



NOTICE OF DECISION

TAX LOT: 2S132BC003700 and 3800
ADDRESS: 16020 SW 1st St.
CASE NO: LU 2022-015 SP / CUP
DATE OF NOTICE: July 15, 2022

Applicant

Urban Renewal Agency
City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140

Owner

Urban Renewal Agency
City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140

NOTICE

Because you are the applicant or because you testified on the subject application, you are receiving notice that on July 12, 2022, the Sherwood Planning Commission approved land use application 2022-015 SP / CUP Sherwood Festival Plaza / Public Parking Lot. The approval is for a new festival plaza and public parking lot located on a 10,008 SF vacant parcel at the corner of SW 1st St. and SW Pine St.

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-2022-015-spcup-sherwood-festival-plazaparking-lot> 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 July 29, 2022.**

I, Eric Rutledge, for the Planning Department, City of Sherwood, State of Oregon, in Washington County, declare that the Notice of Decision LU 2022-015 SP / CUP was placed in a U.S. Postal receptacle, or transmitted via electronic mail, on July 15, 2022 before 5pm.

Eric Rutledge, Associate Planner
City of Sherwood Planning Department

CITY OF SHERWOOD
July 5, 2022
STAFF REPORT



SHERWOOD FESTIVAL PLAZA / PUBLIC PARKING LOT
SITE PLAN and CONDITION USE PERMIT
LU 2022-012 SP, CUP

Pre-App Meeting: February 3, 2022
App. Submitted: May 5, 2022
App. Complete: June 4, 2022
Hearing Date: July 12, 2022
120-Day Deadline: October 2, 2022

HEARING SUMMARY:

The City of Sherwood Planning Commission (Commission) held the initial evidentiary hearing on the subject application on July 12, 2022. The Commission heard presentations by City staff and the applicant, followed by testimony from the general public. One member of the public testified in support of the application.

The Commission discussion focused on the operations and proposed improvements of the new parking lot and public plaza including parking time restrictions, restrooms, trash cans, and bike parking. The Commission determined that additional conditions of approval were not required based on the proposed improvements and existing public facilities located near the site. E.g. an existing public trash can is located at the corner of SW 1st and SW Pine St. After considering all of the information in the record, the Commission unanimously approved the application based on the findings in the staff report dated July 5, 2022 with a minor change to Condition of Approval B1. This Condition was removed from the decision and replaced with Condition of Approval E5, which requires the applicant to obtain building permits for the on-site poles with the other building permits required for the site. The revised conditions have been incorporated into this findings document.



Jean Simson, Planning Commission Chair

Date 07/14/2022

Proposal: The Sherwood Urban Renewal Agency is seeking a site plan and conditional use permit approval to develop the existing vacant parcel (formally housing the Robin Hood Theater) to a new festival plaza/public parking lot. The site is zoned Retail Commercial (RC). Public recreational facilities and public use buildings require a Condition Use Permit in the RC zoned. Public or commercial parking (non-accessory) is a Permitted Use in the RC Zone. The site is located within the Old Town Smockville Overlay District. Since the proposal does not include a structure, specific building siting and design standards do not apply.

I. BACKGROUND

A. Applicant/Owner: Urban Renewal Agency
City of Sherwood
22560 SW Pine St
Sherwood, OR 97140

Owner's Representative: Kurt Lango
Lango Hansen Landscape Architects
1100 NW Glisan, Suite 3A
Portland OR 97209

- B. Location: Southwest corner of the intersection of SW 1st and Pine Streets
- C. Assessor's Information: Tax Map 2S1 32BC, Tax Lots 03700 and 03800
- D. Parcel Sizes: The total site is approximately 10,000 square feet in size, consisting of two tax lots, each 5,000 square feet.
- E. Review Type: According to Section 16.72.010.A.3.a, Conditional Uses require a Type III review with a Hearings Officer decision. An appeal would be heard by the Planning Commission. Site plan applications with development under 15,000 square feet, are considered a Type II staff level decision. However, the property is within the Sherwood Old Town Overlay. As such, the application is subject to a Type IV review, which requires review and approval by the Planning Commission after conducting a public hearing. An appeal would be heard by the Sherwood City Council.
- F. Public Notice: Notice of the application was mailed to property owners within 1,000 feet, posted on the property and distributed in five locations throughout the City on June 22, 2022, in accordance with Section 16.72.020 of the SZCDC. The notice was published in the Times (a newspaper of general circulation) on June 23, 2022, and July 7, 2022, in accordance with Section 16.72.020 of the SZCDC.
- G. Review Criteria: Sherwood Zoning and Community Development Code (SZCDC): SZCDC Chapter 16.22 (Commercial Land Use Districts), Chapter 16.58 (Clear Vision and Fence), Chapter 16.72 (Procedures for Processing Development Permits), Chapter 16.82 (Conditional Uses), Chapter 16.90 (Site Plan Review), Chapter 16.92 (Landscaping), Chapter 16.94 (Off-Street Parking and Loading), Chapter 16.96 (On-Site Circulation), Division VI. Public Infrastructure, Chapter 16.142 (Parks, Trees and Open Space), and Chapter 16.162 (Old Town (OT) Overlay District).
- H. History and Background: The site is located within the "Smockville" portion of the Old Town Overlay District. The site originally housed the Robin Hood Theater, which was built in 1946. The City purchased the site in 1998, and due to structural/seismic concerns, the building was demolished in 2003. The site was ultimately included in Sherwood's Urban Renewal Area.

In November 2021, the City of Sherwood engaged Lango Hansen Landscape Architects to assist with developing a Master Plan for Sherwood Festival Plaza. A Design Committee was formed with representatives from the Robin Hood Festival Association, Cruisin' Sherwood, the Cultural Arts Commission, the Parks & Recreation Board, two members of the City Council and City Staff. The Committee held three meetings, reviewed three different concepts, and unanimously agreed on a preferred design consisting of a flexible public space that can host various community activities and events and continue to function as a public parking lot on a day-to-day basis. Elements of the design include decorative paving and seat walls,

high mast plaza lighting with functionality to suspend tents and support events, landscaping, a decorative art screen, site furnishings, and electrical/water hook ups.

- I. Existing Conditions: The site is a gravel surfaced parking lot that is also used for events during the summer months. The site abuts existing streetscape along SW 1st Street and SW Pine Street. An existing alley (Oregon Street) is on the south side of the lot, and existing businesses are located on the west side. Existing access to the parking lot is from SW 1st and an alley (Oregon Street).
- J. Surrounding Land Uses: The site is surrounded by properties all zoned with Retail Commercial (RC) in the Old Town Overlay District: east of the site is the American Legion Argonne Post 56; to the west is Clancy's Restaurant; to the north is a parking lot for the Symposium Cafe; and to the south are business offices and restaurants.
- K. Current Zoning: The property is zoned Retail Commercial (RC) in the Smockville Old Town Overlay District.

II. AFFECTED AGENCY AND PUBLIC COMMENTS

- A. Notice to affected agencies on June 16, 2022. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.
 1. City of Sherwood Engineering Department provided land use comments included as Exhibit B1. The comments address traffic and transportation, public utilities, and other engineering requirements. The comments and recommended Conditions of Approval are incorporated throughout the report under each applicable code section.
 2. City of Sherwood Building Department provided land use comments, email dated June 28, 2022 (Exhibit B2) from Scott McKie, Building Official. He states that in review of the proposed plans, he has the following comments for building department permit requirements.
 - a) The ADA parking spaces appear to be in accordance with current Oregon Transportation Commission standards. Parking space is van accessible, 9' wide with 8' wide access isle on the passenger side of the vehicle.
 - b) The poles that are 30' + in height that have the 'canopy sails' attached will require a building permit. The footings for these poles will require an Engineered design that include the additional loads that are applied to the poles from the canopy sails. (weight of the sails, wind loads, etc.)
 - c) They will need electrical permits from Washington County for any electrical work on the site.

