



NOTICE OF DECISION

TAX LOT: 2S129CC06500
ADDRESS: 21742 SW Sherwood Blvd.
CASE NO: LU 2022-006 SP / VAR Sherwood Blvd. Multifamily
DATE OF NOTICE: August 1, 2022

Applicant

West Coast Home Solutions, LLC
CBTWO Architects
500 Liberty St. SE, Suite 100
Salem, OR 97301

Owner

West Coast Home Solutions, LLC
25030 SW Parkway Ave, Suite 110
Wilsonville, OR 97070

NOTICE

Because you are the applicant or because you testified on the subject application, you are receiving notice that on July 26, 2022, the Sherwood Planning Commission approved land use application 2022-006 SP / VAR. The approval is for a new 9-unit apartment building and associated site improvements.

INFORMATION: The full Planning Commission findings report, conditions of approval, and land use exhibits can be viewed at: <https://www.sherwoodoregon.gov/planning/project/lu-2022-006-sp-var-sherwood-blvd-multifamily> or can be obtained by contacting Eric Rutledge, Associate Planner, at 503-625-4242 or rutledge@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 August 15, 2022.**

I, Eric Rutledge, for the Planning Department, City of Sherwood, State of Oregon, in Washington County, declare that the Notice of Decision LU 2022-009 SP was placed in a U.S. Postal receptacle, or transmitted via electronic mail, on August 1, 2022 before 5pm.

Eric Rutledge, Associate Planner
City of Sherwood Planning Department

CITY OF SHERWOOD
JULY 26, 2022
PLANNING COMMISSION FINDINGS



SHERWOOD BLVD. MULTIFAMILY
SITE PLAN REVIEW / CLASS A VARIANCE
LU 2022-006 SP / VAR

Pre-App Meeting:	July 8, 2021
App. Submitted:	March 9, 2022
App. Complete:	April 20, 2022
Hearing Date:	June 14, 2022
120-Day Deadline:	September 30, 2022

The Sherwood Planning Commission (Commission) held the initial evidentiary hearing on the subject application on July 12, 2022. The Commission heard presentations by staff and applicant, followed by testimony from the public. Most of the testimony received was in opposition to the project due to concerns over the proposed variances, the design of the building, buffering between properties, tree removal, and the shared access drive and direction of traffic. Prior to closing the record on the hearing, the Commission asked staff and the applicant for more information on the following four items:

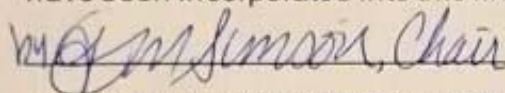
- Building façade changes that would provide more visual interest and a better pedestrian experience along the front and sides of the building.
- A potential sidewalk on the north side of the shared driveway serving the site and Stewart Terrace Apartments
- Enhanced landscaping along the east shared property line to mitigate against the impacts of additional people and vehicles on the site
- Applicable tree preservation code and staff analysis regarding on-site trees

On July 26, 2022 the Commission held a continued hearing on the application. The Commission heard presentations by City staff and the applicant, followed by testimony from the general public. During the applicant presentation, the applicant agreed to two voluntary conditions of approval related to building design and enhanced landscaping to offset the impacts of the proposed variances:

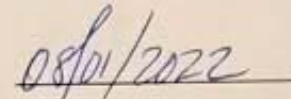
Condition of Approval B3: Prior to Final Site Plan approval, the applicant shall revise the building elevations to be Alternative 1 of Exhibit D3. Alternative 1 shall be further revised to include windows on the north and south side elevations as shown in Exhibit D4.

Condition of Approval B4: Prior to Final Site Plan approval, revise the Landscape Plans to show the proposed Green Spire shrubs along the east property line at a 5-gallon container size.

After considering all of the information in the record, the Commission unanimously approved the application based on the findings in the staff report dated July 5, 2022 with the addition of Conditions of Approval B3 and B4. In approving the application, the Commission stated they understood that many members of the public were unhappy with the zoning of the property and the unit count, however, the Commission is not able to change the zoning or density through a Site Plan Review application. In addition, the code allows variances to address challenges with development on irregular shaped lots such as the subject property. The voluntary Conditions of Approval related to the enhanced façade and perimeter landscaping mitigate adverse impacts associated with the reduced setbacks and perimeter landscaping. The revised findings and conditions of approval have been incorporated into this findings document.



Jean Simson, Planning Commission Chair



Date

PROPOSAL: The applicant is proposing a new 9-unit multifamily building to be located at 21742 SW Sherwood Blvd. The 0.48-acre site is zoned High Density Residential (HDR) and is currently vacant. The applicant is proposing three Class A Variances including a reduction to the minimum front yard setback, a reduction to the visual corridor width abutting an arterial street, and a reduction to the perimeter landscaping buffer abutting a vehicle use area. The development will include 18 parking stalls and will be accessed via the existing driveway serving the Stewart Terrace Apartments. Vehicle egress will be provided via a new driveway across from SW 10th St.

I. BACKGROUND

A. Applicant: West Coast Home Solutions
CBTWO Architects
500 Liberty St. SE, #100
Salem, OR 97212

Owner: West Coast Home Solutions
25030 SW Parkway Ave, Suite 110
Wilsonville, OR 97070

B. Location: 21742 SW Sherwood Blvd. (TL 2S129CC06500)

C. Zoning: High Density Residential

D. Review Type: Type III Site Plan Review and Type IV Class A Variance.
Site Plan Review – between 15,001 SF and 40,000 SF of floor area,

parking or seating capacity. Both applications are being reviewed concurrently under the City's Type IV procedures. The Type IV Hearing Authority is the Planning Commission and the Appeal Authority is the City Council.

- E. Public Notice: Notice of the application was provided in accordance with 16.72.020 of the Sherwood Zoning and Development Code (SZDC) as follows: notice was distributed in five locations throughout the City, posted on the property, and mailed to property owners within 1,000 feet of the site on or before May 25, 2022. Notice of the application was also published in a local newspaper (Tigard Times) on April 26 and June 9, 2022.

- F. Review Criteria: Sherwood Zoning and Community Development Code (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 16.142 Parks, Trees, and Open Spaces; Chapter 16.144 Wetland, Habitat, and Natural Areas; Chapter 16.156 Energy Conservation

- G. Background: The property is identified as Parcel 2 of Washington County Survey and Minor Partition #20029. Parcels 1 and 3 have been developed as the Stewart Terrace Senior Apartments. The subject property contained an old barn that was demolished in 2016-2017.

- H. Existing Conditions: The site is currently vacant except for a concrete pad from the demolished barn, a wooden pole, and overhead wires. There are 10 medium to large size trees on the property, including 4 douglas fir, 4 blue spruce, 1 freeman maple, and 1 sweet cherry (Exhibit A – Sub Exhibit C – Sheet EX-1 Existing Conditions). The western portion of the driveway serving the Stewart Terrace Apartments is located on the subject property. Shared access for the properties is established in Doc #84018475 and Washington County Doc 2022-023363s (Exhibit A – Sub Exhibit A). Trimet Stop ID# 5247 is located along the site frontage on the north side of SW Sherwood Blvd. TriMet lines 93 and 94 provide service between Sherwood and Pioneer Square in downtown Portland.

II. AFFECTED AGENCY AND PUBLIC COMMENTS

- A. Notice of the application was sent to affected agencies via email on May 16, 2022. The following responses were received:
1. City of Sherwood Engineering Department – the City of Sherwood Engineering Department provided comments dated May 31, 2022 (Exhibit B1). The engineering comments address requirements for water, storm sewer, sanitary sewer, and transportation design standards and specific Conditions of Approval and comments are included throughout the report under each applicable code section.
 2. Clean Water Services provided a memorandum dated June 9, 2022 (Exhibit B2). The memorandum provides Conditions of Approvals related to storm sewer, sanitary sewer, and water quality.
 3. Tualatin Valley Fire & Rescue (TVF&R) – TVF&R has issued a Service Provider Letter (SPL) (Exhibit A – Sub Exhibit H) for the proposed development. The SPL indicates the proposed design meets fire district standards. The applicant is required to obtain final approval from TVF&R prior to occupancy.
 4. Pride Disposal – Pride provided comment via email dated June 29, 2022 (Exhibit B3). The applicant is proposing individual totes to be stored within the tuck-under parking at the rear each unit. The new units can be serviced from the rear drive aisle.
 5. The following agencies acknowledged the application without comment or expressing any issues or concerns: Oregon Department of Transportation Outdoor Sign Program, Washington County Land Use & Transportation
- B. Public Comments
1. As of the date of this report, the following comments were received on the application:
 - a. Bonnie Harris (May 26, June 3, and June 26, 2022) – Exhibit C1
 - b. Jeff Lindgren (May 30 and July 3, 2022) – Exhibit C2
 - c. Barry Kennedy (June 7, 2022) – Exhibit C3
 - d. Stephany Hale (July 4, 2022) – Exhibit C4
 - e. Sandra Beckwith (July 5, 2022) – Exhibit C5
 - f. Jo Hankins (July 5, 2022) – Exhibit C6

III. APPLICABLE CODE PROVISIONS

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:

3. Type III

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

b. Site Plan Review — between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010.A.

