAN REVIEW, CLASS A VARIANCE
LANDMARK ALTERATION, MINOR LAND PARTITION
LU 2021-025 SP / VA / LA / MLP**

Pre-App Meeting:	June 10, 2021
App. Submitted:	November 9, 2021
App. Complete:	January 19, 2022
Hearing Date:	March 8, 2022
120-Day Deadline:	May 19, 2022

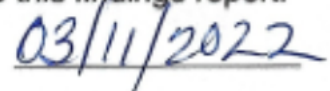
On March 8, 2022, the Planning Commission (Commission) held a public hearing on the subject application. The Commission heard presentations by City staff and the applicant, followed by testimony from the general public.

Staff clarified that while the staff report did not apply the Old Cannery design standards in SZCDC § 16.162.080, the applicant designed the multi-family site and building to the standards to ensure compatibility with existing and future development in Old Town. The applicant accepted a new Condition of Approval (B6) to ensure the lap siding on the building would be 6 in. or less in width and conform to the standards. In addition, the applicant accepted a voluntary Condition of Approval (E7) to design the single-family residences on Lots 2 and 3 to be compatible with the traditional single-family residences in Old Town. In response to a community concern related to storm water drainage, the applicant proposed a voluntary Condition of Approval (C21) to ensure excess storm water drainage capacity exists at the south east corner of this site.

The Commission asked questions of staff and the applicant and then deliberated on the proposal. The Commission thanked the applicant for taking a difficult site and designing it to be compatible with the surrounding development in Old Town, including placement of the multi-family building along Columbia St. and the single-family residences along Willamette St. After considering all of the information in the record, the Commission unanimously approved the application based on the findings in the staff report dated March 1, 2022 with revised Conditions of Approval presented during the staff presentation. The additional conditions have been incorporated into this findings report.



Jean Simson, Planning Commission Chair



Date

PROPOSAL: The applicant proposes a new 24-unit apartment building and two single-family homes on a High Density Residential property in Sherwood’s Old Town Overlay District. The application includes a Type IV Site Plan Review, Type IV Class A Variance, and Type I Minor Land Partition. The development is proposed on a 1.18-acre site located on Tax Lot 2S132BD00400. The site has frontage on three public streets: SW Pine St., SW Columbia St., and SW Willamette St. Vehicle access to the apartment building is proposed from a new driveway along SW Columbia St. Vehicle access to the single-family homes is proposed from two new driveways along SW Willamette St.

I. BACKGROUND

A. Applicant: Edge Development
2233 NW 23rd Ave.
Portland, OR 97210

Owner: Estate of Kay Frances Strong Elton
2541 E. Gala St. #310
Meridian, Idaho 83642

B. Location: 15665 SW Willamette St.
Sherwood, OR 97140

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

- Site Plan Review of new or existing structures in the Old Town Overlay District
- Landmark Alteration
- Class A Variance
- Property Line Adjustment

All applications are being processed concurrently under the City’s Type IV land use review procedures described in SZCDC § 16.72.010(B)(3). The Planning Commission is the Hearing Authority and the City Council is the Appeal Authority for all Type IV decisions.

D. Public Notice: Notice of the application was provided in accordance with § 16.72.020 of the Sherwood Zoning and Development Code (SZDC) as follows: notice was distributed in five locations throughout the City, posted on the property, and mailed to property owners within 1,000 feet of the site on or before February 16, 2022. Notice of the application was also

published in a local newspaper (Tigard Times) on February 17 and March 3, 2022.

- E. Review Criteria: SZCDC Chapter 16.12 Residential Land Use Districts; Chapter 16.50 Accessory Structures, Architectural Features and Decks; Chapter 16.58 Clear Vision and Fence Standards; Chapter 16.60 Yard Requirements; Chapter 16.72 Procedures for Processing Development Permits; Chapter 16.84 Variances; Chapter 16.90 Site Planning; Chapter 16.92 Landscaping; Chapter 16.94 Off-Street Parking and Loading; Chapter 16.96 On-Site Circulation; Chapter 16.98 On-Site Storage; Chapter 16.106 Transportation Facilities; Chapter 16.108 Improvement Plan Review; Chapter 16.110 Sanitary Sewers; Chapter 16.112 Water Supply; Chapter 16.114 Storm Water; Chapter 16.116 Fire Protection; Chapter 16.118 Public and Private Utilities; Chapter 16.122 Land Partitions ; Chapter 16.128 Land Division Design Standards; Chapter 16.142 Parks, Trees, and Open Spaces; Chapter 16.144 Wetland, Habitat, and Natural Areas; Chapter 16.162 Old Town Overlay District; Chapter 16.164 Landmark Review

- F. History and Background: The subject property is located in Old Town Sherwood, within the Old Cannery Sub-Area. The site has been zoned High Density Residential (HDR) since at least 2005. No land use approvals or building permits have been issued for the site. In 2010 the Cannery Square PUD (PUD 09-01) was approved on the adjacent properties to the north, east, and west; however, the development site was not included as part of the PUD. A small portion of the site along SW Columbia St. is zoned Retail Commercial. The split zoning was created when SW Columbia St. was dedicated as part of the Cannery PUD. The remnant RC zoning on the site ranges from 0 ft. wide to 33 ft. wide adjacent to Columbia St. and cannot support new commercial / retail development. The application was submitted prior to adoption of the new residential design standards (Ord. 2021-010) and the new standards do not apply.

- G. Existing Conditions: The approximately 1.14-acre site is currently vacant. The property is covered with trees and shrubs with minimal vegetation management. A 0.48-acre wetland is present on the site, including native and non-native vegetation. The site has frontage on three (3) public streets: SW Columbia St., SW Pine St., and SW Willamette St. No driveways or curb cuts exist on any of the frontages.

- A. Surrounding Land Uses:

- West: Vacant lot (HDR zone)
- South: Single-family residential (HDR and MRDL zone)
- East Cannery Square Apartments (HDR PUD zone)
- North Vacant lots (RC PUD zone)

B. Current Zoning: The property is zoned High Density Residential (HDR) and is in the Old Town Overlay District (Old Cannery Area)

II. AFFECTED AGENCY AND PUBLIC COMMENTS

- A. Notice of the application was sent to affected agencies via email on February 10, 2022. The following responses were received:
1. City of Sherwood Engineering Department provided comments dated February 28, 2022 (Exhibit B1). The comments address transportation, water, sewer, and other engineering requirements. The comments and Conditions of Approval are incorporated throughout the report under each applicable code section.
 2. Tualatin Valley Fire and Rescue (TVF&R) – The applicant has been issued a TVF&R Service Provider Letter (Permit #2021-0127) (Exhibit A9). The applicant is required to satisfy the conditions of approval in the letter and pass final inspection from the fire agency.
 3. Clean Water Services (CWS) – The applicant has been issued a CWS Service Provider Letter (Permit #2021-0021995) (Exhibit A8). CWS staff has also issued comments dated February 24, 2022 (Exhibit B2). Development on the site is required to obtain CWS Storm Water Connection Permit Authorization and comply with CWS Design and Construction Standards.
 4. Pride Disposal Company – Pride Disposal provided comments dated February 10, 2022 (Exhibit B3). The applicant is conditioned to meet the location and design standards for the final design of the enclosure.
 5. Portland General Electric (PGE) – PGE provided comment on the application via email dated February 11, 2022 (Exhibit B4). There are underground facilities along the frontages of each street to serve the development but there are potential clearance conflicts that may require relocation by the applicant.
 6. Department of State Lands (DSL) – The application was routed to DSL and acknowledged as received (Exhibit B5), however, no comments have been received. The applicant has submitted a concurrence letter from DSL (Exhibit A21) confirming the location, size, and extent of the

wetland on the site. The applicant has been conditioned to obtain a DSL / US Army Corps permit prior to issuance of a grading permit.

7. The following agencies acknowledged the application without expressing any issues or concerns: Washington County Land Use & Transportation

B. Public Comments

1. Matt Schiewe and Marilyn Mays (Exhibit D1) – the testimony raises concern over the proposed elevation and grading of the site, the number of parking stalls proposed, the trash enclosure location, and other issues. The testimony also provides recommendations for how to address certain issues.

III. APPLICABLE CODE PROVISIONS

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

Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 – Generally

A. Classifications

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

2. Type II

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

a. Land Partitions

4. Type IV

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

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

g. Class A Variance

ANALYSIS: The applicant is proposing:

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

- Property Line Adjustment

All applications are being processed concurrently under the City's Type IV land use review procedures described in SZCDC § 16.72.010(B)(3). The Planning Commission is the Hearing Authority, and the City Council is the Appeal Authority for all Type IV decisions.

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

B. Hearing and Appeal Authority

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

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

- (1) The Planning Commission shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.**
- (2) Any person who testified before the Planning Commission at the public hearing or submitted written comments prior to the close of the record may appeal the Planning Commission's decision.**

ANALYSIS: The application is being processed as a Type IV quasi-judicial decision with the Planning Commission as the Hearing Authority. A public hearing will be held on the application on March 8, 2022, in accordance with SZCDC § 16.72.

FINDING: This criterion is met.

C. Approval Criteria

1. The approval criteria for each development permit application shall be the approval standards and requirements for such applications as contained in this Code. Each decision made by a Hearing Authority or Appeal Authority shall list the approval criteria and indicate whether the criteria are met. It is the applicant's burden to demonstrate to the Hearing Authority and Appeal Authority how each of the approval criteria are met. An application may be approved with conditions of approval imposed by the Hearing Authority or

Appeal Authority. On appeal, the Appeal Authority may affirm, reverse, amend, refer, or remand the decision of the Hearing Authority.

2. **In addition to Section 1 above, all Type IV quasi-judicial applications shall also demonstrate compliance with the Conditional use criteria of Section 16.82.020.**

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

FINDING: This criterion is met.

Chapter 16.122 - LAND PARTITIONS

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).**

ANALYSIS: The applicant is proposing a 3-lot partition in the HDR zone. The proposed partition will comply with the standards of the HDR zone with approval of the Class A Variance for a reduction to lot size for Lot 1. As conditioned in this report, the proposal complies with other applicable sections of the City's development code.

FINDING: This criterion is met with approval of the Class A Variance for Lot 1.

- 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.**

ANALYSIS: The site abuts three public streets, and the applicant is required to dedicate right-of-way to current City standards for each street. No dedication is required for SW Columbia St. or SW Pine St. as both rights-of-way meet current City standards. The applicant is required to dedicate right-of-way along SW Willamette St. to meet City standards for a Neighborhood Collector per Condition of Approval C3. No other park or utility dedications are required.

FINDING: This criterion is met.

- 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.**

ANALYSIS: The City of Sherwood Engineering Department has reviewed the proposal and provided comment as Exhibit B1. The comments indicate water, sanitary sewer, and storm water facilities are located adjacent to the site and can accommodate the increase in demand created by the proposed development. The applicant has been conditioned to design and construct or pay a fee-in-lieu for public facilities in accordance with City standards.

FINDING: This criterion is met.

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

ANALYSIS: The existing lot is located within an existing block in Old Town Sherwood. The lot will be partitioned and fully developed with residential uses, including access for each new lot. There is no adjoining land that requires future access.

FINDING: This criterion is met.

- 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.

ANALYSIS: The resulting lot sizes will not average 1-acre or more.

FINDING: This criterion does not apply.

16.122.050 - Filing and Recording Requirements

A. Generally

Within twelve (12) months after City approval of a land partition, a partition plat shall be submitted to the County in accordance with its final partition plat and recording requirements.

B. Time Limit

The applicant shall submit the copy of the recorded partition to the City within 30 days of recording, and shall be completed prior to the issuance of any building permits on the re-configured lots.

C. Extension

After expiration of the twelve (12) months period following partition approval, the partition must be resubmitted for new approval. The City Manager or his/her designee may, upon written request by the applicant, grant an extension up to twelve (12) months upon a written finding that the facts have not changed to an extent sufficient to warrant re-filing of the partition and that no other development approval would be affected. For partitions granted between January 1, 2007 and December 31, 2009, the approval shall be extended until December 31, 2013.

ANALYSIS: The partition is subject to the filing and recording requirements of this section.

FINDING: These criteria are met as conditioned below.