CONDITION OF APPROVAL E5: Prior to Issuance of Building Permits, apply for building permits for the poles that support the canopy sails.

3. Clean Water Services provided a memorandum dated June 30, 2022 (Exhibit B3). The memorandum provides Conditions of Approvals related to CWS regulations for stormwater and erosion control. The applicant has also submitted a CWS Sensitive Area Pre-Screen Assessment, CWS File No. 22-000944 (Exhibit A – Service Provider Letters). It indicates that based on the review of the submitted materials

and best available information sensitive areas do not appear to exist on site or within 200 feet of the site. All required permits and approvals must be obtained and completed under applicable local, State and federal law.

4. Tualatin Valley Fire and Rescue (TVF&R) – email correspondence from Ty Darby, TVF&R dated April 5, 2022 states that the proposed development is not necessary for a Fire District review. Tents and Membrane structures only need permitting from TVF&R if they are in excess of 10,000 square feet. Exhibit A – Service Provider Letters.
5. Oregon Department of Transportation Rail, Bob Stolle, reviewed the proposal and have no concerns Exhibit B4.
6. Pride Disposal – email correspondence from Kristen Tabscott, dated June 28, 2022, states that since a solid waste and recycling storage is not proposed, Pride Disposal does not have any comments (Exhibit B5).

B. Public Comments - Public notice was mailed, posted on the property, and posted in five locations throughout the City on June 22, 2022.

1. No public comments were received at the time of issuance of the staff report.

III. APPLICABLE CODE PROVISIONS

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

Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 – Generally

A. Classifications

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

2. Type II

- c. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to a Conditional Use Permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.A.4.

3. Type III

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

- a. Conditional Uses

4. Type IV

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

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

ANALYSIS: The proposed Site Plan Review is within the Old Town Overlay District and is subject to a Type IV procedures. All subsequent land use reviews (Conditional Use Permit) will be completed concurrently.

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

**A. Division II– Land Use and Development
Chapter 16.31 INDUSTRIAL LAND USE DISTRICTS**

16.22.010 - Purpose

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

16.22.020 Uses

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

	RC
CIVIC	
• Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices	C
Personal Services	
• Public or commercial parking (non-accessory)	P

FINDING: The site is zoned Retail Commercial (RC) and public parking is a permitted use. The proposed Festival Plaza is a public use that is permitted conditionally in the RC zone. This criterion is met.

16.22.030 Development Standards

A. Generally

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the

conveyance of any portion of a lot for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Variance and Adjustments)

B. Development Standards

Except as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table

	RC
Lot area	5,000 sq. ft
Lot width at front property line	40 ft
Lot width at building line	40 ft
Front yard setback⁹	0
When abutting residential zone	Same as abutting residential zone
Side yard setback⁹	0
when abutting residential zone or public park	10 ft
Rear yard setback⁹	0
when abutting residential zone or public park	10 ft
Corner lot⁹	
Height^{10,11}	50 ft^{13,14}

⁹ Existing residential uses shall maintain setbacks specified in the High Density Residential Zone (16.12.030).

¹³ Structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area.

¹⁴ Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Chapter 16.82.

Applicant’s Response: The site is subject to the Old Town (OT) Overlay District, which supersedes the requirements of the RC district if there is a conflict. The OT Overlay requires a minimum lot area of 2,500 square feet; no minimum yards (setbacks); and limits height to 40 feet (3 stories) in the “Smockville” area. The applicant is not proposing any new lots. The existing lot size is 10,008 square feet with a lot width of 99.98 feet and lot depth of 100.10 feet deep. The applicant is not proposing any buildings. The applicant will be subject to site design standards, including perimeter landscape standards, as required in Division V, Community Design, of the Development Code.

ANALYSIS: Staff concurs with the applicant’s response above.

FINDING: Based on the discussion above, this criterion is met.

16.22.040 Community Design

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

FINDING: The proposal meets the applicable standards above, as reflected further in this staff report.

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: Clear vision areas are identified on Sheet L701 of Exhibit A. Per the applicant's narrative and clarifying email dated June 30, 2022, within the clear vision angles, there will be no walls or vegetation that exceed the 2-foot 6-inches in height requirement. The proposed walls are 1.5-foot high, and the proposed trees will be limbed up higher than 7-feet from the ground level meeting the clear vision standards. The stone walls shown on the plan within the clear vision triangle will not exceed 18-inches, along with vegetation within these planters that will not exceed 12-inches. A 7-foot high screen wall located on the southern portion of the property does not encroach into the clear vision triangle.

FINDING: Based on the analysis above, these standards are met.

Chapter 16.70 General Provisions

16.70.010 Pre-Application Conference

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

ANALYSIS: Although not a requirement, the applicant requested and attended a pre-application conference (PAC 2022-001) with City staff on February 3, 2022, to discuss developing the site with a public parking lot that could also be used as a festival plaza area.

16.70.020 Neighborhood Meeting

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

ANALYSIS: This application involves a Type III Conditional Use Permit and Type IV Site Plan Review. A virtual neighborhood Meeting was held on March 10, 2022. Notice was provided to owners of property within 1,000 feet of the properties subject to Type III and IV review. Two members of the public showed up to participate in the meeting. Two emails were received with comments. Per the applicant’s meeting summary, both emails raised concerns about parking in Old Town. This project slightly reduces the number of parking spaces in the lot and does not have control over other parking issues in Old Town. One email asked the design team to consider using an electrical charging station for electric vehicles. Please see Exhibit A for further documentation demonstrating consistency with the provisions of this section.

FINDING: Based on the above analysis, this criterion is met.

CONDITIONAL USE

**Chapter 16.82 – CONDITIONAL USES
16.82.020 – Permit Approval**

- A. Hearing Authority Action**
 - 1. The Hearings Authority shall conduct a public hearing pursuant to Chapter 16.72 and take action to approve, approve with conditions, or deny the application. Conditions may be imposed by the Hearings Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan, or the Code. The decision shall include appropriate findings of fact as required by this Section, and an effective date.**
 - 2. Conditional uses may be approved at the hearing for a larger development (i.e. business campus or industrial park), to include future tenants of such development, if the range of uses allowed as conditional uses are considered, and specifically approved, at the time of original application.**

ANALYSIS: The site is zoned Retail Commercial (RC), and public parking is a permitted use. A Conditional Use is required for “Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property” and Public use buildings, including but not limited to libraries, museums, community center and senior centers.” A Conditional Use Permit is required for a public festival plaza in the Retail Commercial zone.

- B. Final Site Plan**
Upon approval of a conditional use by the Hearing Authority, the applicant shall prepare a final site plan for review and approval pursuant to Section 16.90. The final site plan shall include any

revisions or other features or conditions required by the Hearing Authority at the time of the approval of the conditional use.

ANALYSIS: A Type I Final Site Plan approval is required.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL E1: Prior to Issuance of any Building Permits, the applicant shall obtain Final Site Plan approval.