4. Type IV

g. Class A Variance

ANALYSIS: The combined floor and parking area will exceed 15,000 SF. The applicant is also proposing a Class A Variance for three separate standards. The Type III and Type IV applications are being reviewed concurrently under the City's Type IV procedures.

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.

ANALYSIS: After the required right-of-way dedication, the lot size will be 18,839 SF or 0.43-acres.

Minimum density $0.43 \times 16.8 = 7.2$

Maximum density $0.43 \times 24 = 10.32$

Rounding down, the minimum density is 7 units, and the maximum density is 10 units. The proposal is for a 9-unit apartment building.

FINDING: This standard is met.

16.12.020 - Allowed Residential Land Uses

A. Residential Land Uses

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

USES	HDR
• Multi-family Dwellings	P

ANALYSIS: The property is zoned High Density Residential (HDR) and multi-family dwellings are permitted outright.

FINDING: This standard is met.

16.12.030 - Residential Land Use Development Standards

- A. **Generally**
 No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Variance and Adjustments)
- B. **Development Standards**
 Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas) Chapter 16.44 (Townhomes), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.
- C. **Development Standards per Residential Zone**

Development Standards by Zone	HDR	Proposed
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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 (18,500 SF required for 9 units)	8,000 SF (2 units) <u>10,500 SF (next 7 units)</u> 18,5000 SF (9 units) 339 SF remaining
Min lot width at front property line	25	~ 260 ft.
Min lot width at building line (multi-family)	60	~ 250 ft.
Lot depth	80	81.5 ft.
Max height	40 or 3 stories	30.5 ft.
Front yard setback	14 ft.	Variable width with minimum setback of 9.33 ft
Face of garage	20 ft.	n/a
Interior side yard (over 24 ft. height) (Section 16.68 infill)	Height = 30.5 ft Setback = 8.25 ft	19.5 ft. (south) 34.77 ft. (north)
Rear yard	20 ft.	32.31 ft.

ANALYSIS: The lot and building meet the development standards of the HDR zone with the exception of front yard setback. The applicant has requested a Class A Variance to obtain a reduction to the required 14 ft. setback. The remaining development standards are met as shown in the table above.

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

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: Vehicle ingress is proposed from the existing driveway on SW Sherwood Blvd. serving the Stewart Terrace Apartments. Vehicle egress is proposed from a new outbound-only driveway directly across from SW 10th Ave. The development is required to establish a clear vision area for each driveway as conditioned below.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B1: Prior to Final Site Plan Approval, revise the plans (Site Plan and Landscape Plan) to provide the required Clear Vision Areas at each driveway intersection with a public street in accordance with SZCDC § 16.58.010.

CONDITION OF APPROVAL F1: Prior to Occupancy, Clear Vision Areas shall be established at each driveway intersection with a public street.

16.58.020 - Fences, Walls and Hedges.

- A. Purpose: The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effect of fences can include the**

creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.

B. Reserved

C. Applicability: The following standards apply to walls, fences, hedges, lattice, mounds, and decorative toppers. The standards do not apply to vegetation, sound walls and landscape features up to four (4) feet wide and at least twenty (20) feet apart.

E. Location—Non-Residential Zone:

1. Fences up to eight (8) feet high are allowed along front, rear and side property lines, subject to Section 16.58.010. (Clear Vision) and building department requirements.
2. A sound wall is permitted when required as a part of a development review or concurrent with a road improvement project. A sound wall may not be taller than twenty (20) feet.
3. Hedges up to twelve (12) feet tall are allowed, however, when the non-residential zone abuts a residential zone the requirements of section 16.58.030.d.6. shall apply.

F. General Conditions—All Fences:

1. Fences must be structurally sound and maintained in good repair. A fence may not be propped up in any way from the exterior side.
2. Chain link fencing is not allowed in any required residential front yard setback.
3. The finished side of the fence must face the street or the neighboring property. This does not preclude finished sides on both sides.
4. **Buffering:** If a proposed development is adjacent to a dissimilar use such as a commercial use adjacent to a residential use, or development adjacent to an existing farming operation, a buffer plan that includes, but is not limited to, setbacks, fencing, landscaping, and maintenance via a homeowner's association or managing company must be submitted and approved as part of the preliminary plat or site plan review process per Section 16.90.020 and Chapter 16.122.
5. In the event of a conflict between this Section and the clear vision standards of Section 16.58.010, the standards in Section 16.58.010 prevail.
6. Fences and walls cannot be located within or over a public utility easement without an approved right-of-way permit.

7. **The height of a fence or wall is measured from the actual adjoining level of finished grade measured six (6) inches from the fence. In the event the ground is sloped, the lowest grade within six (6) inches of the fence is used to measure the height.**

ANALYSIS: An existing wooden fence is located along the east and south property lines separating the proposed development site from the Stewart Terrace Apartments. The eastern fence near the existing apartment buildings will remain, while the southern fence near the existing drive aisle will be removed to accommodate the new driveway and landscaping. No new fences are proposed.

FINDING: This standard is met.

Chapter 16.84 - VARIANCES

16.84.010 - Purpose

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

16.84.020 - Applicability

A. Exceptions and Modifications versus Variances

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

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

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

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

ANALYSIS: The applicant is proposing three Class A Variances as shown below:

1. SZCDC § 16.12.030 - Front setback (33% reduction / 14 ft. required, 9 ft. 4 in. proposed)
2. SZCDC § 16.142.040(2) - Visual corridor width along arterial (38% reduction / 15 ft. required, 9 ft. 4 in. proposed)
3. SZCDC § 16.92.030(2)(a) – Perimeter landscape strip (80% reduction / 10 ft. required, 2 ft. proposed)

The Class A Variance approval criteria are addressed below. The proposed variances will not alter the allowed uses on the site.

FINDING: These standards are met.

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 Class A Variances will apply to a single existing lot that meets the dimensional standards of the HDR zone. A subdivision is not proposed. The proposed variances will not alter the allowed uses on the site.

FINDING: These standards 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.**

APPLICANT RESPONSE: The development proposal requires three Class A variances to allow for reductions to: the 14 foot minimum building setback for front yards identified in 16.12.030.C.; the 15 foot width of the visual corridor from properties adjacent to an arterial street 16.142.040.A.2; and the 10 foot perimeter landscape buffer between proposed vehicle use areas and property lines, 16.92.030.A.2.a. as previously applied. These three requests are necessitated as a result of the 9 foot wide public right-of-way dedication that the City of Sherwood is requiring for right-of-way width conformance as the existing width of SW Sherwood Boulevard does not meet current City standards. The half street width of SW Sherwood Boulevard in the area of the development site is 30 feet, however current standard is 39 feet, hence the 9 foot dedication requirement. While the current right-of-way width for SW Sherwood Boulevard is inconsistent from SW Century Drive to SW 3rd Street, existing street improvements generally are consistent so street improvements as part of this development proposal are limited to sidewalk replacement and sidewalk location.

The proposed building has an articulated front facade, providing a varied, "saw toothed" building setback and visual corridor for the length of the building. One corner of the building will be setback from the proposed property line by 9 feet 4 inches; however, that is limited to the northern unit. Generally building corners are setback from the proposed property line by 10 feet 2 inches. Greater setbacks where unit entries are provided actually meet or exceed the minimum standards as most are setback by at least 15 feet or more from the future property line. The proposed building design reduces building mass, provides a residential development that will be complementary to the neighborhood, and utilizes a small undeveloped property whose zoning designation anticipates this type of residential development. Vehicle use areas on site will be screened with a broadleaf evergreen hedge and an existing 6 foot high solid wood fence between multi-family development and parallel parking spaces. Vehicle use areas are limited to a one way driveway and 9 parking spaces which are parallel to the eastern property line.

STAFF ANALYSIS: The Class A Variances are being processed concurrently with the Site Plan application under the City’s Type IV land use procedures. The applicant has provided a written narrative (Exhibit A – pp. 42 – 46) with the required responses.

Staff concurs with the applicant’s analysis above and clarifies that the total width between the nearest point of the building and the curb line of SW Sherwood Blvd. will be greater than 23 ft., as opposed to the 19 ft. indicated by the applicant. The applicant is conditioned to provide an 8 ft. wide sidewalk, 5 ft. wide planter strip, and 1 ft. buffer within the right-of-way. When added to the 9 ft. 4 ft. front setback, the final setback between the building and the curb line of the street will be 23 ft. 4 in.

Staff concurs that the variances are required because of the lot size and shape. The lot is approximately 260 ft. in length but only 90 ft. deep. After the required right-of-way dedication, the lot depth will be 81.5 ft., exceeding the minimum required in the HDR zone by only 1.5 ft. After accounting for a 14 ft. front setback and 20 ft. rear setback, the buildable depth of the property is approximately 47.5 ft. This buildable area is further restricted when accounting for the vehicle parking and drive aisles required by the code.