CONDITION OF APPROVAL A11: Within 12-months from the date of the Notice of Decision, the applicant shall obtain final partition plat approval from the City of Sherwood.

CONDITION OF APPROVAL A12: Within 12-months from the date of the Notice of Decision, the applicant shall submit the partition plat to the County in accordance with its final partition plat and recording requirements.

Chapter 16.128 - LAND DIVISION DESIGN STANDARDS

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.**

ANALYSIS: The partition has been designed to provide lot sizes and shapes that are compatible with existing development, including a multi-family lot along SW Columbia St. and two single-family lots along SW Willamette St. The applicant has requested a Class A Variance to reduce the required lot size for the multi-family lot. With approval of the variance, the partition complies with the standards of the HDR zone. The Class A Variance criteria are discussed below in this staff report.

FINDING: This standard is met with the approval of the Class A Variance.

B. Access

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

ANALYSIS: All proposed lots will abut a public street.

FINDING: This standard is met.

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.

ANALYSIS: No double frontage lots are proposed.

FINDING: This standard is met.

- 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.

ANALYSIS: All proposed side lot lines run at right angles to the street upon which they face.

FINDING: This standard is met.

- 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.

ANALYSIS: The site is relatively flat and requires minimal grading. Grading will comply with these standards as shown in the Preliminary Grading Plan (Exhibit A – Sheet P2.0).

FINDING: This standard is met.

Chapter 16.12 – Residential Land Use Districts

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.

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.

Residential	HDR Zone
Single-family attached or detached dwellings	P
Multi-family dwellings	P

ANALYSIS: The applicant is proposing two single-family detached dwellings and a multi-family development comprised of 24-units.

FINDING: This criterion is met.

16.12.030 - Residential Land Use Development Standards
C. Development Standards per Residential Zone

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

Development Standards by Zone	HDR	Proposed
Single-family detached (lot area)	5,000 SF	5,002 SF (Lot 2) 5,022 SF (Lot 3)
Two or multi-family, first 2 units (lot area)	8,000 SF	See below
Multi-family, each additional unit after first 2 (lot area)	1,500 SF (41,000 SF for 24 units)	40,157 SF for 24 units
Min lot width at front property line	25	Lot 1: 185 ft. Lot 2: 52 ft. Lot 3: 54 ft.
Min lot width at building line (single-family)	50	Same as above (Lot 2, 3)

Min lot width at building line (multi-family)	60	Same as above (Lot 1)
Lot depth	80	Lot 1: 178 ft. Lot 2: 96 ft. Lot 3: 94 ft.
Max height	40 or 3 stories	33 ft. (multi-family building)
Front yard setback	14 ft.	Lot 1: 14 ft. Lot 2: 14 ft. Lot 3: 14 ft.
Face of garage	20 ft.	Lot 1: n/a Lot 2: 20 ft. Lot 3: 20 ft.
Interior side yard (single-family)	5 ft.	Lot 2: 5 ft. Lot 3: 5 ft.
Interior side yard (multi-family, 18 – 24 ft. height)	7 ft.	8 ft. (west) > 25 ft. (east)
Corner lot street side (multi-family)	30 ft.	> 50 ft.
Rear yard	20 ft.	Lot 1: > 50 ft. Lot 2: 20 ft. Lot 3: 20 ft.

As shown in the table above, the proposed development meets the development standards of the HDR zone with the exception of lot area for 24 multi-family units.

The proposed 24 multi-family units require a minimum lot area of 41,000 SF (8,000 SF for the first two units, and 33,000 SF for the remaining 22 units). The multi-family lot is proposed at 40,157 SF, or 843 SF less than the required minimum. The applicant has applied for a Class A Variance for the proposed ~2% reduction in lot area. The Class A Variance criteria are addressed under SZCDC § 16.84.030.

FINDING: These standards are met with approval of the concurrent Class A Variance.

Chapter 16.58 - VISION CLEARANCE AND FENCE STANDARDS

16.58.010 Clear Vision Areas

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

The following requirements shall govern clear vision areas:

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

ANALYSIS: The development proposes one driveway along SW Columbia St. and an emergency access-only driveway along SW Pine St. The Site Plan shows the Clear Vision Area for each driveway at the intersection of each street. The plans also show a 6 ft. tall wooden fence and landscaping proposed in the clear vision areas.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B5: Prior to Final Site Plan approval, revise the plans to provide clear vision areas in conformance with SZCDC § 16.58.010 at the SW Columbia St. / private driveway intersection and SW Pine St. / private driveway intersection.

CONDITION OF APPROVAL G1: Prior to Final Occupancy, the site shall provide clear vision areas in conformance with SZCDC § 16.58.010 at the SW Columbia St. / private driveway intersection and SW Pine St. / private driveway intersection.

16.58.020 - Fences, Walls and Hedges.

- A. Purpose:** The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effect of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.
- B. Reserved**
- C. Applicability:** The following standards apply to walls, fences, hedges, lattice, mounds, and decorative toppers. The standards do not apply to vegetation, sound walls and landscape features up to four (4) feet wide and at least twenty (20) feet apart.
- D. Location—Non-Residential Zone:**
 - 1. Fences up to eight (8) feet high are allowed along front, rear and side property lines, subject to Section 16.58.010. (Clear Vision) and building department requirements.
 - 2. A sound wall is permitted when required as a part of a development review or concurrent with a road improvement project. A sound wall may not be taller than twenty (20) feet.
 - 3. Hedges up to twelve (12) feet tall are allowed, however, when the non-residential zone abuts a residential zone the requirements of section 16.58.030.d.6. shall apply.
- E. General Conditions—All Fences:**
 - 1. Retaining, masonry, concrete, and modular retaining walls may not be constructed within the eight-foot public utility easement (PUE) located on the front and corner street side yards, without approval from the City Engineer.
 - 2. Fences must be structurally sound and maintained in good repair. A fence may not be propped up in any way from the exterior side.
 - 3. Chain link fencing is not allowed in any required residential front yard setback.
 - 4. The finished side of the fence must face the street or the neighboring property. This does not preclude finished sides on both sides.
 - 5. **Buffering:** If a proposed development is adjacent to a dissimilar use such as a commercial use adjacent to a

residential use, or development adjacent to an existing farming operation, a buffer plan that includes, but is not limited to, setbacks, fencing, landscaping, and maintenance via a homeowner's association or managing company must be submitted and approved as part of the preliminary plat or site plan review process per Section 16.90.020 and Chapter 16.122.

6. In the event of a conflict between this Section and the clear vision standards of Section 16.58.010, the standards in Section 16.58.010 prevail.
7. The height of a fence or wall is measured from the actual adjoining level of finished grade measured six (6) inches from the fence. In the event the ground is sloped, the lowest grade within six (6) inches of the fence is used to measure the height.
8. Call before you dig (811) if placing a fence within the public utility easement (PUE) to have your utility lines located. This easement area is usually located eight (8) feet across the front yard and the side yard setback on a corner lot. Utility lines can be buried just beneath the surface.

ANALYSIS: The applicant's narrative states a 6-foot-tall solid wooden fence is proposed around the perimeter of the site, except along the perimeter of water quality facilities and street frontages. However, the plans indicate a 6 ft. tall fence is proposed around the perimeter of the site including the street frontages, which encroaches into the required clear vision areas for the private driveway intersections. The applicant has been conditioned to revise the plans to provide the required clear vision area prior to final site plan approval and occupancy.

Maintenance of the fencing will be the responsibility of a HOA, or other appropriate property management structure.

FINDING: These standards are met.

Chapter 16.90 – SITE PLANNING

16.90.020 – Site Plan Review

A. Site Plan Review Required

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

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

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

D. Required Findings

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

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

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

FINDING: This criterion is met.

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

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

FINDING: This criterion is met.

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

ANALYSIS: The applicant's narrative states the multi-family development will establish an HOA or other property management structure to maintain on-site structures and landscaping.

FINDING: This criterion is met as conditioned below.

CONDITION OF APPROVAL B1: Prior to final site plan approval or recording of a condominium plat, the applicant shall demonstrate how on-site structures and landscaping will be maintained by the owner or HOA.

4. **The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.**

ANALYSIS: The applicant has submitted a Natural Resource Assessment (Exhibit A11) that describes the extent of natural resources on the site. The site is vacant and vegetated with native and invasive species. A 0.48-acre isolated wetland is located at the center of the site at the low point. The applicant is proposing to fill the wetland and purchase wetland mitigation credits on a farm within the Tualatin River Basin.

Figure 4 of the Natural Resource Assessment shows the wetland and 50 ft. wide sensitive habitat buffer. Based on the size and location of the wetland and buffer, protection of the resource would make development on the site impracticable. The required setbacks and development standards of the HDR zone would leave only a small portion of developable property along SW Willamette St. if the wetland and buffer were preserved.

The resource assessment indicates that a majority of the trees on site are non-native, including poplar and willow. The applicant is proposing to preserve two mature Douglas fir trees at the south end of the site near SW Willamette St.

FINDING: This criterion is met.

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

ANALYSIS: The applicant is proposing a new driveway along SW Columbia St. to serve the multi-family development. Two new single-family driveways are proposed along SW Willamette St. No direct vehicle access is proposed to or from SW Pine St.

The applicant's narrative states that based on the International Trip Generation Manual (10th Edition) (ITE) the 24 attached residential units are 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. A full Traffic Impact Analysis was not required by the City Engineer.

FINDING: This criterion is met.

6. **The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards include the following:**
 - a. **Primary, front entrances are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.**
 - 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.**

ANALYSIS: The building elevations submitted with the application show each of the 8 ground floor units located along the south side of Columbia Street will have direct access to the adjacent pedestrian street via 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. 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.

FINDING: These standards are met.

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

ANALYSIS: This standard applies to industrial developments.

FINDING: This standard does not apply.

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

ANALYSIS: A new driveway 25 ft. wide driveway is proposed along SW Columbia St. to provide vehicle access to the multi-family building. There are no nearby local streets that the driveway would need to align with.

FINDING: This standard is met.

E. Approvals

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

F. Time Limits

Site plan approvals are void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010. A site plan approval granted on or after January 1, 2007 through December 31, 2009, is extended until December 31, 2013.

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

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL A9: The Site Plan approval shall be void after two (2) years from the date of the Notice of Decision unless construction on the site has begun, as determined by the City.

Chapter 16.84 – VARIANCES

16.84.030 - Types of Variances

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

ANALYSIS: The proposed variance would apply to a single lot (Lot 1) as part of a partition process. Approval of the variance will not vary the permitted uses on the site.

FINDING: These criteria are met.

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.**

ANALYSIS: The application is being processed as a Type IV application concurrent with the Site Plan and partition review. The applicant has provided a detailed written narrative describing compliance with the criteria below.

FINDING: These criteria are met.

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;**

APPLICANT 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 a usable rear yard area.

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.