C. Use Criteria

No conditional use shall be granted unless each of the following is found:

- 1. All public facilities and services to the proposed use, including but not limited to sanitary sewers, water, transportation facilities, and services, storm drains, electrical distribution, park and open space and public safety are adequate; or that the construction of improvements needed to provide adequate services and facilities is guaranteed by binding agreement between the applicant and the City.**

ANALYSIS: The City of Sherwood Engineering Comments (Exhibit B1) describe the public improvements required to serve the development site. The application complies or is conditioned to comply with all public facility standards.

Regarding public services, the property is served by the Sherwood Police Department, Tualatin Valley Fire and Rescue, and Pride Waste Disposal. The application has been routed to these agencies. As stated above, in the staff report, Pride Disposal and TVF&R had no concerns, and the site can meet CWS stormwater standards. The site is in a commercial zone, and public parks and open spaces are not required. However, the site will be developed with a festival plaza/public parking lot that the public will utilize.

FINDING: As described in this section and the SZCDC Division VI Public Infrastructure, this criterion is met.

- 2. Proposed use conforms to other standards of the applicable zone and is compatible with abutting land uses in regard to noise generation and public safety.**

ANALYSIS: The proposed festival plaza/public parking lot conforms with applicable standards of the RC zone as reflected in Sections 16.22, 16.90, and other applicable sections of the SZCDC. The existing land uses in all directions of the site are Retail Commercial. No adverse impacts related to noise and public safety are anticipated to result from the proposed festival plaza/public parking lot development.

FINDING: This criterion is met.

- 3. The granting of the proposal will provide for a facility or use that meets the overall needs of the community and achievement of the goals and/or policies of the Comprehensive Plan, the adopted City of Sherwood Transportation System Plan and this Code.**

Applicant's Response: The City of Sherwood has identified a need for a public open space that can be used during the festival season within the City limits. The site currently functions as an event space during the Robin Hood and Cruisn' festivals. Upgrading the space to better accommodate the festivals including durable hard surfaces, lighting, power and water will allow for better use of the space and provide an opportunity for additional events. The pedestrian-way within the plaza that fronts SW Pine Street is an additional open space that can be utilized when the site is being used for parking. The Sherwood Comprehensive plan describes open space as a "key element of the form and character of Sherwood." Policy 1.11 states "Ensure existing neighborhoods benefit from access and connections to trails, parks, open space." Throughout the Comprehensive Plan, open space is identified as a priority which this project addresses. The Sherwood Transportation System Plan addresses the importance of open space and connectivity. This open space is part of a larger public park/plaza system within Old Town that includes the Cannery Square and Veteran's Park. This criteria has been met.

ANALYSIS: Staff concurs with the applicant's response above. The city's Parks and Recreation Master Plan adopted in 2021 (Ordinance 2021-004) identifies a festival plaza in downtown Sherwood as a potential project. In addition to the benefits of public community and open space, the 2040 Sherwood Comprehensive plan identifies the need for Strong Community Culture and Heritage. The following goals and polices apply to the proposed festival plaza.

Goal 1 Value Sherwood's heritage, traditions, and diverse community wisdom by working together and thinking creatively through meaningful, informed and innovative participation by all.

POLICY 1.7 Preserve and enhance distinctive historical and cultural features to create a sense of place and reflect Sherwood's heritage, landform, and urban framework.

POLICY 1.12 Recognize and publicize good stewardship of historic and cultural sites and resources.

POLICY 1.13 Promote Sherwood's cultural events, activities and festivals.

The proposed festival plaza will help preserve the site's history through a storyboard interpretive sign mounted on a stone wall that will describe the history of the Robin Hood Theater site. The plaza design also incorporates a materials palette that ties together Sherwood's downtown civic buildings and plazas. The site will also help promote Sherwood's festivals and events.

FINDING: Based on the applicant's response and staff analysis, this criterion is met.

- 4. Surrounding property will not be adversely affected by the use, or that the adverse effects of the use on the surrounding uses, the neighborhood, or the City as a whole are sufficiently mitigated by the conditions proposed.**

Applicant's Response: The proposed event space is currently used by festivals during the summer season. The City and neighbors will benefit from this project by providing a hard surface area that will reduce dust and debris, allowing for the use of power and water on-site and the potential of a large canopy for the festival use. In addition, providing interpretive signage and art within the festival space will further education and enlighten people to the rich history of the site.

ANALYSIS: Staff concurs with the applicant's response above. Furthermore, the site is surrounded by RC zoned parcels, and the proposed festival plaza and parking area will enhance the surrounding area and Old Town.

FINDING: Based on the discussion above, this criterion is met.

5. **The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography and natural features.**

ANALYSIS: The site is currently used for parking, festivals, and events. The size, shape, location, and topography will not change based on the proposed festival plaza. Furthermore, the site does not contain natural features. The impacts of the proposed festival plaza can be accommodated.

FINDING: Based on the discussion above, this criterion is met.

6. **The use as proposed does not pose likely significant adverse impacts to sensitive wildlife species or the natural environment.**

ANALYSIS: Based on the CWS Sensitive Area Pre-Screening Site Assessment (CWS File No. 22-000944), it states that sensitive areas do not appear to exist on site or within 200 feet of the site.

FINDING: Based on the discussion above, this criterion is met.

D. Additional Conditions

In permitting a conditional use or modification of an existing conditional use, additional conditions may be applied to protect the best interests of the surrounding properties and neighborhoods, the City as a whole, and the intent of this Chapter. These conditions may include but are not limited to the following:

1. **Mitigation of air, land, or water degradation, noise, glare, heat, vibration, or other conditions which may be injurious to public health, safety or welfare in accordance with environmental performance standards.**
2. **Provisions for improvement of public facilities including sanitary sewers, storm drainage, water lines, fire hydrants, street improvements, including curb and sidewalks, and other above and underground utilities.**
3. **Increased required lot sizes, yard dimensions, street widths, and off-street parking and loading facilities.**
4. **Requirements for the location, number, type, size or area of vehicular access points, signs, lighting, landscaping, fencing or screening, building height and coverage, and building security.**
5. **Submittal of final site plans, land dedications or money-in-lieu of parks or other improvements, and suitable security guaranteeing conditional use requirements.**
6. **Limiting the number, size, location, height and lighting of signs.**
7. **Requirements for the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.**
8. **Requirements for design features which minimize potentially harmful environmental impacts such as noise, vibration, air pollution, glare, odor and dust.**

ANALYSIS: As discussed in the findings for the conditional use approval criteria, the proposed use of the site as a festival plaza is appropriate for the property. No additional conditions are recommended related to the conditional use permit.

FINDING: No additional conditions are recommended, and this standard is met.

E. Time Limits

Unless approved under Section 16.82.020.A.2 for a larger development to include future tenants of such development, authorization of a conditional use shall be void after two (2) years or such lesser time as the approval may specify unless substantial construction, in the City's determination, has taken place. The Hearing Authority may extend authorization for an additional period, not to exceed one (1) year, upon a written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010.

F. Revocation

Any departure from approved plans not authorized by the Hearing Authority shall be cause for revocation of applicable building and occupancy permits. Furthermore, if, in the City's determination, a condition or conditions of CUP approval are not or cannot be satisfied, the CUP approval, or building and occupancy permits, shall be revoked.

ANALYSIS: The Conditional Use Permit is subject to the time limits and revocation standards described above.

FINDING: These standards are met.