The applicant has designed the site to meet the required density (7 – 10 units) and the minimum parking requirements. All of the requests are related to the dimensional standards of the code and are warranted based on the size and shape of the property.

FINDING: These standards 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:

RESPONSE: Each request will address this criterion separately, beginning with the Class A variance for a reduction to the minimum building setback for front yards 16.12.030.C. for buildings in properties lying in the High Density Residential Zoning District, followed by the Class A variance for a reduction to the width of visual corridors for properties adjacent to arterial streets 16.142.040.2. for developments located on an arterial street, then followed by Class A variance for a reduction to minimum perimeter landscaping buffer for vehicle use areas 16.92.030.A.2.a.

Class A Variance Request 16.12.030.

The applicant requests a variance to reduce the building setback for front yards from 14 feet to 9 feet 4 inches for a small portion of the northern most residential unit. Generally building corners will be 10 feet from the future property line, with increases for recesses at each unit entry. The varied building setback increases with each unit; the northern most unit being 9 feet 4 inches at its closest point recessing to 12 feet 4 inches, continuing south each unit will be further from the property line, with the middle unit ranging from 9 feet 11 inches to 15 feet 9 inches and then the southerly unit ranging from 10 feet 2 inches up to 17 feet (please refer to the Site Plan, Sheet A1.00, for dimensional references). These dimensions are measured from the future property line which will be more than 20 feet from the edge of the existing public sidewalk. Landscaping will be provided between the street and the building providing a development that is consistent with development code and compliments the existing development in this area meeting the goals of Sherwood's Municipal Code and the Comprehensive Plan. The proposed development's design meets the intent of the standards identified in Division V. Community Design, Chapters 16.90 through 16.96 of the Municipal Code.

Class A Variance Request 16.142.040.2.

The applicant requests a variance to reduce the width of the visual corridor for properties fronting onto arterial streets from 15 feet to a varied width which is 9 feet 4 inches for the northern end of the building increasing as the building continues south following the curve of the property line. The proposed development is unable to meet the standard due to a 9 foot wide public right-of-way dedication reducing the depth of the lot and the developable area. While the actual corridor will be measured from the new property line, the current paved width of the street in this location is not changing or being altered as a result of the proposed development so that the perceived visual corridor will be at least 18 feet at its narrowest but due to building placement and the articulate façade design will be greater for the majority of the street frontage.

Class A Variance Requires 16.92.030.A.2.a.

As noted earlier in this narrative, City staff have indicated that our interpretation of 16.92.030.A.2.a. is inconsistent to how the Planning Division has applied the standard and suggested that the applicant request a Class A variance for a reduction in the minimum width of the perimeter landscape buffer for proposed vehicle use areas. The intent of providing a perimeter landscape buffer and vehicle use areas is to provide a separation between these areas and property lines. While this development is unable to provide the desired 10 feet, it will provide a physical separation that is more densely planted than required for a greater level of screening which meets the goals of the standard. The neighboring properties will not be adversely impacted as the proposed landscape plantings will provide buffering and screening of vehicle use areas where adjacent to property lines and the existing 6 foot high solid wood fence will remain which will maintain a consistent physical barrier between the existing multi-family and the proposed parallel parking. .

The requested Class A variances for a reduction to minimum building setback for front yards, a reduction of the visual corridor width for developments fronting on to arterial streets, and a reduction in the width of perimeter buffer yards adjacent to proposed parking, will not be materially detrimental to the purposes of the Code or any other applicable policies and standards; nor will other properties in the same land use district or vicinity be negatively impacted. The proposed building will be setback from the curb by more than 18 feet which is consistent with the building setback for the neighboring multifamily development. Open areas between the building and the street will be landscaped for a cohesive front yard and visual corridor appearance. Screening through the planting of a broadleaf evergreen hedge will provide a physical buffer between the proposed vehicle use areas and the property lines, plus the 6 foot high solid wood fence will maintain the current barrier that existing along the eastern property line which is similar and consistent with other developments in this area. For these reasons we believe the proposal meets the intent of these standards where relief is requested.

STAFF ANALYSIS: Staff concurs with the applicant response.

FINDING: This criterion is met.

- 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:

RESPONSE: The development site is limited due to site constraints and conditions. It is both irregularly shaped and limited in size with just 20,929 square feet. The west property line curves to follow the SW Sherwood Boulevard public right-of-way, which does not meet current standards for right-of-way width requiring the developer dedicate 9 feet of additional public right-of-way. This dedication will reduce the developable area to 18,839 square feet; developable area is further impacted by the need to provide an 8 foot wide public utility easement (PUE) the length of the street frontage. Existing overhead utility lines can not be practicably relocated precluding access for fire along street frontage, therefore access that can accommodate fire apparatus will need to be provided on the east side of the site. These conditions: 9 foot right-of-way dedication, 8 foot PUE, coupled with the need to provide adequate fire access limits where structures and vehicle use areas can be located on this site. These conditions are unique to the subject property as there are no other vacant lots on SW Sherwood Boulevard or in the vicinity of the site that are zoned High Density Residential.

STAFF 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:

RESPONSE: The proposed use is permitted outright in the High Density Residential Zone. The development proposal is able to meet all but 3 development standards due to required right-of-way dedication. Standards for minimum density, lot area, width and depth, side and rear yard setbacks, access, and landscaping are met by the proposal. The building design provides a highly articulated front façade that allows the building façade plain to step back from the future property line at each unit, the majority of the building will be setback 10 to 15 feet from the future property line. Landscaped separations and screening for vehicle use areas are provided where adjacent to property lines. The requested deviations are the minimum needed to allow for a permitted use that will meet most applicable standards. The proposed multi-family project will provide a quality residential development that will add additional housing units to an underutilized vacant property.

STAFF ANALYSIS: Staff concurs with the applicant response.

FINDING: This criterion is met.

- 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;**

APPLICANT RESPONSE:

RESPONSE: Approval of the requested variances for a reduction to building setback for front yards, a reduction in the width of the visual corridor and a reduction in the width of the landscape buffer will not have a greater impact on existing physical and natural systems, such as traffic, drainage, natural resources, and parks as the proposed use is permitted outright. Approval of these deviations will allow the development to meet other standards such as parking, access, community design, and landscaping which provide greater benefit and meet Planning goals for this area.

STAFF ANALYSIS: Staff concurs with the applicant response.

FINDING: This criterion is met.

e. The hardship is not self-imposed; and

APPLICANT RESPONSE:

RESPONSE: The trigger for the requested setback and perimeter landscape buffer deviations are the direct result of public right-of-way dedication, PUE requirements, and adequate fire apparatus access on-site as a result of existing overhead utilities which serve existing developments. These impacts are not self-imposed and would be an issue for any permitted development that endeavored to meet the goals of the Zoning Code and the Comprehensive Plan for multi-family proposals on this development site.

STAFF 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:

RESPONSE: The three variances requested are the minimum needed to allow for the proposed 9 unit multi-family development. Deviation is minimal and will not create new conditions that do not already exist in the area of the property.

STAFF ANALYSIS: Staff concurs with the applicant response.

FINDING: This criterion is met.

Chapter 16.90 – SITE PLANNING

16.90.020 – Site Plan Review

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 the applicable zoning district standards. The applicant has requested approval of a Class A Variance for two standards – minimum front yard setback and visual corridor width.

FINDING: This standard is met with approval of the Class A Variances for front yard setback and visual corridor width.

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: Water, sanitary sewer, and storm sewer are located in SW Sherwood Blvd. or have been stubbed to the south/east lot line within a public utility easement. The property is located within the service districts of the Sherwood Police Department, Tualatin Valley Fire and Rescue (TVF&R), and Pride Waste Disposal. A TVF&R has issued a Service Provider Letter for the application indicating the design meets fire department requirements. The application was routed to other affected agencies, and no service issues were indicated.

FINDING: This standard 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 site will be owned and maintained by a single owner. The owner is required to maintain the site and improvements in accordance with City code. Future violations would be addressed through City code compliance. The application includes a recorded access agreement for the shared driveway with the adjacent property owner.

FINDING: This standard is met.

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

ANALYSIS: The site is vacant and does not contain significant natural features with the exception of mature trees. The applicant has provided a Tree Report that describes the trees on and near the site. 10 trees are located on the property and are proposed for removal. 7 off-site trees will remain and will be protected through development. The

development is required to provide new tree plantings that result in a 30% canopy over the property.

The on-site trees include Douglas Fir, Blue Spruce, Freeman Maple, and Sweet Cherry. Two of the Douglas Fir trees and the Freeman Maple are over 30 inches in diameter. The Freeman Maple is located under the electrical lines and has been topped over the years to keep vegetation from interfering with the lines. All of the on-site trees are proposed to be removed to accommodate the building, drive aisle and parking stalls, and utilities. SZCDC § 16.142.070(D)(1) allows trees to be removed to accommodate buildings, parking, walkways, grading, etc. provided the 30% minimum tree canopy is met through new plantings.