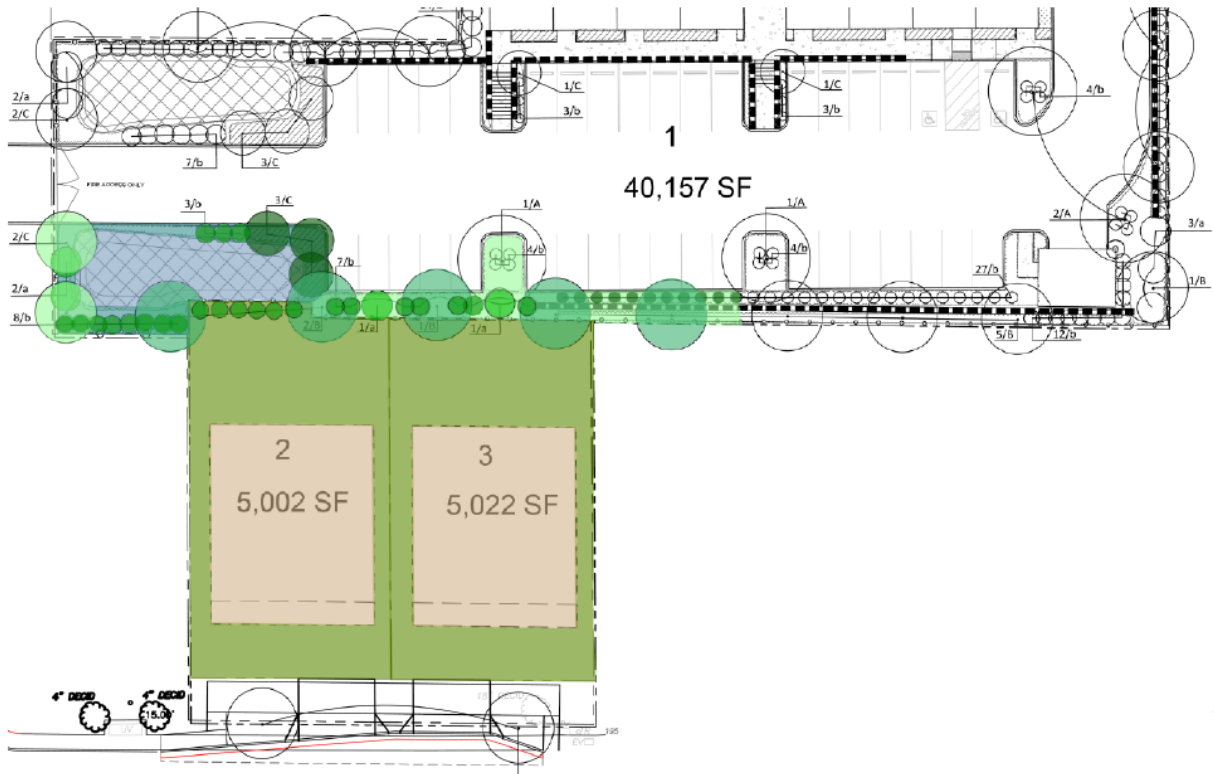


Figure 1: Lot 1 at 40,157 SF with requested variance

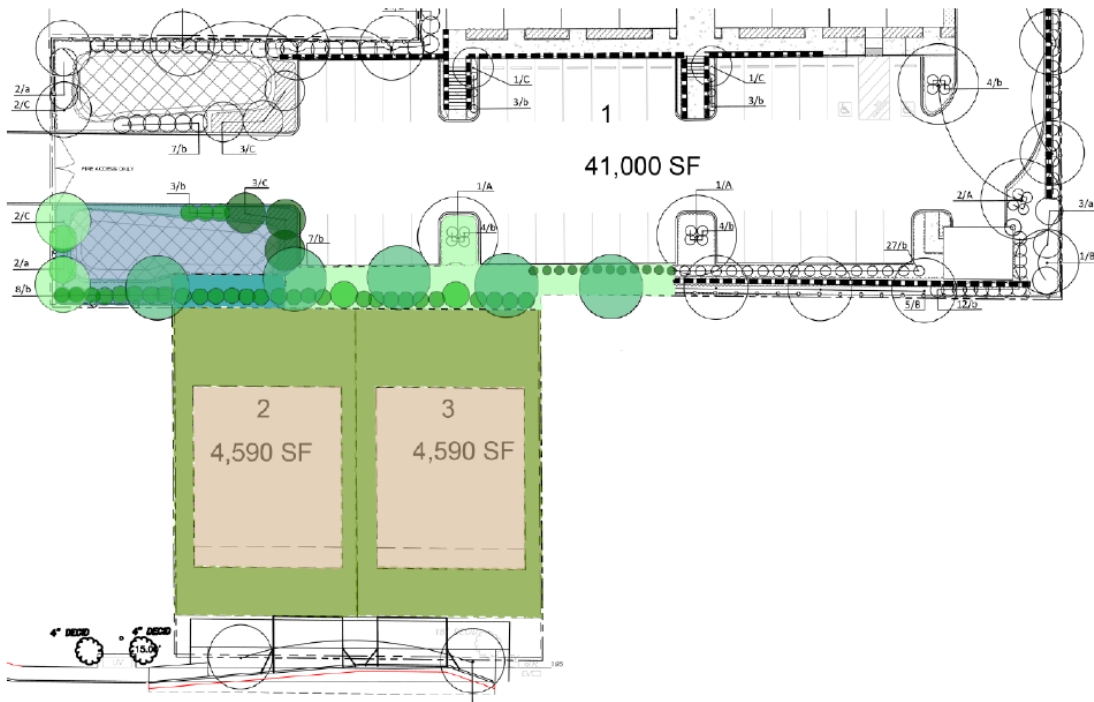


Figure 2: Lot 1 at 41,000 SF without requested variance

ANALYSIS: Staff concurs with the applicant response. As shown in Figures 1 and 2 above, the loss of 843 SF on Lot 1 will allow a more compatible development type (single-family homes) along SW Willamette St. while having a minimal impact to the multi-family lot.

FINDING: This criterion is satisfied.

- 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);**

APPLICANT 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.

ANALYSIS: Staff concurs with the applicant response.

FINDING: This criterion is met.

- 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;**

APPLICANT 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.

ANALYSIS: Staff concurs with the applicant response.

- 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;**

ANALYSIS: Approval of the variance will result in one (1) additional unit on Lot 1, an increase from 23 units to 24 units. Development of the site without the variance will require the same impact to natural systems, such as trees and wetlands, than approval of the variance and one additional unit. The applicant will also be required to pay System Development Charges (SDCs) for parks and transportation on a per unit basis, the impact fees offsetting the impact of each individual unit.

FINDING: This criterion is met.

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

APPLICANT 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 SZDCD 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.

ANALYSIS: Staff concurs with the applicant response.

FINDING: This criterion is met.

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

APPLICANT 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.

ANALYSIS: Staff concurs with the applicant response.

FINDING: This criterion is 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.

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.**

APPLICANT RESPONSE: The proposal is for 24 multi-family units, with two-single family detached lots. 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.

ANALYSIS: Staff concurs with the applicant response.

FINDING: This standard is met.

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

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

APPLICANT 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.

ANALYSIS: Staff concurs with the applicant response.

FINDING: This standard is met.

16.162.030 - Permitted Uses

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

- A. Uses permitted outright in the RC zone, Section 16.28.020; the HDR zone, Section 16.20.020; and the MDRL zone, Section 16.16.020; provided that uses permitted outright on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by this Section and Section 16.162.040.
- B. In addition to the home occupations permitted under Section 16.42.020, antique and curio shops, cabinet making, arts and crafts galleries, artists cooperatives, and bookshops, are permitted subject to the standards of Chapter 16.42 and this Chapter, in either the underlying RC or MDRL zones.
- C. Boarding and rooming houses, bed and breakfast inns, and similar accommodations, containing not more than five (5) guest rooms, in the underlying RC, HDR and MDRL zones.
- D. Motels and hotels, in the underlying RC zone only.
- E. Residential apartments when located on upper or basement floors, to the rear of, or otherwise clearly secondary to commercial buildings, in the underlying RC zone only.
- F. Other similar commercial uses or similar home occupations, subject to Chapter 16.88.
- G. Offices or architects, artists, attorneys, dentists, engineers, physicians, accountants, consultants and similar professional services.
- H. Uses permitted outright in the RC zone are allowed within the HDR zone when limited to the first floor, adjacent to and within 100 feet of, Columbia Street within the Old Town Overlay District.

ANALYSIS: The site is zoned High Density Residential and the proposal is for residential uses that are permitted outside in the zone.

FINDING: This criterion is met.

16.162.060 - Dimensional Standards

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

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

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

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

ANALYSIS: The site is zoned HDR and the principal building will be a minimum of 16 ft. in height as required by the standard above. No other exceptions in the standards above apply to the proposal.

FINDING: These standards are met.

16.162.070 - Community Design

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

A. **Generally**

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

ANALYSIS: The property is in the Old Cannery Area of Old Town. Per SZCDC § 16.162.080, the design standards only apply to commercial, institutional, and mixed-use buildings. The site is zoned HDR and the applicant is proposing residential development. The proposed residential building complies with the Site Plan design standards in SZCDC § 16.90.060(D)(6).

While the Old Cannery standards do not apply, the applicant has designed the site and building to comply with the standards including a voluntary Condition of Approval (B6) to ensure the lap siding is consistent with the standards. In addition, the applicant has agreed to a voluntary Condition of Approval to design the single-family residences to be compatible with Old Town Sherwood utilizing the Old Smockville design standards in SZCDC § 16.162.090(F)(1) – (9).

FINDING: This standard is met.

B. Landscaping for Residential Structures

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

ANALYSIS: Perimeter landscape strips per SZCDC § 16.92.030 are required and a reduction of 5 ft. is permitted per Subsection 3 above. The applicant is proposing a minimum of 5 ft. of landscaping between all vehicle use areas and adjacent property.

FINDING: This standard is met.

C. Off-Street Parking

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

ANALYSIS: The proposed multi-family building requires a minimum of 26 off-street parking stalls based on the standards in SZCDC § 16.94.010 and the reduction allowance in the standard above. The applicant is proposing 36 off-street stalls and is not proposing a reduction to the stall count as permitted in the standard above. Full parking findings are provided under SZCDC § 16.94.010.

FINDING: This standard is met.

D. Off-Street Loading

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

ANALYSIS: The proposal is for residential development and loading is not required or proposed.

FINDING: This standard is met.

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

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

FINDING: This standard is met.

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

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

FINDING: This standard does not apply.

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

ANALYSIS: The site abuts three public streets: SW Columbia St., SW Pine St., and SW Willamette St. The City of Sherwood Engineering Comments (Exhibit B1) and the Transportation Facilities section below provides details on the existing conditions of each abutting street and improvement requirements for the development.

FINDING: This standard is met.

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

ANALYSIS: The applicant has provided a Materials Board (Exhibit A19) showing the proposed exterior surfaces and color. The proposed colors are earth tones.

FINDING: This standard is 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.

ANALYSIS: The proposal is for single and multi-family residential structures within the Old Cannery area of Old Town. The standards above specifically apply to commercial, institutional, and mixed-use buildings. The proposed residential building complies with the Site Plan design standards in SZCDC § 16.90.060(D)(6). While the Old Cannery standards do not apply, the applicant has designed the site and building to comply with the standards including a voluntary Condition of Approval (B6) to ensure the lap siding is consistent with the standards. In addition, the applicant has agreed to a voluntary Condition of Approval to design the single-family residences to be compatible with Old Town Sherwood utilizing the Old Smockville design standards in SZCDC § 16.162.090(F)(1) – (9).

FINDING: These standards do not apply, however, the applicant has designed the site and multi-family building to generally conform to the standards. The applicant has also agreed to a voluntary Condition of Approval for the single-family residences, as described below.

CONDITION OF APPROVAL B6: Prior to Final Site Plan approval, revise the Building Elevation plans to show the proposed fiber cement lap siding at 6 inches in width or less.

CONDITION OF APPROVAL E7: Prior to issuance of building permits for the single-family residences, the applicant shall design the homes to be compatible with the traditional single-family homes in Old Town Sherwood. The design standards in SZCDC § 16.162.090(F)(1) – (9) serve as a reference for a compatible design.

Chapter 16.168 - LANDMARK ALTERATION*

ANALYSIS: This chapter addresses alterations to existing landmarks. The site is vacant and does not contain an existing landmark. The development complies with the other applicable standards of the Historic Resources code as discussed in this report.

FINDING: This standard does not apply.

Chapter 16.92 – LANDSCAPING

16.92.010-Landscaping Plan Required

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

ANALYSIS: The applicant has provided a Landscape Plan (Exhibit A20 – Sheet L1.0) for review and approval as part of the Site Plan review. Compliance with the specific landscaping standards is discussed below. All areas of the lot not occupied by structures, roads, and walkways will be landscaped.

FINDING: This criterion is met.

16.92.020 Landscaping Materials

A. Type of Landscaping

Required landscaped areas shall include an appropriate combination of native evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or

adjacent to public rights-of-way shall meet the requirements of this Chapter. Plants may be selected from the City's "Suggested Plant Lists for Required Landscaping Manual" or suitable for the Pacific Northwest climate and verified by a landscape architect or certified landscape professional.