B. DIVISION V. – COMMUNITY DESIGN

Chapter 16.90 Site Planning - SITE PLAN REVIEW REQUIRED FINDINGS

The proposed development includes a new festival plaza/public parking lot. Chapter 16.90 Site Planning review is required.

16.90.020.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.**

FINDING: The proposed development meets the applicable zoning district standards as discussed below under the "Division II- Land Use and Development" section, and the applicable provisions of Divisions V, VI, VIII, and IX as discussed in detail below.

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

ANALYSIS: The proposed festival plaza/public parking lot requires minimal public services. As discussed in detail in the Public Infrastructure section, water, sanitary sewer, and storm sewer are either available or can be extended to serve the site. The subject site has access to SW 1st

Street (Arterial status roadway) to the northwest and Oregon Street (a public alley) to the southeast.

The nearest park is Cannery Square, located northeast of the intersection of SW Pine Street and SW Columbia Street. Solid waste services are available, however, per applicant's narrative, solid waste services are not necessary for the proposed development. Furthermore, the site plan does not reflect a solid waste/recycle enclosure. Communications and public safety are all available to this development. All new utilities for the site will be required to be underground.

FINDING: Per the analysis above, this criterion can be met as discussed and conditioned in the Public Infrastructure Section below.

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 property will remain in the ownership of the City of Sherwood. No covenants, agreements, or other specific documents are required for the site.

FINDING: Based on the discussion above, this criterion is met.

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

ANALYSIS: As shown on the Existing Conditions Plan (Sheet C001 of Exhibit A), the site is vacant and does not have significant natural features. Further, the Sensitive Area Pre-Screen Assessment, CWS File No. 22-000944 (Exhibit A – Service Provider Letters) indicates that sensitive areas do not appear to exist on site or within 200 feet of the site.

FINDING: Based on the discussion above, this criterion is not applicable.

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 proposed activity is a festival plaza / public parking lot to serve the businesses and activities in the Old Town area. The festival plaza /parking lot does not, in and of itself, generate traffic trips. Per City Engineering comments, a traffic trip count/traffic impact analysis will not be required.

FINDING: Based on the discussion above, this criterion is not applicable.

6. The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards include the following:

- a. Primary, front entrances are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.
- b. Buildings are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
- c. The architecture of buildings are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding are prohibited. Street facing elevations have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.
- d. As an alternative to the standards in Section 16.90.020.D.6.a—c, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.a—c. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

FINDING: The site is zoned Retail Commercial (RC), and no buildings or structures are proposed. Therefore, this criterion does not apply.

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

FINDING: The site is zoned Retail Commercial (RC). Therefore, this criterion does not apply.

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

FINDING: The one driveway servicing the site is 24-feet in width. There are no driveways that are more than 24-feet in width. This criterion does not apply.

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.

FINDING: The preliminary Landscape Plan (Sheet L401 of Exhibit A) was prepared and stamped by a licensed landscape architect. The proposed landscaping plans show planting areas on the site in areas that are not paved. The proposal includes the submission of a very detailed landscape plan. 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.

ANALYSIS: The preliminary landscaping plan (Sheets L401 of Exhibit A) shows that all areas not devoted to other uses are landscaped. Per the applicant's narrative, the landscape plan illustrates a combination of evergreen and deciduous trees and evergreen ground cover. The plan has been prepared and stamped by a licensed landscape architect and shows the number of shrubs, trees, and groundcover to be planted.

FINDING: These standards are met.

B. Plant Material Selection and Preparation

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

spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.

ANALYSIS: The proposed landscaping plan discusses plant spacing for the proposed landscape materials to be established and maintained in a healthy condition and sufficient size so long as a permanent automatic underground irrigation system is proposed. Typically, the specifications and details for top soil or subsoil preparation are completed with the construction documents for the project as information is not needed to demonstrate that the plan can be feasibly implemented.

FINDING: This standard is not met but can be met as conditioned below.

CONDITION OF APPROVAL E2: Prior to Issuance of a Building Permit, the applicant shall submit construction documents that provide additional information on the proposed plantings and maintenance of the plants to ensure that the landscaping will be appropriately maintained. The construction plans shall include specifications for the adequate preparation of the soils and show a fully automatic underground irrigation system.

C. Existing Vegetation

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

ANALYSIS: The applicant provided a Demolition Plan (Sheet L001 of Exhibit A) that provides an inventory of the existing trees on site. A total of 17 conifer trees exist on site and all 17 conifer trees will be removed to accommodate the proposed festival plaza/public parking lot. The preliminary Landscape Plan reflects the applicable requirements in Section 16.142, which will be discussed later in this report.

FINDING: These criteria have been met.

D. Non-Vegetative Features

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

ANALYSIS: The proposed plans show landscaped areas that include trees, shrubs, grasses, and low growing ground cover. It is likely that there is mulch or barkdust in addition to the proposed landscaping. The plans include benches, decorative paving and fencing, and masonry features using a material palette that ties together the civic spaces in Old Town. It is staff's understanding that non-vegetative features are planned to satisfy landscape requirements.

FINDING: This criterion is satisfied.

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).

FINDING: The site is surrounded by Retail Commercial zoning. Therefore, these criteria do not apply.

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.

Applicant's Response: The site plan on Sheet L702 shows a minimum 10-foot wide landscape strip around the southern, eastern, and western boundaries. The northern boundary that abuts SW Pine Street shows a 10-foot wide boundary comprised of trees, planters with groundcover, and paving that constitutes the 10-foot wide landscape strip. This landscape buffer zone is also set approximately 18-feet from the edge of the parking lot, and provides an additional setback area. This standard is met.

ANALYSIS: Staff concurs with the applicant's response above.

FINDING: Based on the discussion above, this criterion is met.

16.92.030 Site Area Landscaping and Perimeter Screening Standards

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.

ANALYSIS: The preliminary plans (Sheet L702) identify a total of 17 parking spaces for the site, which requires 765 square feet of landscaping. Per the applicant's narrative, the applicant is utilizing the exception to landscape provisions of Section 16.92.030.B.5.f that states:

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

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

A linear walkway is provided immediately adjacent to the festival plaza/public parking lot that is 10-feet wide, has trees spaced 20-feet on center, and is separated from the parking lot by bollards. The total square footage of this area is 1,520 square feet.

FINDING: Based on the above discussion, this criterion is met.

4. Amount and Type of Required Parking Area Landscaping

a. Number of Trees required based on Canopy Factor

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

(1) Any combination of the following is required:

- (i) One (1) large tree is required per four (4) parking spaces;
- (ii) One (1) medium tree is required per three (3) parking spaces; or
- (iii) One (1) small tree is required per two (2) parking spaces.
- (iv) At least five (5) percent of the required trees must be evergreen.

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

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.

Applicant's Response: A list of plants is provided on Sheet L401. For 17 parking spaces, 5 large trees are required, and the project is providing 11 large trees. 198 shrubs are being planted, which far exceeds the requirement of 2 shrubs per space (34 plants required). All areas without shrubs will be planted with groundcover that will entirely fill the space within 3 years.

ANALYSIS: Staff concurs with the applicant's response above, with one exception. Sheet L401 shows 17 large trees instead of 11, as indicated on the applicant's narrative. The landscaping sheet showing 17 trees and the applicant's narrative stating 11 trees both exceed the number of large trees required.

FINDING: Based on the discussion above these criteria are met.

5. Individual Landscape Islands Requirements

a. Individual landscaped areas (islands) shall be at least ninety (90) square feet in area and a minimum width of five (5) feet and shall be curbed to protect the landscaping.