FINDING: The on-site trees will be removed to accommodate site development. As required by SZCDC § 16.142.070(D)(1) the applicant is proposing to provide a 30% tree canopy through new plantings. No other significant natural features are located on the site. This standard is met.

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

ANALYSIS: The proposal is for a 9-unit apartment building including 7 three-bedroom units and 2 two-bedroom units. The anticipated average daily trips is far below the threshold of 400 trips. The City Engineer has not otherwise required a Transportation Impact Analysis.

FINDING: This standard does not apply.

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

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

ANALYSIS: Each of the 9-units will have a ground floor entrance facing SW Blvd. The building has vertical and horizontal articulation through the use of alternative, recessed entrances, and upper level balconies. The proposed roof is a multi-pitch roof creating variety and visual interest in building design.

FINDING: This standard is met.

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

ANALYSIS: The building is located adjacent to and flush to the street, subject to the required front setback and visual corridor standards. The applicant is requesting approval of a Class A Variance to reduce the required width of both standards.

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

- 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 architecture of the building is parented towards the pedestrian through the use of direct access to the right-of-way for each unit, covered and recessed entrances, and building articulation along the street-facing elevation. The design includes significant glazing on each level through the use of windows and transparent doors. The exterior of the building is proposed to be fiber cement lap siding. No prohibited materials are proposed.

FINDING: This standard is met.

Chapter 16.92 – LANDSCAPING

16.92.010-Landscaping Plan Required

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

ANALYSIS: The applicant submitted a landscape plan (Exhibit A – Sub Exhibit C – Sheet L1.1) that shows the perimeter, parking lot, and site landscaping. Compliance with the specific landscaping standards is discussed below.

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

ANALYSIS: The Landscape Plans provide detail on the size, location, and quantity of landscaping in conformance with this section. Shrubs are proposed at from 1” pots and trees at 2” caliper / 6 ft. tall.

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 on-site trees are proposed to be removed to accommodate full redevelopment of the site. Tree and landscaping standards will be met with new landscaping.

FINDING: This standard is met.

D. Non-Vegetative Features

- 1. Landscaped areas as required by this Chapter may include architectural features interspersed with planted areas, such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, semi-pervious decorative paving, and graveled areas.**
- 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: Non-vegetative features may be used as prescribed above. No artificial plants are permitted or proposed.

FINDING: These standards are met.

16.92.030 Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

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

ANALYSIS: The subject property does not share a property line with a single- or two-family residential use. The property to the east is Stewart Terrace Apartments, to the north is a stormwater facility, and to the west is SW Sherwood Blvd.

FINDING: This standard is not applicable.

2. Perimeter Landscaping Buffer

- a. A minimum ten (10) foot wide landscaped strip comprised of trees, shrubs and ground cover shall be**

provided between off-street parking, loading, or vehicular use areas on separate, abutting, or adjacent properties.

3. Perimeter Landscape Buffer Reduction

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

ANALYSIS: A 10 ft. wide landscape buffer between the on-site parking and the abutting properties to the north / east. The applicant has requested approval of a Class A Variance to reduce the required buffer to 2 ft.

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

B. Parking Area Landscaping

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

ANALYSIS: The Landscape Plan and Narrative provide details on the parking lot landscaping for the site. While nine consecutive parking stalls are proposed, the perimeter and interior landscaping near the parking stalls provide shade, visual interest, and screening for the parking stalls and meet the intent of the standard. The plans demonstrate all of the parking lot landscaping requirements have been satisfied.

FINDING: These standards are met.

6. **Landscaping at Points of Access**
When a private access-way intersects a public right-of-way or when a property abuts the intersection of two (2) or more public rights-of-way, landscaping shall be planted and

maintained so that minimum sight distances shall be preserved pursuant to Section 16.58.010.

ANALYSIS: Clear vision areas are not shown on the plans.

FINDING: This standard is met by Condition of Approval B1 and F1.

6. Exceptions

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

ANALYSIS: The applicant is not requesting any additional reduction to the site landscaping requirements.

FINDING: This standard is not applicable.

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 Site Plan indicates a utility box will be located adjacent to the southeast corner of the building. The utility area will be screened from SW Sherwood Blvd. and the by shrubs.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL F2: Prior to Receiving Occupancy, all ground and roof mounted mechanical equipment shall be screened from view from all public streets and 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: The site has frontage on SW Sherwood Blvd. which is an arterial street. The applicant is requesting approval of a Class A Variance to reduce the required width of the visual corridor.

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

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 applicant's landscape plans indicate an automated drip irrigation system will be used. Details on the installation and maintenance of the landscaping have not been provided.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL F3: Prior to occupancy, all required landscaping shall be installed to current nursery industry standards.

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 Civil Site Plan (Exhibit A3 – Sheet C2.1) 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 is 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: The applicant is proposing a total of 18 off-street parking stalls. 9 uncovered parking stalls are proposed along the east property line and 9 tuck-under stalls are proposed at the rear of the building. The tuck under parking will be open and will not include garage doors that would enclose the space.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL A8: The tuck under parking stalls serving each unit shall be open to the rear of the site and shall only be used for parking of vehicles and storage of trash and recycling totes. The design and use restrictions shall be included in the Covenants, Conditions, and Restrictions (CC&Rs) for the property.

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 plans identify marked and painted parking spaces.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL F3: 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 plans that include 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 Permitted Parking Zone A ¹	Maximum Permitted Parking Zone B ²
Multi-family ⁴	1 per unit under 500 SF 1.25 per 1 bdr 1.5 per 2 bdr 1.75 per 3 bdr	None	None

¹ Parking Zone A reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone A areas include those parcels that are located within one-quarter (1/4) mile walking distance of bus transit stops, one-half (1/2) mile walking distance of light rail station platforms, or both, or that have a greater than twenty-minute peak hour transit service.

² Parking Zone B reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone B areas include those parcels that are located at a distance greater than one-quarter (1/4) mile walking distance of bus transit stops, one-half (1/2) mile walking distance of light rail station platforms, or both.

ANALYSIS: The multifamily building is proposed to include seven 3-bedroom and two 2-bedroom units.

2 units x 1.5 stalls = 3

7 units x 1.75 stalls = 12.25

Total without guest parking = 12.25 stalls

Guest parking required 12.25 x 0.15 = 2.28 stalls

12.25 + 2.28 = 17.53 stalls or 18 rounded up

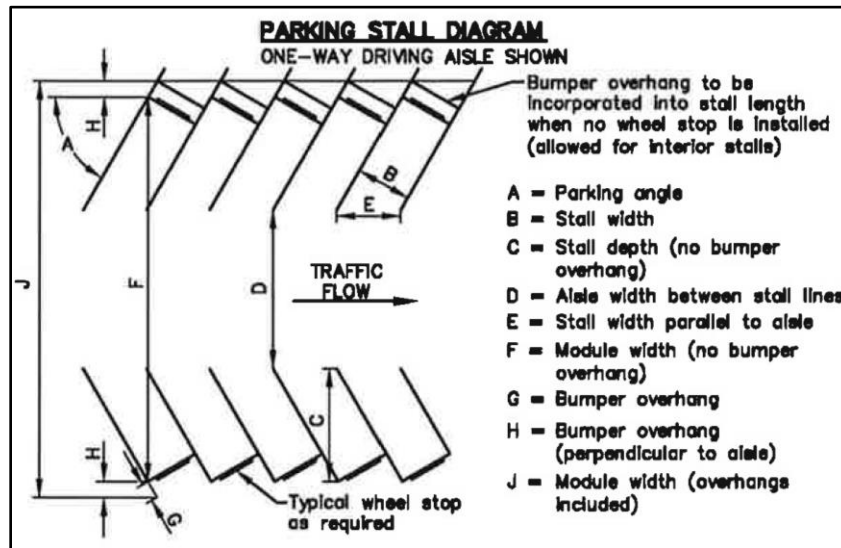
A minimum of 18 parking stalls are required, and the applicant is proposing 18 stalls.

FINDING: This standard is met.

B. Dimensional and General Configuration Standards

1. **Dimensions** For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.
2. **Layout**
Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicle turning and maneuvering.

Groups of more than four (4) parking spaces shall be served by a driveway so as to minimize backing movements or other maneuvering within a street, other than an alley. All parking areas shall meet the minimum standards shown in the following table and diagram.