1. **Ground Cover Plants**
 - a. All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch is not a substitute for ground cover, but is allowed in addition to the ground cover plants.
 - b. Ground cover plants other than grasses must be at least the four-inch pot size and spaced at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three (3) years from the time of planting.
2. **Shrubs**
 - a. All shrubs must be of sufficient size and number to be at full growth within three (3) years of planting.
 - b. Shrubs must be at least the one-gallon container size at the time of planting.
3. **Trees**
 - a. Trees at the time of planting must be fully branched and must be a minimum of two (2) caliper inches and at least six (6) feet in height.
 - b. Existing trees may be used to meet the standards of this chapter, as described in Section 16.92.020.C.2.

ANALYSIS: The Landscape Plan proposes a variety of native and ornamental ground cover, shrubs, and trees for the site. The planting schedule provides details on the size of each planting which meets the intent of the standards above.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL G12: Prior to final occupancy, all site landscaping shall be installed according to the final approved landscape plans.

B. Plant Material Selection and Preparation

1. **Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan.**

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

ANALYSIS: The Landscape Plan provides plant material and preparation details as required by the standard above.

FINDING: These standards are met.

C. Existing Vegetation

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

ANALYSIS: The applicant is proposing to remove existing vegetation with the exception of two fir trees on Lot 3. The landscaping requirements will primarily be met through new plantings.

FINDING: These standards are met.

D. Non-Vegetative Features

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

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

FINDING: These standards have been met.

16.92.030 Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

1. **Perimeter Screening Separating Residential Zones:**
A minimum six-foot high sight-obscuring wooden fence, decorative masonry wall, or evergreen screen, shall be required along property lines separating single and two-family uses from multi-family uses, and along property lines separating residential zones from commercial, institutional/public or industrial zones subject to the provisions of Chapter 16.48.020 (Fences, Walls and Hedges).
2. **Perimeter Landscaping Buffer**
 - a. A minimum ten (10) foot wide landscaped strip comprised of trees, shrubs and ground cover shall be provided between off-street parking, loading, or vehicular use areas on separate, abutting, or adjacent properties.
3. **Perimeter Landscape Buffer Reduction**
If the separate, abutting property to the proposed development contains an existing perimeter landscape buffer of at least five (5) feet in width, the applicant may reduce the proposed site's required perimeter landscaping up to five (5) feet maximum, if the development is not adjacent to a residential zone. For example, if the separate abutting perimeter landscaping is five (5) feet, then applicant may reduce the perimeter landscaping

to five (5) feet in width on their site so there is at least five (5) feet of landscaping on each lot.

ANALYSIS: The applicant is proposing two new single-family lots to be located adjacent to the multi-family lot, and a 6 ft. tall fence is required between the uses. The Site Plan (Exhibit A20 – Sheet P3.0) indicates a 6 ft. tall wooden fence is proposed between the single-family and multi-family uses.

The multi-family building will include a new parking lot and drive aisles and a 5 ft. wide buffer between the vehicle use areas and adjacent properties is proposed. The Old Town Community Design standards (SZCDC § 16.162.070) allows the 10 ft. wide buffer to be reduced to 5 ft.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL G2: Prior to issuance of occupancy, a minimum 6 ft. tall sight-obscuring wooden fence, decorative masonry wall, or evergreen screen shall be provided between Lots 1 and Lots 2 / 3.

B. Parking Area Landscaping

1. Purpose

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

2. Definitions

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

b. Canopy Factor

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

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

(2) Growth Rate Factor: The growth rate factor is three (3) for fast-growing trees, two (2) for medium growing trees, and one (1) for slow growing trees. The growth rate of a tree is

identified in the "Suggested Plant Lists for Required Landscaping Manual."

3. **Required Landscaping**
There shall be at least forty-five (45) square feet parking area landscaping for each parking space located on the site. The amount of required plant materials are based on the number of spaces as identified below.
4. **Amount and Type of Required Parking Area Landscaping**
 - a. **Number of Trees required based on Canopy Factor**
Small trees have a canopy factor of less than forty (40), medium trees have a canopy factor from forty (40) to ninety (90), and large trees have a canopy factor greater than ninety (90);
 - (1) Any combination of the following is required:
 - (i) One (1) large tree is required per four (4) parking spaces;
 - (ii) One (1) medium tree is required per three (3) parking spaces; or
 - (iii) One (1) small tree is required per two (2) parking spaces.
 - (iv) At least five (5) percent of the required trees must be evergreen.
 - (2) Street trees may be included in the calculation for the number of required trees in the parking area.
 - b. **Shrubs:**
 - (1) Two (2) shrubs are required per each space.
 - (2) For spaces where the front two (2) feet of parking spaces have been landscaped instead of paved, the standard requires one (1) shrub per space. Shrubs may be evergreen or deciduous.
 - c. **Ground cover plants:**
 - (1) Any remainder in the parking area must be planted with ground cover plants.
 - (2) The plants selected must be spaced to cover the area within three (3) years. Mulch does not count as ground cover.

ANALYSIS: The applicant's Landscape Plan and Narrative provide details on the proposed parking lot landscaping. Trees, shrubs, and groundcover will be provided in accordance with these standards.

FINDING: These standards are 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

ANALYSIS: The Landscape Plans indicate six landscaped islands are proposed to break up the number of contiguous stalls to no more than 8. The islands are evenly spaced throughout the parking area. The two islands on the north side of the parking lot will also be used as pedestrian pathways and will not include trees. The islands will be landscaped with shrubs, meeting the intent of this standard.

FINDING: This standard is met.

6. Landscaping at Points of Access

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

ANALYSIS: A new driveway is proposed for vehicle access to SW Columbia St. The landscape plans indicate shrubs and trees are proposed in the clear vision triangle. Landscaping is required to be planted and maintained to establish a permanent clear vision triangle as required by SZCDC § 16.58.010.

FINDING: This standard is met by Condition of Approval G1.

6. Exceptions

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

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

ANALYSIS: The applicant's narrative states that no mechanical equipment is currently proposed. Outdoor storage of solid waste is located at the south east corner of the site, 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.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL E1: Prior to Issuance of Building Permits, the applicant shall provide plans that demonstrate how all mechanical equipment will be screened from view of public streets and the adjacent residential zones.

CONDITION OF APPROVAL G3: Prior to Issuance of Occupancy, all mechanical equipment, outdoor storage, and service and delivery areas shall be screened from view of public streets and the adjacent residential zones.

D. Visual Corridors

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

ANALYSIS: Visual corridors are not required in the Old Town Overlay.

FINDING: This standard does not apply.

16.92.040 Installation and Maintenance Standards

A. Installation

All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Clean Water Services storm water management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be

properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.

B. Maintenance and Mitigation of Landscaped Areas

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

C. Irrigation

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

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

ANALYSIS: The application does not include details on the installation and maintenance of landscaping, including any proposed irrigation.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL B2: Prior to Final Site Plan approval, the applicant shall provide installation and maintenance details for the on-site landscaping in accordance with SZCDC § 16.92.040, including the proposal for irrigation.

Chapter 16.94 OFF-STREET PARKING AND LOADING

16.94.010 General Requirements

A. Off-Street Parking Required

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

ANALYSIS: The applicant has provided a plan set (Exhibit A20) that includes details on the proposed parking. Parking requirements are being reviewed and approved as part of this decision.

FINDING: This standard is met.

B. Deferral of Improvements

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

C. Options for Reducing the Required Parking Spaces

1. Two (2) or more uses or, structures on multiple parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap, provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.
 - a. Within commercial, institutional and public, or industrial zones, shared parking may be provided on lots that are within five hundred (500) feet of the property line of the use to be served.

- b. Shared parking is allowed if the application can show that the combined peak use is available by a parking study that demonstrates:
 - (1) There is a sufficient number of parking spaces to accommodate the requirements of the individual businesses; or
 - (2) That the peak hours of operation of such establishments do not overlap, and
 - (3) That an exclusive permanent easement over a delineated area has been granted for parking space use.
- 2. Mixed use projects are developments where a variety of uses occupies a development project or complex. For example, an eating establishment, professional office building and movie theater are all components of a mixed use site. It does not include a secondary use within a primary use such as an administrative office associated with a retail establishment. In mixed-use projects, the required minimum vehicle parking shall be determined using the following formula:
 - a. Primary use: i.e. that with the largest proportion of total floor area within the development at one hundred (100) percent of the minimum vehicle parking required for that use.
 - b. Secondary Use: i.e. that with the second largest percentage of total floor area within the development, at ninety (90) percent of the vehicle parking required for that use.
 - c. Subsequent use or uses, at eighty (80) percent of the vehicle parking required for that use.

ANALYSIS: A reduction or deferral of the required parking improvements is not proposed.

FINDING: These standards do not apply.

D. Prohibited Uses

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

ANALYSIS: No long-term storage, sale of vehicles, or rented or leased parking spaces are proposed.

FINDING: This standard is met.

E. Location

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

subject to meeting all other applicable standards, including minimum space standards.

ANALYSIS: All required parking spaces are proposed on-site. No shared or on-street parking is proposed.

FINDING: These standards are met.

F. Marking

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

ANALYSIS: The Site Plan identifies clearly marked and painted parking spaces.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL G4: Prior to issuance of occupancy, all parking, loading, and maneuvering areas shall be clearly marked and painted.

G. Surface and Drainage

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

ANALYSIS: The parking area will be paved using asphalt, and a storm drainage system has been provided for the parking area as shown in the applicant's plans.

FINDING: These standards are met.

H. Repairs

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

ANALYSIS: The property owner will be responsible for proper maintenance of the parking and loading areas. Violations are subject to Code Compliance.

FINDING: This standard is met.

I. Parking and Loading Plan

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

- 1. Delineation of individual parking and loading spaces and dimensions.**
- 2. Circulation areas necessary to serve parking and loading spaces.**
- 3. Location of accesses to streets, alleys and properties to be served, and any curb cuts.**
- 4. Landscaping as required by Chapter 16.92.**
- 5. Grading and drainage facilities.**
- 6. Signing and bumper guard specifications.**
- 7. Bicycle parking facilities as specified in Section 16.94.020.C.**
- 8. Parking lots more than one (1) acre in size shall provide street-like features including curbs, sidewalks, and street trees or planting strips.**

ANALYSIS: The applicant has provided a Site Plan that includes details on the proposed parking. Parking requirements are being reviewed and approved as part of this decision.

FINDING: This standard is met.

J. Parking Districts

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

ANALYSIS: No parking districts or structured parking is proposed.

FINDING: This standard is not applicable.

16.94.020 Off-Street Parking Standards

A. Generally

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

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

Use	Minimum Parking Standard	Maximum Zone A	Maximum Zone B
Single-family	1 per unit	None	None
Multi-family	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.

ANALYSIS: The applicant is proposing 8 one-bedroom units and 16 two-bedroom units for the multi-family building. The Old Cannery standards reduce the minimum parking requirement to 65% of the minimum required by the code for the specific use proposed.