- b. Each landscape island shall be planted with at least one (1) tree.
- c. Landscape islands shall be evenly spaced throughout the parking area.
- d. Landscape islands shall be distributed according to the following:
 - (1) Residential uses in a residential zone: one (1) island for every eight (8) contiguous parking spaces.
 - (2) Multi or mixed-uses, institutional and commercial uses: one (1) island for every ten (10) contiguous parking spaces.
 - (3) Industrial uses: one (1) island for every twelve (12) contiguous parking spaces.

FINDING: The standard requires commercial uses to have one island for every ten contiguous parking spaces. The preliminary plans indicate that the proposal does not have more than 10 contiguous parking spaces. Therefore, these criteria are not applicable.

- 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.

FINDING: Storm water bio-swales are not proposed. This criterion is not applicable.

f. Exception to Landscape Requirement

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

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

FINDING: As stated previously, the applicant is utilizing the exception to the landscaping requirements by meeting the above standards as reflected in Sheet L702 of Exhibit A. The criteria 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.

FINDING: Sheet L701 of Exhibit A reflect the clear vision triangles. Per the applicant’s narrative and clarifying email dated June 30, 2022, within the clear vision angles, there will be no walls or vegetation that exceed the 2-feet 6-inches in height requirement within the clear vision triangle. The stone walls shown on the plan within the clear vision triangle will not exceed 18-inches, along with vegetation within these planters that will not exceed 12-inches. A 7-foot high screen wall on the southern portion of the property does not encroach into the clear vision triangle. This criterion is met.

7. Exceptions

- a. For properties with an environmentally sensitive area and/or trees or woodlands that merit protection per Chapters 16.142 (Parks, Trees and Open

Space) and 16.144 (Wetland, Habitat and Natural Areas) the landscaping standards may be reduced, modified or "shifted" on-site where necessary in order to retain existing vegetation that would otherwise be removed to meet the above referenced landscaping requirements.

- b. The maximum reduction in required landscaping buffer permitted through this exception process shall be no more than fifty (50) percent. The resulting landscaping buffer after reduction may not be less than five (5) feet in width unless otherwise permitted by the underlying zone. Exceptions to the required landscaping may only be permitted when reviewed as part of a land use action application and do not require a separate variance permit.

FINDING: The applicant is not requesting any reduction to the site landscaping requirements. This standard is not applicable.

16.92.030 Site Area Landscaping and Perimeter Screening Standards

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.

FINDING: Mechanical equipment, outdoor storage, service, and delivery areas are not proposed on the site. Therefore, this criterion is not applicable.

16.92.040 Installation and Maintenance Standards

A. Installation

All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Clean Water Services 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.**

Applicant's Response: The City of Sherwood will provide maintenance of all landscape areas, including trees, shrubs, and groundcover, to meet industry standards. This will include the removal of noxious weeds, replanting of dead plant material, and monitoring the irrigation system. A permanent irrigation system will be provided with the Site Plan submittal and will be designed by a Landscape Architect.

FINDING: Staff concurs with the applicant's response above. These standards can be met as conditioned below.

CONDITION OF APPROVAL B2: Prior to Final Site Plan approval, submit a final landscape plan that addresses the installation and maintenance standards of Section 16.92.040 to the Planning Department for review and approval.

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.

FINDING: The SZCDC has no established minimum or maximum off-street parking requirements for a festival plaza or public parking lot. Furthermore, the Old Town (OT) Overlay district established no required parking for uses in the "Smockville" area of Old Town. This standard is met.

16.94.010 General Requirements

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.

FINDING: The applicant is not seeking to defer any required improvements. This standard is not applicable.

16.94.010 General Requirements

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.

FINDING: As there are no required parking standards for a festival plaza or a public parking lot, this standard is not applicable.

16.94.010 General Requirements

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.

FINDING: No long-term storage, sale of vehicles or other materials, or rented or leased parking spaces is proposed. This standard is met.

16.94.010 General Requirements

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.**

FINDINGS: As there are no required parking standards for a festival plaza or a public parking lot, this standard is not applicable.

16.94.010 General Requirements

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.

Findings: The Layout Plan and Materials (Sheets 201 and 703 of Exhibit A) identify the materials to be used. The parking stalls will be defined through different color and textured concrete. The proposed materials will clearly show the direction of flow and maintain safety for vehicles and pedestrians. This criterion is met.

16.94.010 General Requirements

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 festival plaza/public parking lot will be improved with a concrete surface. The pedestrian way will be enhanced with a brick surface. As discussed in the Public Infrastructure section below, the City Engineering Department stated that a public storm sewer main exists along the subject property's southeast, northeast, and northwest side. All properties in the area either have public storm sewer service or access to public storm sewer service. No public storm sewer extension is required.

The connection point for the site storm sewer is shown to connect to the public storm sewer in the existing alley. This storm sewer flows to an existing proprietary storm water treatment vault which has the capacity to provide water quality treatment for the subject development. There is currently no hydro-modification provided for the existing public storm sewer system.

Since the existing regional water quality treatment vault has capacity to provide water quality treatment for the subject property impervious area, a payment in lieu of providing on-site water quality facilities is required.

The subject development will need to provide on-site hydro-modification facilities meeting CWS standards or may a payment in lieu thereof.

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.

FINDING: This standard can be met as conditioned in the Public Infrastructure section and below.

CONDITION OF APPROVAL C1: Prior to Issuance of Grading Permit, the developer shall design for project erosion control meeting Sherwood Engineering Department standards.

CONDITION OF APPROVAL E3: Prior to Issuance of Building Permit, the developer shall obtain a Grading Permit from the Building Department

16.94.010 General Requirements

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.

FINDING: The City of Sherwood Public Works Department will be responsible for all site maintenance and repairs. This standard is met.

16.94.010 General Requirements

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.**

FINDING: Preliminary plans submitted provided all the information listed above. This standard is met.

16.94.010 General Requirements

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.

- I. **Structured parking and on-street parking are exempt from the parking space maximums in Section 16.94.020.A.**

FINDING: No parking districts or structured parking are proposed. 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.

FINDING: The SZCDC has no established minimum or maximum off-street parking requirements for festival plaza or public parking lots. Furthermore, a building structure is not proposed for the site. This criterion is not applicable.