Minimum Parking Dimension Requirements
Table 2: One-Way Driving Aisle

A	B	C	D	E	F	G	H	J
45°	8.0	16.5	24.0	11.3	57.0	3.0	2.5	62.0
	9.0	18.5	24.0	12.7	61.0	3.0	2.5	66.0
60°	8.0	17.0	24.0	9.2	58.0	3.0	2.5	63.0
	9.0	19.5	24.0	10.4	63.0	3.0	2.5	68.0
75°	8.0	16.5	26.0	8.3	59.0	3.0	3.0	65.0
	9.0	19.0	24.0	9.3	62.0	3.0	3.0	68.0
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

Table 3: Two-Way Driving Aisle

A	B	C	D	E	F	G	H	J
45°	8.0	16.5	13.0	11.3	46.0	3.0	2.5	51.0
	9.0	18.5	12.0	12.7	49.0	3.0	2.5	54.0
60°	8.0	17.0	18.0	9.2	52.0	3.0	2.5	57.0
	9.0	19.5	16.0	10.4	55.0	3.0	2.5	60.0
75°	8.0	16.5	26.0	8.3	59.0	3.0	3.0	65.0
	9.0	19.0	23.0	9.3	61.0	3.0	3.0	67.0
90°	8.0	18.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	20.0	24.0	9.0	58.0	3.0	3.0	64.0

3. Wheel Stops

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

ANALYSIS: A total of 18 on-site parking stalls are proposed, including 9 uncovered parallel stalls and 9 tuck under stalls. The table above does not provide minimum dimensions for parallel parking stalls and the adjacent drive aisle. Each tuck under stall is proposed at 10 ft. wide by 21 ft. deep. The surface level parallel stalls are proposed at 9 ft. wide x 20 ft. deep with three compact stalls at 18.5 ft. wide x 18.5 ft. deep. The stall dimensions meet the minimum requirements in subsection B1 above. The one-way drive aisle is proposed at 20 ft., exceeding the minimum requirement pursuant to SZCDC § 16.96.030 by 5 ft. No wheel stops are proposed.

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
Multi-dwelling	2 or 1 per 10 auto spaces

ANALYSIS: The proposed use requires a minimum of 2 bicycle parking spaces. Two bike racks are proposed in front of the building near SW Sherwood Blvd at each end of the property.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL F4: Prior to Receiving Occupancy, bike racks shall be installed in accordance with SZCDC § 16.94.020(C).

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 proposed use is residential, and the building size does not exceed 20,000 SF. Off-street loading is not required.

FINDING: This standard does not apply.

Chapter 16.96 - ONSITE CIRCULATION

16.92.010 – On-Site Pedestrian and Bicycle Circulation

A. Purpose

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

B. Maintenance

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

C. Joint Access

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

D. Connection to Streets

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

ANALYSIS: A new concrete sidewalk is proposed between the ground floor entrance of each unit and SW Sherwood Blvd. A TriMet bus stop is located directly in front property, and each unit will have convenient access to the stop. The applicant also proposes a new public sidewalk and street trees along site frontage.

FINDING: This standard is met.

E. Maintenance of Required Improvements

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

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

FINDING: This standard is met.

F. Access to Major Roadways

Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Appendix C of the Community Development Plan, Part II, shall be limited as follows:

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

2. **Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress.**
3. **All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.**

ANALYSIS: SW Sherwood Blvd. is an arterial status roadway under City jurisdiction. The City’s Local Street Connectivity Map (TSP Figure 18) does not provide for alternative access to a lower classification street now or in the future. Ingress is proposed from an existing driveway that serves the Stewart Terrace Apartments at an existing intersection (SW Sherwood Blvd. and SW Glen Eagle). Egress is proposed from a new driveway at another existing intersection to the north (SW Sherwood Blvd. and SW 10th). No new intersections are proposed along the arterial street. The applicant is required to provide sight distance certifications for each driveway prior to issuance of building permits.

FINDING: These standards are met.

G. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

ANALYSIS: No service drives are proposed.

FINDING: These standards do not apply.

16.96.020 Minimum - Residential standards

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

A. Driveways

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 minimum of one driveway is required based on the unit count. The width of the existing driveway serving SW Stewart Terrace is 30 ft. The proposed one way egress driveway is proposed at 20 ft.

FINDING: This standard is met.

B. Sidewalks, Pathways and Curbs

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: A new concrete sidewalk is proposed between the ground floor entrance of each unit and SW Sherwood Blvd. The sidewalk system will also connect to the open

space at each side of the building. The rear of the site will be used for vehicle parking and does not require a sidewalk.

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: Each unit will have its own trash and recycling totes in the tuck under parking area at the rear of the building. The totes will be screened from the adjacent property by an exterior wall. Pride Disposal has commented on the application (Exhibit C3) that indicates the site can be served as proposed.

FINDING: This standard is met.

Chapter 16.106 - TRANSPORTATION FACILITIES

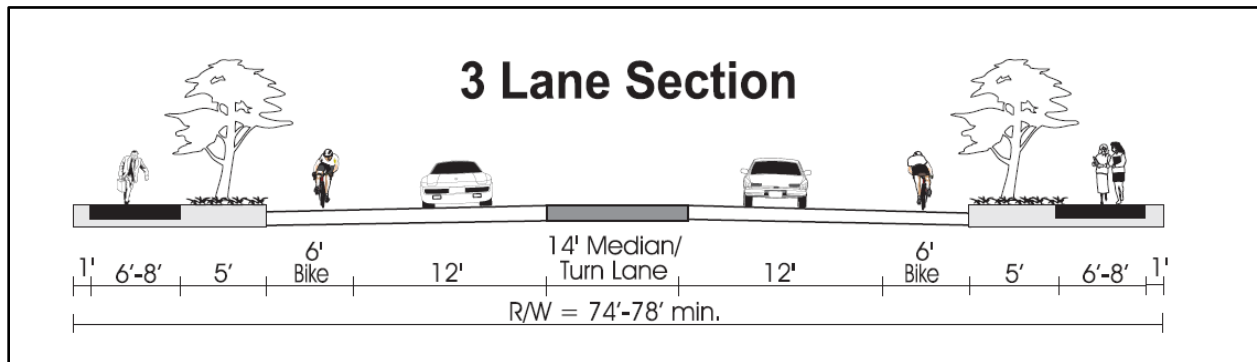
16.106.010 - Generally

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	Right of Way Width	Number of Lanes	Minimum Lane Width	On Street Parking Width	Bike Lane Width	Sidewalk Width	Landscaping Strip (exclusive of Curb)	Median Width
Arterial	60-102'	2-5	12'	Limited	6 feet	6-8'	5'	14' if required

ANALYSIS: The development site abuts SW Sherwood Blvd., a 3-lane arterial under City jurisdiction. The current standard requires a 39-foot wide half-street section (78 ft. total right-of-way width) as shown in the diagram below. The current half-street width is 30 ft., requiring a 9 ft. wide right-of-way dedication. The 78-foot 3-lane arterial design includes a 6 ft. wide bike lane, 5 ft. wide landscape strip, and 8 ft. wide sidewalk. The applicant has been conditioned to install a new curb, landscape strip, and sidewalk in its final location along the site frontage. A fee-in-lieu for roadway improvements is also required. No street widening is required at this time as the road would be inconsistent with the rest of SW Sherwood Blvd.



3-lane arterial cross section (TSP Figure 16A)

FINDING: This standard is met.

16.106.020 - Required Improvements

A. Generally

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

B. Existing Streets

Except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located between the centerline of the right-of-way and the property line of the lot proposed for development. In no

event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet.

C. Proposed Streets

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

D. Extent of Improvements

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

minor portion of the anticipated future traffic on the street.

ANALYSIS: The City of Sherwood Engineering comments state “The subject property has frontage on SW Sherwood Boulevard (Arterial). Currently, the existing street has a 3-lane street section with no bike lanes and a curb tight sidewalk. City standards are for a 25-foot wide paved street section with 5-foot wide landscape strip and an 8-foot wide sidewalk within a 39-foot wide half street right-of-way section. Right-of-way to a 39-foot half street width will need to be dedicated. The existing sidewalk will need to be removed with a new 8-foot wide sidewalk installed at standard location providing for a landscape strip.

Typically the street would be required to be widened. However, this would make the width in this area inconsistent with the rest of SW Sherwood Boulevard, and it would be better to accept a payment in lieu of the street widening (asphalt widening and curb and gutter) and widen the paving with a future improvement project for SW Sherwood Boulevard. Street lighting at a location to not interfere with future street widening improvements will be required.

There is a mid-block sidewalk ramp within SW Sherwood Boulevard partially in front of the subject property at the northwest end of the site. The sidewalk ramp currently does not meet ADA standards, and it is at a location where a mid-block crossing is not desirable. This ramp will need to be removed and replaced with a standard sidewalk section and signage installed to discourage pedestrian crossings at this location.”

FINDING: These criteria are met as conditioned below.