One-bedroom units	8 x 1.25 = 10
Two-bedroom units	16 x 1.5 = 24
Visitor Parking	<u>34 x 0.15 = 5.1</u>

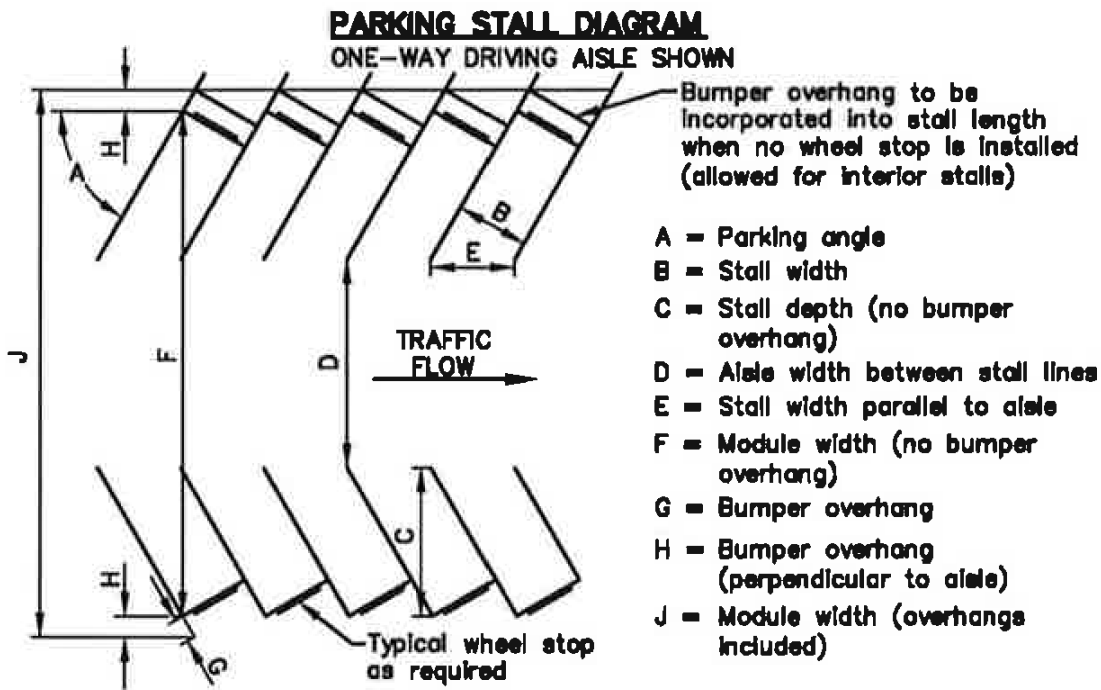
Total = 39.1 or 40

40 x 0.65 = 26 required stalls on Lot 1

A minimum of 26 parking stalls is required on Lot 1 and the applicant is proposing a total of 36 spaces. The applicant's narrative states a minimum of two vehicle stalls is also proposed for each single-family lot, however, garage spaces cannot be counted as an off-street parking stall.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL E3: Prior to issuance of building permits for Lots 2 and 3, each lot shall be designed to have at least one off-street parking stall a minimum of 9 ft. wide x 20 ft. deep. Garages cannot be used to meet this standard.



B. Dimensional and General Configuration Standards

1. **Dimensions** For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent of required parking spaces may have a minimum dimension of eight (8) feet in

width and eighteen (18) feet in length so long as they are signed as compact car stalls.

2. Layout

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

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

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

3. Wheel Stops

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

ANALYSIS: The Site Plan shows the dimensions of proposed parking stalls and drive aisle meeting the dimensional standards. A total of 9 compact spaces are proposed or 25% of the total.

FINDING: These standards 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.

Table 4: Minimum Required Bicycle Parking Spaces

Use Categories	Minimum Required Spaces
Household living	Multi-dwelling — 2 or 1 per 10 auto spaces.

ANALYSIS: The proposed multi-family building is providing 36 vehicle stalls and therefore requires 4 bicycle parking stalls. The applicant is proposing a bike rack in front of the building along SW Columbia St., and at the eastern corner of the building near the parking lot.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL G5: Prior to Occupancy, the development shall provide a minimum of four bicycle parking stalls, with each space at a minimum of 2 ft. wide x 6 ft. deep.

16.94.030 - Off-Street Loading Standards

A. Minimum Standards

- 1. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, or other public

meeting place, which is designed to accommodate more than twenty five (25) persons at one time.

2. The minimum loading area for non-residential uses shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet.
3. Multiple uses on the same parcel or adjacent parcels may utilize the same loading area if it is shown in the development application that the uses will not have substantially overlapping delivery times.
4. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:
 - a. Twenty thousand (20,000) to fifty (50,000) sq. ft. - five hundred (500) sq. ft.
 - b. Fifty (50,000) sq. ft. or more - seven hundred fifty (750) sq. ft.

ANALYSIS: The proposal is for residential development and designated loading stalls are not proposed or required.

FINDING: This standard is met.

Chapter 16.96 - ONSITE CIRCULATION

16.92.010 – On-Site Pedestrian and Bicycle Circulation

A. Purpose

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

B. Maintenance

No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements,

shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.

C. Joint Access

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

D. Connection to Streets

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

ANALYSIS: The proposed multi-family building will be oriented towards SW Columbia St. with a direct pathway to the adjacent right-of-way for individual ground-floor units. An 11 ft. wide common walkway will connect the parking lot and interior units to SW Columbia St. A 20 ft. wide fire access and hard-surface open space area will provide connectivity between the multi-family site and SW Pine St. The single-family lots along SW Willamette St. will have a hard-surface driveway or path providing access between the residences and the street.

FINDING: These standards are met.

E. Maintenance of Required Improvements

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

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

FINDING: This standard is met.

16.96.020 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:**

Number of Units	Number of Driveways	One Way Drive Width (Pair)	Two Way Drive Width
3—49	1	15 feet	24 feet
50 or more	2	15 feet	24 feet

ANALYSIS: A new 25 ft. wide two-way driveway is proposed along SW Columbia St. to provide ingress and egress from the multi-family lot. A new driveway is also proposed for each of the single-family lots along SW Willamette St. The applicant is required to construct each driveway to current engineering standards prior to occupancy.

FINDING: These standards are met.

B. Sidewalks, Pathways and Curbs

1. **Single, Two-Family, and Manufactured Home on Individual Residential Lot: No on-site sidewalks and curbs are required when not part of a proposed partition or subdivision.**
2. **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.

ANALYSIS: The multi-family development will provide a system of pedestrian pathways in conformance with the standards above, including a connection between buildings, the parking lot, and SW Columbia St. Each ground floor unit facing SW Columbia St. will have an individual walkway to the street while units interior to the site have access to SW Columbia St. via a centrally located 11 ft. wide concrete pathway.

FINDING: This standard is met.

16.96.040 - On-Site Vehicle Circulation

A. Maintenance

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

B. Joint Access [See also Chapter 16.108]

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

C. Connection to Streets

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

D. Maintenance of Required Improvements

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

E. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

ANALYSIS: The site abuts three existing streets, SW Columbia St., SW Pine St., and SW Willamette St. The proposed vehicle access for the multi-family building is from SW Columbia St. with emergency access only from SW Pine St. The two single-family lots will have vehicle access from SW Willamette St.

FINDING: These standards are met.

Chapter 16.98 - ONSITE STORAGE

16.98.020 Solid Waste and Recycling Storage

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

ANALYSIS: A covered solid waste and recycling storage enclosure is proposed at the eastern corner of the site. The enclosure will be out of public view and constructed with

fiber cement lap siding and a metal roof and gate. The applicant is required to comply with the specific design standards of Pride Disposal, as described in Pride comments (Exhibit B3).

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B3: Prior to Final Site Plan approval, the applicant shall provide written approval from Pride Disposal for the location and design of the trash and recycling enclosure.

16.98.030 - Material Storage

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

ANALYSIS: The applicant's narrative states no outdoor storage or service is proposed except for the trash and recycling enclosure.

FINDING: These standards are met.

Chapter 16.106 - TRANSPORTATION FACILITIES

16.106.010 - Generally

- A. Creation**

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

Type of Street	ROW Width	Number of Lanes	Minimum Lane Width	On Street Parking Width	Bike Lane Width	Sidewalk Width	Landscap e Strip (exclusiv e of Curb)	Median Width
Neighborhood 1,000 vehicles per day	64'	2	18'	8'	None	8'	5' with 1' buffer	none
Local	52'	2	14'	8' on one side only	None	6'	5' with 1' buffer	none
Downtown Street Standard	60'	2	11'	7'	none	12' pedestrian zone	4' (included in pedestrian zone)	none

16.106.020 - Required Improvements

A. Generally

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

B. Existing Streets

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

C. Proposed Streets

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

D. Extent of Improvements

1. Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards. Streets shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicant may be required to dedicate land for required public improvements only when the exaction is directly related to and roughly proportional to the impact of the development, pursuant to Section 16.106.090.
2. If the applicant is required to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist, as determined by the City:
 - a. A partial improvement is not feasible due to the inability to achieve proper design standards;
 - b. A partial improvement may create a potential safety hazard to motorists or pedestrians.
 - c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;
 - d. The improvement would be in conflict with an adopted capital improvement plan;
 - e. The improvement is associated with an approved land partition on property zoned residential use and the

- proposed land partition does not create any new streets;
or**
- f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project that would contribute only a minor portion of the anticipated future traffic on the street.**

ANALYSIS: The site abuts three public streets – SW Columbia St. to the north/west, SW Willamette St. to the south/east, and SW Pine St. to the south/west. SW Columbia St. is developed to current City standards. SW Willamette St. and SW Pine St. are substandard in either right-of-way or improvements or both.

Street	Classification	Condition	ROW Dedication Required	Street Improvements Required
SW Columbia St.	Local	Developed to City standards	No	No, except to install new driveway
SW Willamette St.	Neighborhood	Substandard right-of-way and improvements	Yes (12 ft.)	Yes, to current neighborhood street standards
SW Pine St.	Collector / Downtown Standard	Substandard improvements	No	Yes, sidewalk at final alignment with fee-in-lieu for roadway improvements (half-street local)

The partition and residential development represent full build-out of the site to all property lines, including a driveway along each frontage. The development will create new demand for pedestrian, vehicle, and/or emergency vehicle along each street.

The City of Sherwood Engineering comments state, “The subject property fronts SW Pine Street (southwest side), SW Willamette Street (southeast side) and a SW Columbia Street (northwest side). Per the City of Sherwood Transportation System Plan (TSP), SW Pine Street is classified as a collector street, SW Willamette Street is classified as a neighborhood street and SW Columbia Street is classified as a local street.

SW Pine Street has an existing 60-foot right-of-way consisting of a non-centered, underdeveloped, 2-lane street with curb and a curb-tight asphalt sidewalk along the subject property frontage. The 30-foot wide half right-of-way width complies with the downtown pedestrian street standards. Since the project frontage along SW Pine Street

is within the Old Town Overlay District, extension of the concrete pedestrian street section that is northwest of the subject property may be desired (two 11-foot wide travel lanes and two 7-foot wide parking lanes with a 3.5-foot wide exposed aggregate separation strip and an 8-foot wide sidewalk within a 30-foot wide half street right-of-way). However due to the significant curvature of the existing street putting it significantly off centered within the existing right-of-way, it would be impractical to try to perform street widening improvements along the subject property's 77.39 feet of frontage at this time. Therefore only the 8-foot width of concrete sidewalk along the subject property street frontage with the back of sidewalk at the right-of-way line along with concrete sidewalk to reconnect back with the existing sidewalk (6-foot wide) will be required at this time.

A development is responsible for half street improvements up to the full half street section of a standard residential local street section. Since none of the existing asphalt roadway along SW Pine Street exists on the subject property's side of the street, the subject property will need to payment-in-lieu for the full half-width standard residential street section for the SW Pine Street frontage. The payment-in-lieu will be based upon a value of 125% of the engineer's estimate for the following:

1. Excavation of roadway (77.39'x15.5'x14")
2. Geotextile roadway fabric (77.39'x15.5')
3. Crushed aggregate base course (77.39'x15.5'x8")
4. Crushed aggregate leveling course (77.39'x12.5'x2")
5. Asphalt concrete pavement (77.39'x12.5'x4")
6. Catch basin and pipe extension.
7. Street light relocation.
8. Two street trees

SW Willamette Street has an existing 20-foot wide half street right-of-way consisting of a travel lane with curb and a curb-tight sidewalk along the subject property frontage. TSP requirements for a neighborhood route street are an 18-foot wide half street section (11-foot wide travel lane with 7-foot wide parking lane), curb and gutter, 5-foot wide landscape strip, 8-foot wide sidewalk and 1-foot wide buffer strip within a 32-foot wide half street right-of-way section. Since the existing street is not up to standards it will be necessary to construct street widening improvements and dedicate right-of-way up to a neighborhood street half street section standard along the subject property of SW Willamette Street (including street light). A 1-1/2" deep grind and inlay to centerline along the subject property street frontage of SW Willamette Street is required. SW Columbia Street currently has a fully developed street section (Sherwood Cannery Square Public Improvements) along the subject property frontage that is in good condition. However since site access to the subject property is to come from SW Columbia Street it will be necessary to remove some of the existing street widening

improvements in order to create an driveway access point for the subject property. It will be necessary for the subject development to restore the SW Columbia Street frontage to the approval of the City of Sherwood Engineering Department.

Since the subject property is within the Old Town Overlay District, no PUE is required.”

FINDING: These criteria are met as conditioned below.