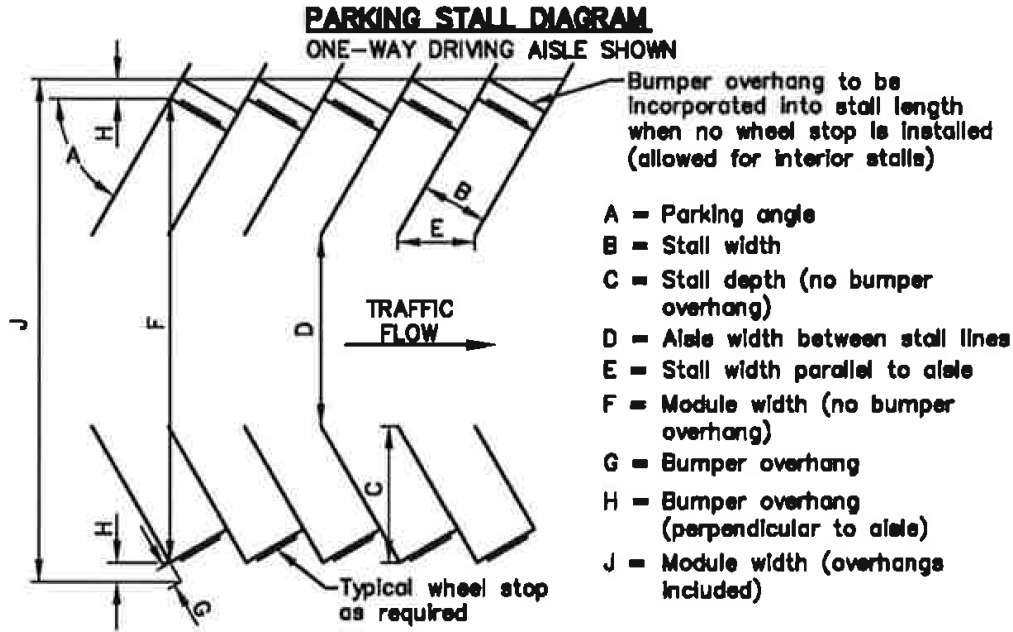
16.94.020 Off-Street Parking Standards

B. Dimensional and General Configuration Standards

1. **Dimensions for the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.**

2. **Layout**

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



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

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	15.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	17.0	24.0	9.0	58.0	3.0	3.0	64.0

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: As reflected on the Layout Plan (Sheet L201 of Exhibit A), the proposed 17 parking stalls meet the length, width, and depth requirements. Fifteen parking stalls will be standard width,

one stall will be compact, and one stall will meet ADA requirements. Per the applicant's narrative, bollards will be used as wheel stops.

FINDING: This standard is met based on the analysis above.

16.94.020 Off-Street Parking Standards

C. Bicycle Parking Facilities

1. General Provisions

- a. **Applicability.** Bicycle parking spaces shall be provided for new development, changes of use, and major renovations, defined as construction valued at twenty-five (25) percent or more of the assessed value of the existing structure.
- b. **Types of Spaces.** Bicycle parking facilities shall be provided in terms of short-term bicycle parking and long-term bicycle parking. Short-term bicycle parking is intended to encourage customers and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for at least several hours a weather-protected place to park bicycles.
- c. **Minimum Number of Spaces.** The required total minimum number of bicycle parking spaces for each use category is shown in Table 4, Minimum Required Bicycle Parking Spaces.
- d. **Minimum Number of Long-term Spaces.** If a development is required to provide eight (8) or more required bicycle parking spaces in Table 4, at least twenty-five (25) percent shall be provided as long-term bicycle with a minimum of one (1) long-term bicycle parking space.
- e. **Multiple Uses.** When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.

Table 4: Minimum Required Bicycle Parking Spaces	
Use Categories	Minimum Required Spaces
Public and Institutional Categories	
Park and Ride Facility	2 or 1 per 20 auto spaces, whichever is greater

2. Location and Design.

a. General Provisions

- (1) Each space must be at least two (2) feet by six (6) feet in area, be accessible without moving another bicycle, and provide enough space between the rack and any obstructions to use the space properly.
- (2) There must be an aisle at least five (5) feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
- (3) **Lighting.** Bicycle parking shall be at least as well lit as vehicle parking for security.
- (4) **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- (5) Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" or staple design is appropriate. Alternative, creative designs are strongly encouraged.

- (6) **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.
- b. **Short-term Bicycle Parking**
 - (1) Provide lockers or racks that meet the standards of this section.
 - (2) Locate inside or outside the building within thirty (30) feet of the main entrance to the building or at least as close as the nearest vehicle parking space, whichever is closer.
- c. **Long-term Bicycle Parking**
 - (1) Provide racks, storage rooms, or lockers in areas that are secure or monitored (e.g., visible to employees or customers or monitored by security guards).
 - (2) Locate the outside bicycle parking spaces within one hundred (100) feet of the entrance that will be accessed by the intended users.
 - (3) All of the spaces shall be covered.
- d. **Covered Parking (Weather Protection)**
 - (1) When required, covered bicycle parking shall be provided in one (1) of the following ways: inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.
 - (2) Where required covered bicycle parking is not within a building or locker, the cover must be permanent and designed to protect the bicycle from rainfall and provide seven-foot minimum overhead clearance.
 - (3) Where required bicycle parking is provided in lockers, the lockers shall be securely anchored.

Applicant's Response: No bicycle parking standards are provided for a festival plaza or a public parking lot; the use is most closely related to a "park and ride facility." As such, a public parking lot is required to provide at least two (2) bicycle parking spaces. The site plan identifies a single bicycle rack that will accommodate two bicycle parking spaces. The detail of the bike rack is shown on Sheet L602. The bicycle parking area is adjacent to SW Pine Street, which is adequately lit.

ANALYSIS: Staff concurs with the applicant's response above. However, the single bicycle rack is missing from the proposed site plan.

FINDING: As discussed above, this standard is not met but can be met as conditioned below.

CONDITION OF APPROVAL B3: Prior to Final Site Plan Approval, a revised Site Plan shall be submitted showing the location of the proposed bicycle rack.

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.

B. Separation of Areas

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

FINDING: No loading areas are proposed or required. The criteria are not applicable.

16.96 ONSITE CIRCULATION

16.96.010 – On-Site Pedestrian and Bicycle Circulation

A. Purpose

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

FINDING: The Layout Plan (Sheet L201 of Exhibit A) shows a 10-foot wide sidewalk/pedestrian way adjacent to the sidewalks and borders the public right-of-way/sidewalk on SW Pine Street and SW 1st Street that accommodates safe and convenient pedestrian access. This standard is met.

D. Connection to Streets

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

FINDING: A building structure is not proposed. However, a 10-foot wide sidewalk/pedestrian way, adjacent to the sidewalks and borders the public right-of-way/sidewalk on SW Pine Street and SW 1st Street, is provided that connects directly to the surrounding streets. 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: Per City Engineering comments, the subject property has public street frontage along an alley to the southeast, SW Pine Street (Collector) to the northeast, and SW 1st Street (Arterial) to the northwest. All public streets are currently at full buildout. The subject development proposes to have access from the alley and SW 1st Street. Alley access is acceptable.

Since SW 1st Street is an arterial, city design standards are that the driveway would need to be 150 feet away from the SW Pine Street/SW 1st Street intersection, which is significantly greater than the approximately 60 feet of separation proposed. Therefore, a Design Modification Request has been submitted by the developer and approved by the City Engineer approving the driveway location onto SW 1st Street.

FINDING: Based on the above analysis, these criteria are met.

16.96 ONSITE CIRCULATION

16.96.030 - Minimum Non-Residential Standards

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

A. Driveways

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

Required		Minimum Width	
Parking Spaces	# Driveways	One-Way Pair	Two-Way
1 - 49	1	15 feet	24 feet
50 & above	2	15 feet	24 feet

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

FINDING: The Layout Plan, Sheet L201 of Exhibit A, shows two 24-foot wide commercial driveways meeting the minimum 24-foot width requirement. Per the applicant’s narrative, the surface materials for the parking lot will be concrete with concrete curbs. This criterion is met.

C. Connection to Streets

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

FINDING: A building structure is not proposed. However, a 10-foot wide sidewalk/pedestrian way, adjacent to the sidewalks and borders the public right-of-way/sidewalk on SW Pine Street and SW 1st Street is provided that connects directly to the surrounding streets. This standard is met.