CONDITION OF APPROVAL C1: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to remove the existing curb-tight sidewalk, create a landscape strip and install a new 8-foot wide sidewalk in its ultimate location along the subject property frontage of SW Sherwood Boulevard meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL C2: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to remove the existing sidewalk ramp on SW Sherwood Boulevard at the northwest end of the subject property and replace with a standard sidewalk section and signage meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL C3: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design for a one-way driveway access onto SW Sherwood Boulevard across from SW 10th Street meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL C4: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to install street lighting along the subject property frontage of SW Sherwood Boulevard meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL C5: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall make a payment-in-lieu to the city for street widening improvements along the subject property frontage. The developer shall provide an engineer's estimate for the payment in lieu based upon cost of installing curb and gutter and cost of asphalt widening (local street pavement structure) for the additional width necessary for a 25-foot wide half street section meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL E1: Prior to Acceptance of Public Improvements, the proposed development shall set monuments for and dedicate right-of-way along the subject property frontage of SW Sherwood Boulevard to a 39-foot half-street right-of-way width.

16.106.030 - Location

C. Underground Utilities

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

ANALYSIS: New public and private utilities are required to serve the development. The applicant is proposing all new utilities underground. There are existing overhead wires that run in front of the site and then cross SW Sherwood Blvd. Requiring the applicant to underground the wires would likely require significant off-site work, including new electrical poles in new locations. The applicant has been conditioned to provide a vault and underground conduits for future undergrounding of the wires in front of the site.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C6: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design for the installation of vaults and conduit for future undergrounding of the overhead utilities (including Sherwood Broadband) along the subject property frontage of SW Sherwood Boulevard meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL C7: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design for utility services to the new building to be underground.

D. Additional Setbacks

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

	Classification	Additional Setback
1.	Principle Arterial (99W)	61 feet
2.	Arterial	37 feet
3.	Collector	32 feet
4.	Neighborhood Route	32 feet
5.	Local	26 feet

ANALYSIS: The full half-street right-of-way width will be acquired and no additional setback is required. The applicant is requesting a variance to the required setback.

FINDING: This standard is met.

16.106.040 - Design

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

A. Reserve Strips

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

B. Alignment

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

C. Future Extension

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

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

D. Intersection Angles

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

E. Cul-de-sacs

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

F. Grades and Curves

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

G. Streets Adjacent to Railroads

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

H. Buffering of Major Streets

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

I. Median Islands

As illustrated in the adopted Transportation System Plan, Chapter 8, median islands may be required on arterial or collector streets for the purpose of controlling access, providing pedestrian safety or for aesthetic purposes.

J. Transit Facilities

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

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

K. Traffic Controls

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

L. Traffic Calming

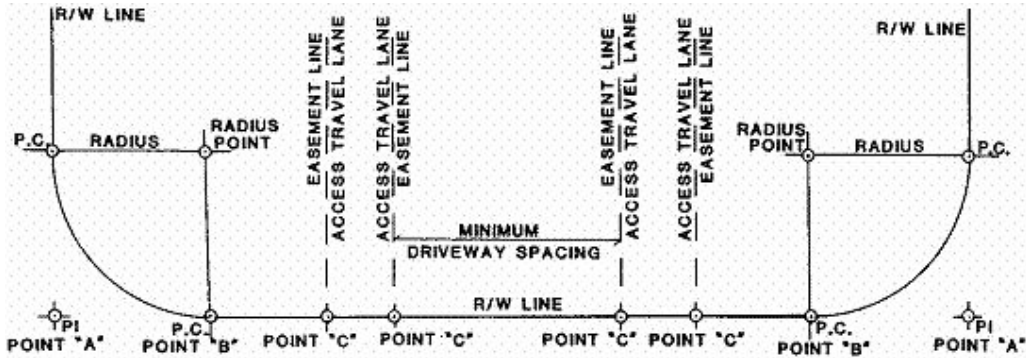
1. The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:
 - a. Curb extensions (bulb-outs).
 - b. Traffic diverters/circles.
 - c. Alternative paving and painting patterns.
 -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

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.

- d. Arterials and Highway 99W - Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Figure 1 of the Community Development Plan, Part II, shall be limited as follows:
 - (1) Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W or arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.

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

 - (a) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').**
 - (b) The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.**
 - (3) All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local, neighborhood route or collector streets, including frontage or backage roads, consistent with the Transportation Plan Map and Chapter 6 of the Community Development Plan**
- 3. Exceptions to Access Criteria for City-Owned Streets**

 - a. Alternate points of access may be allowed if an access management plan which maintains the classified**

function and integrity of the applicable facility is submitted to and approved by the City Engineer as the access management plan must be included as part of the land use submittal or an application for modification as described in § 16.106.020 E. (Transportation Facilities Modifications)

- b. Access in the Old Town (OT) Overlay Zone**
Access points in the OT Overlay Zone shown in an adopted plan such as the Transportation System Plan, are not subject to the access spacing standards and do not need a variance. However, the applicant shall submit a partial access management plan for approval by the City Engineer. The approved plan shall be implemented as a condition of development approval.

ANALYSIS: Ingress and egress will be provided via private driveways at existing intersections along SW Sherwood Blvd. The applicant has been conditioned to provide a Sight Distance certification for each driveway prior to issuance of building permits.

Trimet Stop ID# 5247 is located along the site frontage on the north side of SW Sherwood Blvd. TriMet lines 93 and 94 provide service between Sherwood and Pioneer Square in downtown Portland. The applicant is conditioned to provide new bus stop improvements as required by the development code. No comments were received from TriMet.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL C8: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to provide a transit passenger landing pad accessible to disabled persons.

CONDITION OF APPROVAL C9: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to provide lighting at the transit stop (if not already existing to transit agency standards).

CONDITION OF APPROVAL: Prior to Issuance to Final Site Plan Approval and Issuance of Building Permits, the applicant shall provide a preliminary Sight Distance certification for the existing and proposed driveways.

16.106.060 - Sidewalks

A. Required Improvements

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

B. Design Standards

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

C. Pedestrian and Bicycle Paths

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

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 has been conditioned to construct or pay a fee-in-lieu for sidewalk and bike lane improvements to City standards.

FINDING: These standards are met.

16.106.090 - Rough Proportionality

- A. Purpose**
The purpose of this section is to ensure that required transportation facility improvements are roughly proportional to the potential impacts of the proposed development. The rough proportionality requirements of this section apply to both frontage and non-frontage improvements. A proportionality analysis will be conducted by the City Engineer for any proposed development that triggers transportation facility improvements pursuant to this chapter. The City Engineer will take into consideration any benefits that are estimated to accrue to the development property as a result of any required transportation facility improvements. A proportionality determination can be appealed pursuant to Chapter 16.76. The following general provisions apply whenever a proportionality analysis is conducted.
- B. Mitigation of impacts due to increased demand for transportation facilities associated with the proposed development shall be provided in rough proportion to the transportation impacts of the proposed development. When applicable, anticipated impacts will be determined by the TIA in accordance with Section 16.106.080. When no TIA is required, anticipated impacts will be determined by the City Engineer.**
- C. The following shall be considered when determining proportional improvements:**
- 1. Condition and capacity of existing facilities within the impact area in relation to City standards. The impact area is generally defined as the area within a one-half-mile radius of the proposed development. If a TIA is required, the impact area is the TIA study area.**
 - 2. Existing vehicle, bicycle, pedestrian, and transit use within the impact area.**
 - 3. The effect of increased demand on transportation facilities and other approved, but not yet constructed, development projects within the impact area that is associated with the proposed development.**
 - 4. Applicable TSP goals, policies, and plans.**
 - 5. Whether any route affected by increased transportation demand within the impact area is listed in any City program including school trip safety; neighborhood traffic management; capital improvement; system development improvement, or others.**
 - 6. Accident history within the impact area.**
 - 7. Potential increased safety risks to transportation facility users, including pedestrians and cyclists.**

8. **Potential benefit the development property will receive as a result of the construction of any required transportation facility improvements.**
9. **Other considerations as may be identified in the review process pursuant to Chapter 16.72.**

ANALYSIS: The development site has approximately 260 ft. of frontage along SW Sherwood Blvd. and is proposing direct vehicle and pedestrian access between the site and the right-of-way. The applicant is dedicating the required right-of-way and constructing or paying a fee-in-lieu of all required improvements.

FINDING: These criteria are met.

Chapter 16.108 – Improvement Plan Review

16.108.010 – Preparation and Submission

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

A. Review Fee

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

B. Engineering Agreement

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

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

ANALYSIS: Work will be conducted in the right-of-way as part of the proposed development, and a Engineering Plan Review / Engineering Compliance Agreement is required.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL D1: Prior to Issuance of Building Permits, an Engineering Compliance Agreement shall be obtained from the City of Sherwood Engineering Department.

Chapter 16.110 – SANITARY SEWERS

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

ANALYSIS: City of Sherwood Engineering comments state “Currently a public sanitary sewer main exists within a public easement within the property southeast of the subject property. This sanitary sewer is stubbed to the southeast end of the subject property. Since the subject property is the only property that does not have sanitary sewer service in this area, the public sanitary sewer only needs extending as necessary to provide public sanitary sewer service to the subject property.

Any private sanitary sewer extending through neighboring properties needs to meet CWS standards and needs to be within a private easement.”