CONDITION OF APPROVAL C1: Prior to final engineering plan approval, the proposed development shall design for an 8-foot wide concrete sidewalk along the subject property street frontage of SW Pine Street with the back of the sidewalk at the existing right-of-way line. Concrete sidewalk to reconnect back with the existing sidewalk (6-foot wide) is required.

CONDITION OF APPROVAL C2: Prior to final engineering plan approval, the proposed development shall make a payment-in-lieu of installing street improvements along the subject property frontage of SW Pine Street. Said payment-in-lieu will be based upon 125% of the engineer’s estimate meeting the approval of the City of Sherwood Engineering Department which will include the following:

1. Excavation of roadway (77.39’x15.5’x14”)
2. Geotextile roadway fabric (77.39’x15.5’)
3. Crushed aggregate base course (77.39’x15.5’x8”)
4. Crushed aggregate leveling course (77.39’x12.5’x2”)
5. Asphalt concrete pavement (77.39’x12.5’x4”)
6. Catch basin and pipe extension.
7. Street light relocation.
8. Two street trees

CONDITION OF APPROVAL C3: Prior to final engineering plan approval, the proposed development shall design for the construction of street widening improvements to that of a neighborhood route street section (including 1 street light) and dedicate right-of-way to a 32-foot right-of-way width from center line along the subject property frontage of SW Willamette Street.

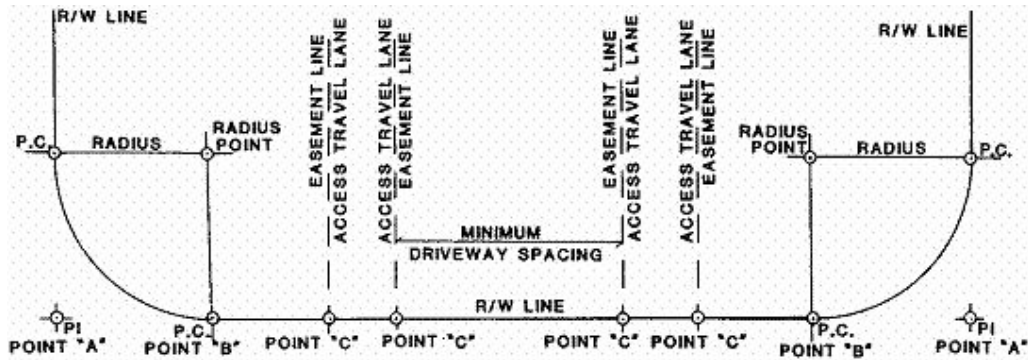
CONDITION OF APPROVAL C4: Prior to final engineering plan approval, the proposed development shall design for a 1-1/2” deep half-street grind and inlay of the existing asphalt along the subject property street frontage of SW Willamette Street.

CONDITION OF APPROVAL C5: Prior to final engineering plan approval, the proposed development shall design for driveway access and street restoration along SW Columbia Street meeting the approval of the City of Sherwood Engineering Department.

M. Vehicular Access Management

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

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



2. Roadway Access

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

- a. Local Streets:

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

b. Neighborhood Routes:

Minimum spacing between driveways (Point "C" to Point "C") shall be fifty (50) feet with the exception of single family residential lots in a recorded subdivision. Such lots shall not be subject to a minimum spacing requirement between driveways (Point "C" to Point "C"). In all instances, access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than fifty (50) feet.

c. Collectors:

All commercial, industrial and institutional uses with one-hundred-fifty (150) feet or more of frontage will be permitted direct access to a Collector. Uses with less than one-hundred-fifty (150) feet of frontage shall not be permitted direct access to Collectors unless no other alternative exists.

Where joint access is available it shall be used, provided that such use is consistent with Section 16.96.040, Joint Access. No use will be permitted direct access to a Collector within one-hundred (100) feet of any present Point "A." Minimum spacing between driveways (Point "C" to Point "C") shall be one-hundred (100) feet. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than one hundred (100) feet.

ANALYSIS: The site abuts three streets with three different classifications. The applicant is proposing the multi-family site to take access from the lowest classification street, SW Columbia St., as required by the standards above. Two new single-family driveways are proposed for the lots along SW Willamette St. The nearest driveway will be approximately 75 ft. from the intersection of SW Willamette St. and SW Pine St. While the driveways will not be spaced 50 ft. apart, their location allows for additional space between the nearest driveway and the public street intersection. An emergency access only driveway is proposed along SW Pine St.

FINDING: These standards are met.

16.106.060 - Sidewalks

A. Required Improvements

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

B. Design Standards

1. **Arterial and Collector Streets**
Arterial and collector streets shall have minimum six (6) or eight (8) foot wide sidewalks/multi-use paths, located as required by this Code. Residential areas shall have a minimum of a six (6) foot wide sidewalk and commercial industrial areas shall have a minimum of an eight (8) foot wide sidewalk.
2. **Local Streets**
Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.
3. **Handicapped Ramps**
Sidewalk handicapped ramps shall be provided at all intersections.

ANALYSIS: The applicant is proposing a 26-unit development representing full build-out of the site. New demand will be created for sidewalk infrastructure abutting each property line and within the Old Town District. Sidewalks are required along all street frontages based on the standard above. A sidewalk to current standards is present within the SW Columbia St. right-of-way. Sidewalk infrastructure within SW Pine St. and

SW Willamette St. is substandard. The applicant is conditioned to provide sidewalks in accordance with City standards.

FINDING: These standards are met.

16.106.070 - Bike Lanes

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

ANALYSIS: The applicant is proposing a 26-unit development representing full build-out of the site. New demand will be created for bike infrastructure abutting each property line and within the Old Town District. Designated bike lanes are not included as part of cross section for each adjacent roadway and it is anticipated bikes will travel on the sidewalk or within the vehicle travel lane. The applicant is conditioned to provide street improvements or pay a fee-in-lieu of improvements in accordance with City standards.

FINDING: These standards are met.

16.106.080 - Traffic Impact Analysis (TIA)

A. Purpose

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

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

constructed as part of the proposal and mitigation measures approved for the proposal.

B. Applicability

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

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

C. Requirements

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

1. **Pre-application Conference.** The applicant shall meet with the City Engineer prior to submitting an application that requires a TIA. This meeting will be coordinated with Washington County and ODOT when an approach road to a County road or Highway 99W serves the property, so that the TIA will meet the requirements of all relevant agencies.
2. **Preparation.** The TIA shall be prepared by an Oregon Registered Professional Engineer qualified to perform traffic Engineering analysis and will be paid for by the applicant.
3. **Typical Average Daily Trips and Peak Hour Trips.** The latest edition of the Trip Generation Manual, published by the

Institute of Transportation Engineers (ITE), shall be used to gauge PM peak hour vehicle trips, unless a specific trip generation study that is approved by the City Engineer indicates an alternative trip generation rate is appropriate.

- 4. Intersection-level Analysis. Intersection-level analysis shall occur at every intersection where the analysis shows that fifty (50) or more peak hour vehicle trips can be expected to result from the development.**
- 5. Transportation Planning Rule Compliance. The requirements of OAR 660-012-0060 shall apply to those land use actions that significantly affect the transportation system, as defined by the Transportation Planning Rule.**

D. Study Area

The following facilities shall be included in the study area for all TIAs:

- 1. All site-access points and intersections (signalized and unsignalized) adjacent to the proposed development site. If the site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage and within the access spacing distances extending out from the boundary of the site frontage.**
- 2. Roads and streets through and adjacent to the site.**
- 3. All intersections needed for signal progression analysis.**
- 4. In addition to these requirements, the City Engineer may require analysis of any additional intersections or roadway links that may be adversely affected as a result of the proposed development.**

E. Analysis Periods

To adequately assess the impacts of a proposed land use action, the following study periods, or horizon years, should be addressed in the transportation impact analysis where applicable:

- 1. Existing Year.**
- 2. Background Conditions in Project Completion Year. The conditions in the year in which the proposed land use action will be completed and occupied, but without the expected traffic from the proposed land use action. This analysis should account for all City-approved developments that are expected to be fully built out in the proposed land use action horizon year, as well as all planned transportation system improvements.**

3. **Full Buildout Conditions in Project Completion Year.** The background condition plus traffic from the proposed land use action assuming full build-out and occupancy.
4. **Phased Years of Completion.** If the project involves construction or occupancy in phases, the applicant shall assess the expected roadway and intersection conditions resulting from major development phases. Phased years of analysis will be determined in coordination with City staff.
5. **Twenty-Year or TSP Horizon Year.** For planned unit developments, comprehensive plan amendments or zoning map amendments, the applicant shall assess the expected future roadway, intersection, and land use conditions as compared to approved comprehensive planning documents.

F. Approval Criteria

When a TIA is required, a proposal is subject to the following criteria, in addition to all criteria otherwise applicable to the underlying land use proposal:

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

G. Conditions of Approval

The City may deny, approve, or approve a development proposal with conditions needed to meet operations and safety standards and provide the necessary right-of-way and improvements to ensure consistency with the future planned transportation system. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly

proportional to the impact of the development on transportation facilities, pursuant to Section 16.106.090. Findings in the development approval shall indicate how the required improvements are directly related to and are roughly proportional to the impact of development.

ANALYSIS: The applicant's narrative states that based on the ITE 10th Edition the proposed 24 attached residential units are 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. The applicant has been conditioned to dedicate right-of-way and construct or pay a fee-in-lieu for street improvements to City standards.

FINDING: This criterion is met.

16.106.090 - Rough Proportionality

A. Purpose

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

B. Mitigation of impacts due to increased demand for transportation facilities associated with the proposed development shall be provided in rough proportion to the transportation impacts of the proposed development. When applicable, anticipated impacts will be determined by the TIA in accordance with Section 16.106.080. When no TIA is required, anticipated impacts will be determined by the City Engineer.

C. The following shall be considered when determining proportional improvements:

1. Condition and capacity of existing facilities within the impact area in relation to City standards. The impact area is generally defined as the area within a one-half-mile radius of the

proposed development. If a TIA is required, the impact area is the TIA study area.

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

ANALYSIS: The proposed partition and residential development represents full build-out of the site at densities consistent with the High Density Residential zone. The development will extend to each property line shared with a public street and no undeveloped property will remain. The Site Plan relies on vehicle, pedestrian, and/or emergency vehicle access from each adjacent street. The development will create new demand on each street from all transportation modes, including approximately 124 average daily vehicle trips and local pedestrian trips from 26 residential units.

While the SW Pine St. access will be limited to emergency vehicles only, the site has limited frontage along the roadway (~77 ft. of frontage on SW Pine St.) and the applicant is utilizing approximately 30 ft. for a new driveway cut and wings. Based on the emergency vehicle access design, the vehicles will be required to travel along SW Pine St. in front of the subject site in order to serve the site. The applicant has been conditioned to construct sidewalks to City standards and pay a fee-in-lieu of construction for half-road improvements up to a local street section. Upon dedication and construction of the required street improvements, the subject property will incur significant short- and long-term benefits that result from a fully developed street system. The applicant has not been conditioned to mitigate for off-site traffic impacts to the transportation system that are not adjacent to the site.

FINDING: These criteria are met.

Chapter 16.110 – SANITARY SEWERS

Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Provided, however, that when impractical to immediately connect to a trunk sewer system, the use of septic tanks may be approved, if sealed sewer laterals are installed for future connection and the temporary system meets all other applicable City, Clean Water Services, Washington County and State sewage disposal standards.

16.110.020 - Design Standards

A. Capacity

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

B. Over-Sizing

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

ANALYSIS: The City of Sherwood Engineering Comments (Exhibit B1) state “There is an existing 12-inch diameter sanitary sewer within SW Willamette Street and an existing 8-inch diameter sanitary sewer within both SW Pine Street and SW Columbia Street. There appears to be no sanitary sewer laterals currently available for connection by the subject property. The subject development is proposed to be split into 1 parcel for apartments and 2 parcels for individual single-family homes. The developer will need to install a sanitary sewer lateral for each parcel.”

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C6: Prior to engineering plan approval, the proposed development shall design to provide a sanitary sewer service lateral for each parcel of the development. The connection to the public sanitary mainline shall be in conformance with City engineering standards.

CONDITION OF APPROVAL C7: Prior to final engineering plan approval, a stormwater connection permit shall be obtained from Clean Water Services (CWS).