16.98 ONSITE STORAGE

16.98.020 Solid Waste and Recycling Storage

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

ANALYSIS: The preliminary site plans do not show a solid waste and recycling storage for the festival plaza / public parking lot. The applicant has informed staff that a solid waste and recycling storage is not proposed for the site. Kristen Tabscott, Pride Disposal, reviewed the proposal and since a solid waste and recycling storage is not proposed, Pride Disposal does not have any comments.

FINDING: Per the analysis above, this standard is satisfied.

C. Division VI – PUBLIC IMPROVEMENTS

Chapter 16.106 TRANSPORTATION FACILITIES

16.106.020 Required Improvements

A. Generally

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits. The following figure provides the depiction of the functional classification of the street network as found in the Transportation System Plan, Figure 8-1.

ANALYSIS: Per City Engineering Department Comments dated June 28, 2022, the subject property has public street frontage along an alley to the southeast, SW Pine Street (Collector) to the northeast and SW 1st Street (Arterial) to the northwest. All public streets are currently at full buildout. The subject development proposes to have access from the alley and SW 1st Street. Alley access is acceptable.

Since SW 1st Street is an arterial, city design standards are that the driveway would need to be 150 feet away from the SW Pine Street/SW 1st Street intersection which is significantly greater than the approximately 60 feet of separation proposed. Therefore, a Design Modification Request has been submitted by the developer and approved by the City Engineer approving the driveway location onto SW 1st Street.

The driveway location proposed on the preliminary plan will affect the existing designated on-street parking. The existing parking stall pavers will need to be removed and replaced with concrete along SW 1st Street adjacent to the subject property. The current street light conflicts

with the proposed driveway along SW 1st Street and will need to be relocated. A street lighting analysis will be required to confirm street lighting levels.

Since the subject development is proposed to be a parking lot with occasional festival use, a traffic trip count/traffic impact analysis will not be required.

FINDING: Based on the analysis above, the criteria can be met with the conditions of approval below.

CONDITION OF APPROVAL D1: Prior to Approval of the Engineering Public Improvement Plans, the developer shall design for the new driveway and frontage changes to SW 1st Street meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL D2: Prior to Approval of the Engineering Public Improvement Plans, the developer shall design to relocate the existing street light pole and provide street lighting level calculations meeting the approval of the Sherwood Engineering Department.

16.110 – SANITARY SEWERS

Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Sanitary Sewers shall be constructed, located, sized and installed at standards consistent 16.110.

ANALYSIS: Per City Engineering Department Comments dated June 28, 2022, an 8-inch diameter public sanitary sewer main exists within the alley to the southeast of the subject property. There is no sanitary sewer within either SW Pine Street or SW 1st Street. This sanitary sewer main provides service within the near vicinity of the project.

The only parcel in the area that does not have direct access to the public sanitary sewer system is across SW 1st Street from the subject property on the west corner of SW Pine Street/SW 1st Street intersection. This parcel does not have direct access to the public sanitary sewer system due to a property line adjustment performed back in 2014, which rotated the direction of the parcels by 90 degrees creating a parcel that didn't have direct access to the public sanitary sewer system. Since this condition was created by the neighboring property, and since there is a closer sanitary sewer to this unserved parcel than the alley sanitary sewer, it would not be reasonable to extend the sanitary sewer along the frontage of SW Pine Street to provide public sanitary access to this parcel.

The subject development is not proposing to provide sanitary sewer service to the site, and no sanitary sewer fixtures are proposed.

Therefore, no extension of the existing sanitary sewer is required.

FINDING: Based on the analysis above, this standard is met.

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: Per City Engineering Department Comments dated June 28, 2022, an 8-inch diameter public water main exists within the alley to the southeast of the subject property and within SW Pine Street to the northeast of the subject property. A 12-inch water main exists within SW 1st Street to the northwest of the subject property. All properties in the area either have public water service or access to public water service. No public water main extension is required.

The existing water service for the subject property is located within the proposed driveway. This water service will need to be relocated out of the new driveway. Backflow protection in compliance with Sherwood standards will be required.

FINDING: Based on the analysis above, this standard can be met as conditioned below.

CONDITION OF APPROVAL D3: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to relocate the existing water service to a location outside of the proposed driveway meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL D4: Prior to Approval of the Engineering Public Improvement Plans, water flows calculations (domestic and irrigation) shall be provided by the developer.

CONDITION OF APPROVAL D5: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design for the installation of a Backflow Assembly meeting the approval of the Sherwood Engineering Department unless otherwise approved.

CONDITION OF APPROVAL F1: 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 G1: 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 Sherwood Engineering standards.

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: Per City Engineering Department Comments dated June 28, 2022, a 10-inch diameter public storm sewer main exists within the alley to the southeast of the subject property. An 18-inch diameter public storm sewer exists within SW Pine Street to the northeast of the subject property. A 24-inch diameter public storm sewer exists within SW 1st Street to the northwest of the subject property. All properties in the area either have public storm sewer service or access to public storm sewer service. No public storm sewer extension is required.

The connection point for the site storm sewer is shown to connect to the public storm sewer in the existing alley. This storm sewer flows to an existing proprietary storm water treatment vault

which has the capacity to provide water quality treatment for the subject development. There is currently no hydro-modification provided for in the existing public storm sewer system.

Since the existing regional water quality treatment vault has the capacity to provide water quality treatment for the subject property impervious area, a payment in lieu of providing on-site water quality facilities is required.

The subject development will need to provide on-site hydro-modification facilities meeting CWS standards or may a payment in lieu thereof.

Jackie Humphreys, Clean Water Service, provided comments dated June 30, 2022 (Exhibit B3) stating that a Clean Water Services (CWS) Storm Water Connection Permit Authorization must be obtained prior to any work on the site. Application for CWS Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 19-5 as amended by R&O 19-22, or prior standards as meeting the implementation policy of R&O 18-28, and is to include:

- a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.
- b. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, project will require a 1200-CN Erosion Control Permit.
- c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.
- d. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 19-5, Section 4.04. Access shall be provided for maintenance of facility per R&O 19-5, Section 4.07.6.

FINDING: Based on the analysis above, this standard is not met but can be met as conditioned below.

CONDITION OF APPROVAL D6: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to use the existing storm lateral to supply storm service to the development unless otherwise approved by the Sherwood Engineering Department.

CONDITION OF APPROVAL D7: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall make a payment in lieu of providing on-site water quality treatment facilities in compliance with Clean Water Services' standards.

CONDITION OF APPROVAL D8: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to provide on-site hydro-modification facilities in compliance with Clean Water Services' standards or make a payment in lieu thereof.

CONDITION OF APPROVAL G2: Prior to Acceptance of Public Improvements, private 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 F2: 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 D9: Prior to Approval of the Engineering Public Improvement Plans, a Storm Water Connection Permit Authorization shall be obtained from Clean Water Services.

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.

ANALYSIS: The proposal does not include a building but includes the usage of large tent canopies over the site. Fire Protection services are provided by Tualatin Valley Fire and Rescue (TVF&R). Ty Darby, TVF&R Deputy Fire Marshal, email dated April 5, 2022 (Exhibit A – Service Provider Letters), states that the proposal is not necessary for a TVF&R review. Tents and membrane structures only need permitting from TVF&R if they are in excess of 10,000 sq. ft.

FINDING: Based on analysis above, this standard is met.

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.**

ANALYSIS: Per City Engineering Department Comments dated June 28, 2022, no PUE's are required in the Sherwood Downtown Overlay District.