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C10: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to use/extend the existing public sanitary sewer as necessary to supply service to the new building meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL D2: Prior to Issuance of a Plumbing Permit, the proposed development shall design the private sanitary sewer to be in compliance with the current Oregon Plumbing Specialty Code.

CONDITION OF APPROVAL E2: Prior to Final Acceptance of the Constructed Public Improvements, any private sanitary sewer facilities to be located on neighboring private property shall have a recorded private sanitary sewer easement encompassing the related private sanitary sewer improvements meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL E3: Prior to Final Acceptance of the Constructed Public Improvements, any public sanitary sewer facilities to be located on private property shall have a recorded public sanitary sewer or utility easement encompassing the related

public sanitary sewer improvements meeting the approval of the Sherwood Engineering Department.

Chapter 16.112– WATER SUPPLY

16.112.010 Required Improvements

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

ANALYSIS: City of Sherwood Engineering comments state “Currently there is a public water main existing within SW Sherwood Boulevard along the subject property frontage. There is also a public water main within a public easement within the property to the southeast of the subject property. This water line is stubbed to the southeast end of the subject property. Since this is the only property that does not have water service in this area, the public water system only needs extending as necessary to provide public water service to the subject property.

On-site fire protection may be necessary depending on conditions by Tualatin Valley Fire & Rescue.”

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C11: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to use the existing water stub to supply domestic, irrigation and fire water to the development as needed unless otherwise approved by the Sherwood Engineering Department.

CONDITION OF APPROVAL C12: Prior to Approval of the Engineering Public Improvement Plans, water flows calculations (domestic, irrigation and fire) shall be provided by the developer.

CONDITION OF APPROVAL C13: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design for the installation of a Backflow Assembly meeting Sherwood Engineering Department standards unless otherwise approved.

CONDITION OF APPROVAL C14: Prior to Approval of the Engineering Public Improvement Plans, if on-site fire protection is to be installed, the proposed development shall design for the installation of fire line backflow protection meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL D3: Prior to Issuance of a Plumbing Permit, the proposed development shall design for private water lines to be in compliance with the current Oregon Plumbing Specialty Code.

CONDITION OF APPROVAL E4: Prior to Final Acceptance of the Constructed Public Improvements, any public water facilities to be located on private property shall have a recorded public water line easement encompassing the related public water improvements meeting the approval of the Sherwood Engineering department.

Chapter 16.114 – STORM WATER

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

ANALYSIS: The City of Sherwood Engineering comments state “Currently a public storm sewer main exists within a public easement within the property southeast of the subject property. This storm sewer is stubbed to the southeast end of the subject property. Since the subject property is the only property that does not have public storm sewer service in this area, the public storm sewer only needs extending as necessary to provide public storm sewer service to the subject property.

The existing storm sewer to the southeast does not flow to any public regional water quality facility or hydro-modification facility. Water quality and hydro-modification is required for all new/modified impervious area in compliance with CWS standards.”

“City policy requires that prior to grading, a permit is obtained from the Building Department for all grading on the private portion of the site.

The Engineering Department requires a grading permit for all areas graded as part of the public improvements. The Engineering permit for grading of the public improvements is reviewed, approved and released as part of the public improvement plans.

An erosion control plan and permit is required from the City of Sherwood Engineering Department for all public and private improvements. The erosion control permit is reviewed, approved and released as part of the public improvement plans.

Since the proposed parcel is less than 1 acre in size, only a city issued grading and erosion control permit is required for this development.”

“Clean Water Services has issued a Service Provider Letter and has noted that this development will not significantly impact water quality sensitive areas.”

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C15: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to use/extend the existing public storm sewer as necessary to supply service to the subject property meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL C16: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to provide storm water quality treatment and hydro-modification in compliance with Clean Water Services' standards.

CONDITION OF APPROVAL E5: Prior to Acceptance of Public Improvements, private water quality/hydro-modification facilities shall have a recorded Private Stormwater Facility Access and Maintenance Covenant. An Operation and Maintenance Plan for all private hydro-modification facilities is also required to be submitted to the Sherwood Engineering Department.

CONDITION OF APPROVAL D4: Prior to Issuance of a Plumbing Permit, the proposed development shall design for private storm water runoff within the subject property to be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code.

CONDITION OF APPROVAL D5: Prior to Issuance of Building Permits, a grading and erosion control permit shall be obtained from the Sherwood Building Department.

CONDITION OF APPROVAL C17: Prior to Approval of the Engineering Public Improvement Plans, a Storm Water Connection Permit Authorization shall be obtained from Clean Water Services.

Chapter 16.116 - FIRE PROTECTION

16.116.010 Required Improvements

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

A. Capacity

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

B. Fire Flow

Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the

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

C. Access to Facilities

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

D. Hydrants

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

ANALYSIS: Fire protection and emergency services are provided by Tualatin Valley Fire and Rescue (TVFR). The applicant has obtained a Service Provider Letter from TVF&R included as Exhibit A – Sub Exhibit H.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL F5: Prior to receiving occupancy, obtain final approval from Tualatin Valley Fire & Rescue for occupancy of the site and building.

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: An 8-foot wide PUE is required to be dedicated as part of the site development approval. Sherwood Broadband is currently located within the overhead lines along the subject property frontage of SW Sherwood Boulevard. The applicant is also required to provide

Sherwood Broadband conduits and vaults along the site frontage for future undergrounding of the overhead lines.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL E6: Prior to Acceptance of Public Improvements, the proposed development shall dedicate a minimum 8-foot wide PUE along the subject property street frontage meeting the approval of the Sherwood Engineering Department.

Chapter 16.142 Parks, Trees and Open Space

16.142.020 - Multi-Family Developments

A. Standards

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

1. Open Space

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

2. Recreation Facilities

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

3. Minimum Standards

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

4. Terms of Conveyance

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

ANALYSIS: The net site area is 18,839 SF. Open space is required as indicated below:

Required: 20% minimum open space (3,767 SF)

Proposed: 26% open space (4,932 SF)

The applicant's narrative states a total of 4,932 SF of open space is proposed, including at least 50% usable open space. Grass, benches, and landscaping are proposed along the north and south sides of the building. Additional walkways and landscaping are provided in front of each unit.

FINDING: This standard is met.

16.142.040 - Visual Corridors

A. Corridors Required

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

	Category	Width
1.	Highway 99W	25 feet
2.	Arterial	15 feet
3.	Collector	10 feet

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

B. Landscape Materials

The required visual corridor areas shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 16.142.060, shall be planted in the corridor by the developer. The

improvements shall be included in the compliance agreement. In no case shall trees be removed from the required visual corridor.

C. Establishment and Maintenance

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

D. Required Yard

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

ANALYSIS: The site is located along SW Sherwood Blvd., an arterial street under City jurisdiction. The applicant is requesting approval of a Class A Variance to reduce the width of the visual corridor from 15 ft. to 9 ft. 4 in. at its closest point. The minimum 9.4 ft. visual corridor established as part of the development will be in addition to a new 5 ft. wide landscape strip, 8 ft. sidewalk, and 1 ft. buffer in the right-of-way for a combined setback of 23 ft. 4 in. from the curb line to the building.

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

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 applicant is proposing to install new street trees in the right-of-way as part of the site redevelopment. A total of six Eastern Redbud trees are proposed. The trees are appropriate for being located under existing power lines, as indicated in the City's Recommended Street Tree List.

FINDING: This standard is met.

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 Report that provides details on the 17 trees located on and near the development site. 10 trees are located on the property and are proposed to be removed. The 7 off-site trees will remain and be protected through site development.

As no trees will be retained on-site, the development is required to provide new tree plantings that at maturity, will result in a 30% tree canopy over the site.

The on-site trees include Douglas Fir, Blue Spruce, Freeman Maple, and Sweet Cherry. Two of the Douglas Fir trees and the Freeman Maple are over 30 inches in diameter. The Freeman Maple is located under the electrical lines and has been topped over the years to keep vegetation from interfering with the lines. All of the on-site trees are proposed to be removed to accommodate the building, drive aisle and parking stalls, and utilities.

FINDING: These standards are met.

D. Retention requirements

1. **Trees may be considered for removal to accommodate the development including buildings, parking, walkways, grading etc., provided the development satisfies of D.2 or D.3, below.**

ANALYSIS: As stated above, all of the on-site trees are proposed to be removed to accommodate the building and other site improvements. The applicant is required to provide new plantings to meet the 30% tree canopy requirement.

FINDING: This standard is met.

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%

	Residential (single family & two family developments)	Old Town & Infill developments	Commercial, Industrial, Institutional Public and Multi-family
Counted Toward the Canopy Requirement			
Street trees included in canopy requirement	Yes	N/A	No
Landscaping requirements included in canopy requirement	N/A	N/A	Yes
Existing trees onsite	Yes x2	N/A	Yes x2
Planting new trees onsite	Yes	N/A	Yes
Mature Canopy in Square Feet Equation 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.			
Canopy Calculation Example: Pin Oak Mature canopy = 35' $(3.14159 * 17.52) = 962$ square feet			

ANALYSIS: The total site area is 18,839 SF after the right-of-way dedication. The applicant is required to provide a 30% tree canopy which equates to 5,652 SF. Trees are proposed throughout the development site and within the right-of-way, equating to 5,751 SF of canopy (Exhibit A – Sub Exhibit C – Sheet L1.1).