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

Chapter 16.112– WATER SUPPLY

16.112.010 Required Improvements

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

16.112.020 - Design Standards

A. Capacity

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

B. Fire Protection

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

C. Over-Sizing

- 1. When water mains will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.**
- 2. Reimbursement shall be in an amount estimated by the City to be the proportionate share of the cost of each connection made to the water mains by property owners outside the development, for a period of ten (10) years from the time of**

installation of the mains. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.

3. **When over-sizing is required in accordance with the Water System Master Plan, it shall be installed per the Water System Master Plan. Compensation for over-sizing may be provided through direct reimbursement, from the City, after mainlines have been accepted. Reimbursement of this nature would be utilized when the cost of over-sizing is for system wide improvements.**

ANALYSIS: The City of Sherwood Engineering Comments (Exhibit B1) state “There is an existing 12-inch diameter water main within SW Pine Street and SW Willamette Street and an existing 8-inch diameter water main within SW Columbia Street. There appears to be no water services currently available for connection by the subject property. The subject development is proposed to be split into 1 parcel for apartments and 2 parcels for individual single-family homes. The developer will need to install a domestic water service for each parcel.”

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C8: Prior to engineering plan approval, the proposed development shall design to provide a domestic water service with backflow prevention for the apartment complex parcel and a domestic water service for each individual single-family home parcel. The connection to the public water main shall be in conformance with City engineering standards.

CONDITION OF APPROVAL C9: Prior to engineering plan approval, the proposed development shall design to provide for fire water service, as needed, with backflow prevention for the apartment complex parcel. The connection to the public water main shall be in conformance with City engineering standards.

CONDITION OF APPROVAL C10: Prior to approval of the public improvements, the proposed development shall record a public water line easement for any public water facilities within private property meeting the approval of the City of Sherwood Engineering Department.

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

Chapter 16.114 – STORM WATER

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

16.114.020 - Design Standards

A. Capacity

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

B. On-Site Source Control

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

C. Conveyance System

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

16.114.030 - Service Availability

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

ANALYSIS: The City of Sherwood Engineering Comments state “There is an existing 27-inch diameter storm sewer within SW Pine Street and SW Willamette Street and an existing 15-inch diameter storm sewer within SW Columbia Street. There appears to be no storm sewer laterals currently available for connection by the subject property. The subject development is proposed to be split into 1 parcel for apartments and 2 parcels for individual single-family homes. The developer will need to install a storm sewer lateral for each parcel.

Water quality in compliance with CWS standards is required for the subject development. Water quality is proposed to be provided for the apartment complex parcel but not for the 2 individual single-family home parcels nor any of the impervious area improvements within the right-of-way. Therefore the developer will need to make a payment-in-lieu of providing water quality treatment for the 2 individual single-family home parcels. All of the storm water runoff in this area flows to a city-owned regional facility located west of SW Main Street and between SW Columbia Street and SW Division Street.

Hydro-modification in compliance with CWS standards is required for the subject development. The subject development proposes providing hydro-modification on the apartment complex parcel that will provide hydro-modification for all 3 parcels. Impervious area within the right-of-way has not been accounted for with the on-site hydro-modification facilities and will require a payment-in-lieu by the developer.

Any on-site water quality/hydro-modification facilities will require a recorded Private Stormwater Facility Access and Maintenance Covenant and an O&M plan.

The subject property is approximately 1.14 acre in size and therefore a NPDES 1200CN permit is required.”

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C11: Prior to engineering plan approval, the proposed development shall design to provide a storm sewer service lateral for each parcel of the development. The connection to the public storm mainline shall be in conformance with City engineering standards.

CONDITION OF APPROVAL C12: Prior to final engineering plan approval, the proposed development shall design to provide for on-site water quality treatment in compliance with CWS standards or make a payment-in-lieu thereof for impervious area not being treated by the development or a combination thereof if approved by the City of Sherwood and CWS.

CONDITION OF APPROVAL C13: Prior to final engineering plan approval, the proposed development shall design to provide for on-site hydro-modification in compliance with CWS standards or make a payment-in-lieu thereof for impervious area not accounted for by the development if approved by the City of Sherwood and CWS.

CONDITION OF APPROVAL C14: Prior to final engineering plan approval, a stormwater connection permit shall be obtained from CWS.

CONDITION OF APPROVAL C15: Prior to approval of the public improvements, a Private Stormwater Facility Access and Maintenance Covenant meeting City of Sherwood standards shall be recorded at Washington County for any on-site water quality/hydro-modification facilities.

CONDITION OF APPROVAL C16: Prior to approval of the public improvements, an O&M Plan meeting City of Sherwood standards shall be provided to the city.

CONDITION OF APPROVAL G8: Prior to Grant of Occupancy, any private stormwater piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.

CONDITION OF APPROVAL D1: Prior to issuance of a Grading Permit from the Building Department, issuance of a NPDES 1200CN permit for the subject development is required.

CONDITION OF APPROVAL C18: Prior to engineering plan approval, the proposed development shall obtain a US Army Corps of Engineers/Oregon Department of State Lands joint permit for the filling of the wetlands.

CONDITION OF APPROVAL A7: The developer shall adhere to the conditions of the Clean Water Services Service Provider Letter.

CONDITION OF APPROVAL C21: Prior to engineering plan approval, revise the Preliminary Composite Utility Plan (Sheet P3.1) to provide additional area drains with atrium grates in the south eastern corner of the site to ensure excess drainage capacity exists, as approved by the City Engineer.

Chapter 16.116 - FIRE PROTECTION

16.116.010 Required Improvements

When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (500) feet from an adequate water supply for fire protection, as

determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.

A. Capacity

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

B. Fire Flow

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

C. Access to Facilities

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

D. Hydrants

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

ANALYSIS: The applicant has been issued a TVF&R Service Provider Letter (Permit #2021-0127) (Exhibit A14). The applicant is required to satisfy the conditions of approval in the letter and pass final inspection from the fire agency.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL G9: Prior to Receiving Occupancy, the site shall receive final inspection and approval from TVF&R.

Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES

16.118.010 Purpose

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

16.118.020 Standard

- A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.**
- B. Public utility easements shall be a minimum of eight (8) feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.**
- C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).**
- D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.**
- E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.**
- F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.**

16.118.030 - Underground Facilities

Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground, unless specifically

authorized for above ground installation, because the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the City.

16.118.040 - Exceptions

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

ANALYSIS: New public and franchise utilities are required to be placed underground with development. PGE has provided comment on the proposal that indicates there are underground electrical facilities along the frontages of each street to serve the development but there are potential clearance conflicts that may require relocation by the applicant. Sherwood Broadband service exists in the area and providing service for all properties in the vicinity of the subject development. Therefore no Sherwood Broadband vaults or conduits are necessary except as necessary to provide service to the new development.

FINDING: These standards are as conditioned below.

CONDITION OF APPROVAL C20: Prior to Issuance of an Engineering Compliance Agreement, final engineering plan approval by the Engineering Department is required.

CONDITION OF APPROVAL E4: Prior to Issuance of any Building Permits, the developer shall execute an Engineering Compliance Agreement for the public improvements related to the project.

CONDITION OF APPROVAL E5: Prior to Issuance of Single Family Home Building Permits, the necessary public improvements for the single family homes along SW Willamette Street shall be in place and have received substantial completion.

CONDITION OF APPROVAL G10: Prior to Grant of Occupancy, final acceptance of the constructed public improvements shall be obtained from the Engineering Department.

CONDITION OF APPROVAL C15: Per City of Sherwood standards, all new utilities shall be placed underground.

Chapter 16.144 - WETLAND, HABITAT AND NATURAL AREAS*

16.144.020 – Standards (Wetlands)

- 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.**
 - 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.**

ANALYSIS: A 0.48-acre seasonal wetland is located at the low point of the site. The applicant is proposing to fill the wetland to accommodate the new residential development. The applicant has completed a Natural Resource Assessment for the site that is included as Exhibit A11. The report includes an assessment of the significance and functional value of wetlands and associated habitat buffer on the site.

When filling a wetland within the City, the standard above requires the applicant to develop or enhance an equal area of wetland on the site or in the same drainage basin. The applicant is proposing to purchase a 0.48-acre wetland mitigation bank credit at the Buter Wetland Mitigation Bank near Beaverton, OR, approximately 5 miles northwest of the development site. The proposed mitigation area is within the Tualatin River Basin, meeting the location standard above.

The size and extent of the wetland has been confirmed by DSL through the issuance of a delineation approval letter (Exhibit A21). The applicant is conditioned to obtain final fill permits from DSL and US Army Corps of Engineers prior to tree removal and issuance of a grading permit on the site.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL D2: Prior to tree removal and issuance of a grading permit, the proposed development shall obtain a US Army Corps of Engineers/Oregon Department of State Lands joint permit for the filling of the wetlands.

CONDITION OF APPROVAL C19: Prior to engineering plan approval, the proposed development shall obtain a US Army Corps of Engineers/Oregon Department of State Lands joint permit for the filling of the wetlands.

Chapter 16.142 Parks, Trees and Open Space

16.142.020 - Multi-Family Developments

A. Standards

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

1. Open Space

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

2. Recreation Facilities

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

3. Minimum Standards

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

4. Terms of Conveyance

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

APPLICANT 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 2nd 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; 2nd 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.

ANALYSIS: Staff concurs with the applicant's response. While a single open space area such as a park or playground is not proposed, the recreational opportunities are appropriate for an urban setting within Old Town Sherwood including a paved and flat outdoor play area and small-scale gardening near each unit.

FINDING: This standard is met.

16.142.060: STREET TREES

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

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

foot wide center turning lanes, planted with trees to the specifications of this subsection.

ANALYSIS: The development site will have frontage on three public streets. SW Columbia St. is fully developed with sidewalks and street trees. The applicant is proposing two new street trees for SW Willamette St., however, details have not been provided. The applicant is conditioned to provide a fee-in-lieu for street trees along SW Pine St.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B4: Prior to Final Site Plan approval, provide a final street tree planting plan for SW Willamette St. in conformance with SZCDC § 16.142.060.

CONDITION OF APPROVAL G11: Prior to occupancy of each single-family residence, street trees for SW Willamette St. shall be installed in conformance with SZCDC § 16.142.060.

16.142.070 Trees on Property Subject to Certain Land Use Applications

A. Generally

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

B. Applicability

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

C. Inventory

1. To assist the City in making its determinations on the retention of trees and woodlands, land use applications including Type II - IV development shall include a tree and woodland inventory and report. The report shall be prepared by a qualified professional and must contain the following information:

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

ANALYSIS: The applicant has provided a tree survey (Exhibit A12) that shows the location, size, and species of each tree on the site. Of the 66 mature trees on the site,

only 4 trees or 6% are native. The applicant is proposing to remove all but two trees on the property to accommodate the residential development.

The site contains one native large stature tree, a 35" DBH douglas fir located at the southeast corner of the site. The tree and a nearby 10" DBH douglas fir will be preserved through site development.

FINDING: These are met as conditioned below.

CONDITION OF APPROVAL D3: Prior to Issuance of a Grading Permit, the applicant shall provide a tree protection plan for the two douglas fir trees that will be preserved at the eastern corner of the site.

CONDITION OF APPROVAL A10: The 35" and 10" DBH douglas fir trees located at the east end of the site shall be protected through site development according to the approved tree protection plan.

D. Retention requirements

1. **Trees may be considered for removal to accommodate the development including buildings, parking, walkways, grading etc., provided the development satisfies of D.2 or D.3, below.**
2. **Required Tree Canopy - Residential Developments (Single Family Attached, Single Family Detached and Two - Family)**
Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of canopy for each tree. The expected mature canopy is counted for each tree regardless of an overlap of multiple tree canopies.
The canopy requirement can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist or other qualified professional shall provide the estimated tree canopy of the proposed trees to the planning department for review.
3. **Required Tree Canopy - Non-Residential and Multi-family Developments**
Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The

canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

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

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

ANALYSIS: The site is located in Old Town and a minimum tree canopy is not required.

FINDING: These standards are met.