FINDING: This standard is met.

4. The City may determine that, regardless of D.1 through D.3, that certain trees or woodlands may be required to be retained. The basis for such a decision shall include; specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:
 - a. Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or
 - b. A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to

- keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or
- c. Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Clean Water Services stormwater management plans and standards of the City Comprehensive Plan, or
 - d. Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or
 - e. Otherwise merit retention because of unusual size, size of the tree stand, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.

ANALYSIS: The on-site trees do not appear to require preservation based on the criteria above. The site is not located within a natural area or required as a buffer.

FINDING: These criteria are not applicable.

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 building will be oriented towards the southwest and obtain adequate sunlight during all seasons. The perimeter landscaping will provide shade in the summer and a wind break in the winter.

FINDING: These standards are met.

IV. STAFF RECOMMENDATION AND 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 LU 2022-006 SP/VAR Sherwood Blvd. Multifamily 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/owner/applicant is responsible for all costs associated with private/public facility improvements.
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. All new utilities to be installed for the development of the subject property shall be underground.
7. Retaining walls within public easements or the public right-of-way shall require engineering approval.
8. The tuck under parking stalls serving each unit shall be open to the rear of the site and shall only be used for parking of vehicles and storage of trash and recycling totes. The design and use restrictions shall be included in the Covenants, Conditions, and Restrictions (CC&Rs) for the property.
9. Prior to Building Permit application submittal the applicant shall obtain address(es) for the site

B. Prior to Final Site Plan Approval

1. Prior to Final Site Plan Approval, revise the plans (Site Plan and Landscape Plan) to provide the required Clear Vision Areas at each driveway intersection with a public street in accordance with SZCDC § 16.58.010.

2. Prior to Issuance to Final Site Plan Approval and Issuance of Building Permits, the applicant shall provide a preliminary Sight Distance certification for the existing and proposed driveways.
3. Prior to Final Site Plan approval, the applicant shall revise the building elevations to be Alternative 1 of Exhibit D3. Alternative 1 shall be further revised to include windows on the north and south side elevations as shown in Exhibit D4.
4. Prior to Final Site Plan approval, revise the Landscape Plans to show the proposed Green Spire shrubs along the east property line at a 5-gallon container size.

C. Prior to Engineering Approval of the Public Improvement Plans

1. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to remove the existing curb-tight sidewalk, create a landscape strip and install new 8-foot wide sidewalk in its ultimate location along the subject property frontage of SW Sherwood Boulevard meeting the approval of the Sherwood Engineering Department.
2. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to remove the existing sidewalk ramp on SW Sherwood Boulevard at the northwest end of the subject property and replace with a standard sidewalk section and signage meeting the approval of the Sherwood Engineering Department.
3. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design for a one-way driveway access onto SW Sherwood Boulevard across from SW 10th Street meeting the approval of the Sherwood Engineering Department.
4. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to install street lighting along the subject property frontage of SW Sherwood Boulevard meeting the approval of the Sherwood Engineering Department.
5. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall make a payment-in-lieu to the city for street widening improvements along the subject property frontage. The developer shall provide an engineer's estimate for the payment in lieu based upon cost of installing curb and gutter and cost of asphalt widening (local street pavement structure) for the additional width necessary for a 25-foot wide half street section meeting the approval of the Sherwood Engineering Department.
6. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design for the installation of vaults and conduit for future undergrounding of the overhead utilities (including Sherwood Broadband) along the subject property frontage of SW Sherwood Boulevard meeting the approval of the Sherwood Engineering Department.
7. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design for utility services to the new building to be underground.

8. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to provide a transit passenger landing pad accessible to disabled persons.
9. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to provide lighting at the transit stop (if not already existing to transit agency standards).
10. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to use/extend the existing public sanitary sewer as necessary to supply service to the new building meeting the approval of the Sherwood Engineering Department.
11. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to use the existing water stub to supply domestic, irrigation and fire water to the development as needed unless otherwise approved by the Sherwood Engineering Department.
12. Prior to Approval of the Engineering Public Improvement Plans, water flows calculations (domestic, irrigation and fire) shall be provided by the developer.
13. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design for the installation of a Backflow Assembly meeting Sherwood Engineering Department standards unless otherwise approved.
14. Prior to Approval of the Engineering Public Improvement Plans, if on-site fire protection is to be installed, the proposed development shall design for the installation of fire line backflow protection meeting the approval of the Sherwood Engineering Department.
15. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to use/extend the existing public storm sewer as necessary to supply service to the subject property meeting the approval of the Sherwood Engineering Department.
16. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to provide storm water quality treatment and hydro-modification in compliance with Clean Water Services' standards.
17. Prior to Approval of the Engineering Public Improvement Plans, a Storm Water Connection Permit Authorization shall be obtained from Clean Water Services.

D. Prior to Issuance of Building Permits

1. Prior to Issuance of Building Permits, an Engineering Compliance Agreement shall be obtained from the City of Sherwood Engineering Department.
2. Prior to Issuance of a Plumbing Permit, the proposed development shall design the private sanitary sewer to be in compliance with the current Oregon Plumbing Specialty Code.
3. Prior to Issuance of a Plumbing Permit, the proposed development shall design for private water lines to be in compliance with the current Oregon Plumbing Specialty Code.

4. Prior to Issuance of a Plumbing Permit, the proposed development shall design for private storm water runoff within the subject property to be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code.
5. Prior to Issuance of Building Permits, a grading and erosion control permit shall be obtained from the Sherwood Building Department.

E. Prior to Acceptance of Public Improvements

1. Prior to Acceptance of Public Improvements, the proposed development shall set monuments for and dedicate right-of-way along the subject property frontage of SW Sherwood Boulevard to a 39-foot half-street right-of-way width.
2. Prior to Final Acceptance of the Constructed Public Improvements, any private sanitary sewer facilities to be located on neighboring private property shall have a recorded private sanitary sewer easement encompassing the related private sanitary sewer improvements meeting the approval of the Sherwood Engineering Department.
3. Prior to Final Acceptance of the Constructed Public Improvements, any public sanitary sewer facilities to be located on private property shall have a recorded public sanitary sewer or utility easement encompassing the related public sanitary sewer improvements meeting the approval of the Sherwood Engineering Department.
4. Prior to Final Acceptance of the Constructed Public Improvements, any public water facilities to be located on private property shall have a recorded public water line easement encompassing the related public water improvements meeting the approval of the Sherwood Engineering department.
5. Prior to Acceptance of Public Improvements, private water quality/hydro-modification facilities shall have a recorded Private Stormwater Facility Access and Maintenance Covenant. An Operation and Maintenance Plan for all private hydro-modification facilities is also required to be submitted to the Sherwood Engineering Department.
6. Prior to Acceptance of Public Improvements, the proposed development shall dedicate a minimum 8-foot wide PUE along the subject property street frontage meeting the approval of the Sherwood Engineering Department.

F. Prior to Receiving Occupancy

1. Prior to Occupancy, Clear Vision Areas shall be established at each driveway intersection with a public street.
2. Prior to Receiving Occupancy, all ground and roof mounted mechanical equipment shall be screened from view from all public streets and adjacent residential zones.
3. Prior to occupancy, all required landscaping shall be installed to current nursery industry standards.
4. Prior to Receiving Occupancy, bike racks shall be installed in accordance with SZCDC § 16.94.020(C).

5. Prior to receiving occupancy, obtain final approval from Tualatin Valley Fire & Rescue for occupancy of the site and building.

V. EXHIBITS

A. Applicant Submittal (Land Use Form, Narrative, Neighborhood Meeting Info, Tax Map)

1. Sub Exhibit A – Title Report and Access Easement
2. Sub Exhibit B – *N/A (blank)*
3. Sub Exhibit C – Plan Set
4. Sub Exhibit D – Prelim Storm Report
5. Sub Exhibit E – Arborist Report
6. Sub Exhibit F – *N/A (blank)*
7. Sub Exhibit G – CWS Service Provider Letter
8. Sub Exhibit H – TVF&R Service Provider Letter

B. Agency Comments

1. City of Sherwood Engineering Comments
2. CWS Comments
3. Pride Disposal Comments

C. Public Testimony

1. Bonnie Harris
2. Jeff Lindgren
3. Barry Kennedy
4. Stephanie Hale
5. Sandra Beckwith
6. Jo Hankins

D. Other Information

1. Continuance and 120-Day Extension
2. Staff Memo dated July 19, 2022
3. Alternative Elevations 1 and 2
4. Enhanced Window Elevations for North and South Side Walls