4. **The City may determine that, regardless of D.1 through D.3, that certain trees or woodlands may be required to be retained. The basis for such a decision shall include; specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:**
 - a. **Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or**
 - b. **A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or**
 - c. **Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Clean Water Services stormwater management plans and standards of the City Comprehensive Plan, or**
 - d. **Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or**
 - e. **Otherwise merit retention because of unusual size, size of the tree stand, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.**
5. **Tree retention requirements for properties located within the Old Town Overlay or projects subject to the infill standards of Chapter 16.68 are only subject to retention requirements identified in D.4. above.**
6. **The Notice of Decision issued for the land use applications subject to this Section shall indicate which trees and woodlands will be retained as per subsection D of this Section, which may be removed or shall be retained as per subsection D of this Section and any limitations or conditions attached thereto.**
7. **All trees, woodlands, and vegetation located on any private property accepted for dedication to the City for public parks**

and open space, greenways, Significant Natural Areas, wetlands, floodplains, or for storm water management or for other purposes, as a condition of a land use approval, shall be retained outright, irrespective of size, species, condition or other factors. Removal of any such trees, woodlands, and vegetation prior to actual dedication of the property to the City shall be cause for reconsideration of the land use plan approval.

ANALYSIS: The applicant is proposing to remove all trees on the site with the exception of two mature douglas fir trees at the southeast corner of the site, adjacent to an existing single-family residence. As the property is located in an existing urban setting in Old Town Sherwood, staff is not recommending additional preservation requirements. The applicant is proposing landscaping throughout the development site including above ground rain gardens in lieu of a fully underground storm water system. As no tree canopy required applies to properties within Old Town, the applicant is proposing to exceed the tree planting requirements.

FINDING: These standards are met.

Chapter 16.156 - Energy Conservation

16.156.020 Standards

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

ANALYSIS: The 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 streetscape 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, while maximizing solar access from the south.

FINDING: This standard is met.

IV. CONDITIONS OF APPROVAL

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's submittal, staff finds that the proposed site plan does not fully comply with the standards but can be conditioned to comply. **Therefore, staff recommends approval of application LU 2021-022 SP / VAR / LA / MLP Old Town Apartments subject to the following conditions of approval:**

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. The development shall substantially comply with the submitted preliminary plans and narrative except as indicated in the conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.
3. The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to development as required by these conditions of approval, to the plans, standards, and specifications of the City of Sherwood.
4. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
5. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.
6. Retaining walls within public easements or the public right-of-way shall require engineering approval.
7. The developer shall adhere to the conditions of the Clean Water Services Service Provider Letter.
8. Any departure from approved plans not authorized by the Hearing Authority shall be cause for revocation of applicable building and occupancy permits.

9. The Site Plan approval shall be void after two (2) years from the date of the Notice of Decision unless construction on the site has begun, as determined by the City.
10. The 35" and 10" DBH douglas fir trees located at the east end of the site shall be protected through site development according to the approved tree protection plan.
11. Within 12-months from the date of the Notice of Decision, the applicant shall obtain final partition plat approval from the City of Sherwood.
12. Within 12-months from the date of the Notice of Decision, the applicant shall submit the partition plat to the County in accordance with its final partition plat and recording requirements.

B. Prior to Final Site Plan Approval

1. Prior to final site plan approval or recording of a condominium plat, the applicant shall demonstrate how on-site structures and landscaping will be maintained by the owner or HOA.
2. Prior to Final Site Plan approval, the applicant shall provide installation and maintenance details for the on-site landscaping in accordance with SZCDC § 16.92.040, including the proposal for irrigation.
3. Prior to Final Site Plan approval, the applicant shall provide written approval from Pride Disposal for the location and design of the trash and recycling enclosure.
4. Prior to Final Site Plan approval, provide a final street tree planting plan for SW Willamette St. in conformance with SZCDC § 16.142.060.
5. Prior to Final Site Plan approval, revise the plans to provide clear vision areas in conformance with SZCDC § 16.58.010 at the SW Columbia St. / private driveway intersection and SW Pine St. / private driveway intersection.
6. Prior to Final Site Plan approval, revise the Building Elevation plans to show the proposed fiber cement lap siding at 6 inches in width or less.

C. Prior to Approval of the Engineering Public Improvement Plans

1. Prior to final engineering plan approval, the proposed development shall design for an 8-foot wide concrete sidewalk along the subject property street frontage of SW Pine Street with the back of the sidewalk at the existing right-of-way line. Concrete sidewalk to reconnect back with the existing sidewalk (6-foot wide) is required.
2. Prior to final engineering plan approval, the proposed development shall make a payment-in-lieu of installing street improvements along the subject property frontage of SW Pine Street. Said payment-in-lieu will be based upon 125% of the engineer's estimate meeting the approval of the City of Sherwood Engineering Department which will include the following:
 1. Excavation of roadway (77.39'x15.5'x14")
 2. Geotextile roadway fabric (77.39'x15.5')

3. Crushed aggregate base course (77.39'x15.5'x8")
 4. Crushed aggregate leveling course (77.39'x12.5'x2")
 5. Asphalt concrete pavement (77.39'x12.5'x4")
 6. Catch basin and pipe extension.
 7. Street light relocation.
 8. Two street trees
3. Prior to final engineering plan approval, the proposed development shall design for the construction of street widening improvements to that of a neighborhood route street section (including 1 street light) and dedicate right-of-way to a 32-foot right-of-way width from center line along the subject property frontage of SW Willamette Street.
 4. Prior to final engineering plan approval, the proposed development shall design for a 1-1/2" deep half-street grind and inlay of the existing asphalt along the subject property street frontage of SW Willamette Street.
 5. Prior to final engineering plan approval, the proposed development shall design for driveway access and street restoration along SW Columbia Street meeting the approval of the City of Sherwood Engineering Department.
 6. Prior to engineering plan approval, the proposed development shall design to provide a sanitary sewer service lateral for each parcel of the development. The connection to the public sanitary mainline shall be in conformance with City engineering standards.
 7. Prior to final engineering plan approval, a stormwater connection permit shall be obtained from Clean Water Services (CWS).
 8. Prior to engineering plan approval, the proposed development shall design to provide a domestic water service with backflow prevention for the apartment complex parcel and a domestic water service for each individual single-family home parcel. The connection to the public water main shall be in conformance with City engineering standards.
 9. Prior to engineering plan approval, the proposed development shall design to provide for fire water service, as needed, with backflow prevention for the apartment complex parcel. The connection to the public water main shall be in conformance with City engineering standards.
 10. Prior to approval of the public improvements, the proposed development shall record a public water line easement for any public water facilities within private property meeting the approval of the City of Sherwood Engineering Department.
 11. Prior to engineering plan approval, the proposed development shall design to provide a storm sewer service lateral for each parcel of the development. The connection to the public storm mainline shall be in conformance with City engineering standards.
 12. Prior to final engineering plan approval, the proposed development shall design to provide for on-site water quality treatment in compliance with CWS standards or make a payment-in-lieu thereof for impervious area not being treated by the

development or a combination thereof if approved by the City of Sherwood and CWS.

13. Prior to final engineering plan approval, the proposed development shall design to provide for on-site hydro-modification in compliance with CWS standards or make a payment-in-lieu thereof for impervious area not accounted for by the development if approved by the City of Sherwood and CWS.
14. Prior to final engineering plan approval, a stormwater connection permit shall be obtained from CWS.
15. Per City of Sherwood standards, all new utilities shall be placed underground.
16. Prior to approval of the public improvements, a Private Stormwater Facility Access and Maintenance Covenant meeting City of Sherwood standards shall be recorded at Washington County for any on-site water quality/hydro-modification facilities.
17. Prior to approval of the public improvements, an O&M Plan meeting City of Sherwood standards shall be provided to the city.
18. Prior to engineering plan approval, the proposed development shall obtain a US Army Corps of Engineers/Oregon Department of State Lands joint permit for the filling of the wetlands.
19. Prior to engineering plan approval, the proposed development shall obtain a US Army Corps of Engineers/Oregon Department of State Lands joint permit for the filling of the wetlands.
20. Prior to Issuance of an Engineering Compliance Agreement, final engineering plan approval by the Engineering Department is required.
21. Prior to engineering plan approval, revise the Preliminary Composite Utility Plan (Sheet P3.1) to provide additional area drains with atrium grates in the south eastern corner of the site to ensure excess drainage capacity exists, as approved by the City Engineer.

D. Prior to Issuance of a Grading Permit

1. Prior to issuance of a Grading Permit from the Building Department, issuance of a NPDES 1200CN permit for the subject development is required.
2. Prior to tree removal and issuance of a grading permit, the proposed development shall obtain a US Army Corps of Engineers/Oregon Department of State Lands joint permit for the filling of the wetlands.
3. Prior to Issuance of a Grading Permit, the applicant shall provide a tree protection plan for the two douglas fir trees that will be preserved at the eastern corner of the site.

E. Prior to Issuance of Building Permits

1. Prior to issuance of building permits, the applicant shall apply for and obtain site addressing.

2. Prior to Issuance of Building Permits, the applicant shall provide plans that demonstrate how all mechanical equipment will be screened from view of public streets and the adjacent residential zones.
3. Prior to issuance of building permits for Lots 2 and 3, each lot shall be designed to have at least one off-street parking stall a minimum of 9 ft. wide x 20 ft. deep. Garages cannot be used to meet this standard.
4. Prior to Issuance of any Building Permits, the developer shall execute an Engineering Compliance Agreement for the public improvements related to the project.
5. Prior to Issuance of Single Family Home Building Permits, the necessary public improvements for the single family homes along SW Willamette Street shall be in place and have received substantial completion.
6. The developer shall contact PGE for construction/service designs at least 60-90 days prior to proposed construction start.
7. Prior to issuance of building permits for the single-family residences, the applicant shall design the homes to be compatible with the traditional single-family homes in Old Town Sherwood. The design standards in SZCDC § 16.162.090(F)(1) – (9) serve as a reference for a compatible design.

F. Prior to Acceptance of Public Improvements

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

G. Prior to Receiving Occupancy

1. Prior to Final Occupancy, the site shall provide clear vision areas in conformance with SZCDC § 16.58.010 at the SW Columbia St. / private driveway intersection and SW Pine St. / emergency access vehicle intersection.
2. Prior to issuance of occupancy, a minimum 6 ft. tall sight-obscuring wooden fence, decorative masonry wall, or evergreen screen shall be provided between Lots 1 and Lots 2 / 3.
3. Prior to Issuance of Occupancy, all mechanical equipment, outdoor storage, and service and delivery areas shall be screened from view of public streets and the adjacent residential zones.
4. Prior to issuance of occupancy, all parking, loading, and maneuvering areas shall be clearly marked and painted.
5. Prior to Occupancy, the development shall provide a minimum of four bicycle parking stalls, with each space at a minimum of 2 ft. wide x 6 ft. deep.

6. Prior to Grant of Occupancy, any private sanitary sewer piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.
7. Prior to Grant of Occupancy, any private water piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.
8. Prior to Grant of Occupancy, any private stormwater piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.
9. Prior to Receiving Occupancy, the site shall receive final inspection and approval from TVF&R.
10. Prior to Grant of Occupancy, final acceptance of the constructed public improvements shall be obtained from the Engineering Department.
11. Prior to occupancy of each single-family residence, street trees for SW Willamette St. shall be installed in conformance with SZCDC § 16.142.060.
12. Prior to final occupancy, all site landscaping shall be installed according to the final approved landscape plans.

V. EXHIBITS*

A. Applicant Submittal

1. Completeness Review Letter
2. Completeness Response
3. Application Form
4. Partition Checklist
5. Site Plan Review Checklist
6. Tax Map
7. Written Narrative
8. Pre-App Information
9. Neighborhood Meeting Information
10. Title Report
11. Natural Resource Assessment Report
12. Tree Survey
13. CWS SPL
14. TVF&R SPL
15. Pride Disposal Communication
16. Preliminary Storm Drainage Report
17. Preliminary Sight Distance Certification
18. Building Elevations
19. Materials Board
20. Preliminary Engineering Plans
21. DSL Concurrence Letter

B. Agency Comments

1. City of Sherwood Engineering Department

2. Clean Water Services
3. Pride Disposal
4. Portland General Electric

C. Supporting Material

1. Site Map

D. Public Testimony

1. Matt Schiewe and Marilyn Mays (March 1, 2022)

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