Sherwood Broadband exists along the subject property frontage of SW Pine Street and within the alley. There is no Sherwood Broadband along the subject property frontage of SW 1st Street. Discussion with the Sherwood Broadband Department has determined that no Sherwood Broadband is necessary along the subject property frontage of SW 1st Street since existing broadband in the area already provides access to surrounding properties. Therefore, no Sherwood Broadband frontage improvements are required.

FINDING: Based on the analysis above, these standards are met.

D. Division VIII. Environmental Resources

16.142 Parks, Trees and Open Space

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.

FINDING: The site is in the Old Town Overlay District. Therefore, this standard is not applicable.

16.142 Parks, Trees and Open Space

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 site has frontages along SW 1st and SW Pine Streets that are fully improved with sidewalk and street trees. However, one street tree along SW 1st Street will be removed due to a driveway entrance conflict. Relocation of the street tree is not possible due to required sight lines at the intersection of SW 1st and SW Pine Street.

FINDING: Based on the analysis above, the standard is met.

B. Removal and Replacement of Street Trees.

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

1. Criteria for All Street Tree Removal for trees over five (5) inches DBH. No street tree shall be removed unless it can be found that the tree is:
 - a. Dying, becoming severely diseased, or infested or diseased so as to threaten the health of other trees, or
 - b. Obstructing public ways or sight distance so as to cause a safety hazard, or
 - c. Interfering with or damaging public or private utilities, or
 - d. Defined as a nuisance per City nuisance abatement ordinances.
2. Street trees between five (5) and ten (10) inches DBH may be removed if any of the criteria in 1. above are met and a tree removal permit is obtained.
 - a. The Tree Removal Permit Process is a Type I land use decision and shall be approved subject to the following criteria:
 - (1) The person requesting removal shall submit a Tree Removal Permit application that identifies the location of the tree, the type of tree to be removed, the proposed replacement and how it qualifies for removal per Section 1. above.
 - (2) The person shall post a sign, provided by the City, adjacent to the tree for ten (10) calendar days prior to removal that provides notice of the removal application and the process to comment on the application.
 - (3) If an objection to the removal is submitted by the City or to the City during the ten (10) calendar day period, an additional evaluation of the tree will be conducted by an arborist to determine whether the tree meets the criteria for street tree removal in Section 1. above. The person requesting the Tree

Removal Permit shall be responsible for providing the arborist report and associated costs.

- (4) Upon completion of the additional evaluation substantiating that the tree warrants removal per Section 1. above or if no objections are received within the ten-day period, the tree removal permit shall be approved.
 - (5) If additional evaluation indicates the tree does not warrant removal, the Tree Removal Permit will be denied.
3. Street trees over ten (10) inches DBH may be removed through a Type I review process subject to the following criteria.
 - a. The applicant shall provide a letter from a certified arborist identifying:
 - (1) The tree's condition,
 - (2) How it warrants removal using the criteria listed in Section 1. above, and identifying any reasonable actions that could be taken to allow the retention of the tree.
 - b. The applicant shall provide a statement that describes whether and how the applicant sought assistance from the City, HOA or neighbors to address any issues or actions that would enable the tree to be retained.
 - c. The person shall post a sign, provided by the City, adjacent to the tree for ten (10) calendar days prior to removal that provides notice of the removal application and the process to comment on the application.
 - d. Review of the materials and comments from the public confirm that the tree meets the criteria for removal in Section 1. above.

ANALYSIS: The site has frontages along SW 1st and SW Pine Streets that are fully improved with sidewalk and street trees. However, one street tree along SW 1st Street will be removed due to a driveway entrance conflict. Relocation of the street tree is not possible due to required sight lines at the intersection of SW 1st and SW Pine Street.

FINDING: Based on the analysis above, the standard is met.

16.142 Parks, Trees and Open Space

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.

ANALYSIS: The existing 17 trees on site are proposed for removal as identified on Sheet L001 of Exhibit A. They are red cedar evergreen trees of moderate health that were planted in close proximity. The trees range in caliper from 10 to 18-inches. These trees must be removed for the proposed parking lot to meet current code standards.

FINDING: Based on the analysis above, this standard is met.

16.142.070 Trees on Property Subject to Certain Land Use Applications

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.

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

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

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

	Residential (single family & two family developments)	Old Town & Infill developments	Commercial, Industrial, Institutional Public and Multi-family
Canopy Requirement	40%	N/A	30%
Counted Toward the Canopy Requirement			
Street trees included in canopy requirement	Yes	N/A	No
Landscaping requirements included in canopy requirement	N/A	N/A	Yes
Existing trees onsite	Yes x2	N/A	Yes x2
Planting new trees onsite	Yes	N/A	Yes
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' $(3.14159 * 17.5^2) = 962$ square feet			

FINDINGS: As previously discussed, no existing on-site trees are proposed to be retained due to the proposed development. Furthermore, the site is in Old Town and exempt from the canopy coverage requirement. This standard is not applicable.

16.142.070 Trees on Property Subject to Certain Land Use Applications

G. Tree Protection During Development

The applicant shall prepare and submit a final Tree and Woodland Plan prior to issuance of any construction permits, illustrating how identified trees and woodlands will be retained, removed or protected as per the Notice of Decision. Such plan shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. At a minimum, trees to be protected shall have the area within the drip line of the tree protected from grading, stockpiling, and all other construction related activity unless specifically reviewed and recommended by a certified arborist or other qualified professional. Any work within the dripline of the tree shall be supervised by the project arborist or other qualified professional onsite during construction.

FINDING: No on-site trees are proposed for retention. This standard is not applicable.

16.154 Heat and Glare

16.154.010 – Heat and Glare

Except for exterior lighting, all otherwise permitted commercial, industrial, and institutional uses shall conduct any operations producing excessive heat or glare entirely within enclosed buildings. Exterior lighting shall be directed away from adjoining properties, and the use shall not cause such glare or lights to shine off site in excess of one-half (0.5) foot candle when adjoining properties are zoned for residential uses.

ANALYSIS: All adjoining properties are zoned Commercial Retail (RC); therefore, this standard does not apply.

16.154.020 - Exceptions

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

FINDING: Photometrics for the parking and plaza area is included in the electrical drawings (E200 of Exhibit A) and meet industry standards for the lighting of a parking lot. This criteria is met.

E. Division IX. - HISTORIC RESOURCES

Chapter 16.162 - OLD TOWN (OT) OVERLAY DISTRICT

16.162.030 - Permitted Uses

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

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

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

FINDING: Parking lots are allowed outright in the RC and therefore allowed within the OT district. Festival use of the plaza is a conditional use within the RC zone. The conditional use criteria are met as addressed previously in this report. This criterion is met.

16.162.040 - Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Division VIII, and are approved in accordance with Chapter 16.82:

- A. Uses permitted as conditional uses in the RC zone, Section 16.28.020, HDR zone, Section 16.20.020, and the MDRL zone, Section 16.16.020, provided that uses permitted as conditional uses on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by Section 16.162.030 and this Section.
- B. Townhouses (shared wall single-family attached) on property zoned RC in the Old Cannery area subject to Chapter 16.44 and the HDR standards. In addition, any garages shall use alley access. RC zone setback standards may be used in lieu of other applicable standards.
- C. Public and commercial (non-accessory) parking within residential zoning districts when both of the following apply:
 1. On May 1, 2016, no buildings existed on the property where the parking is to be located; and
 2. The property has street frontage on an arterial and/or collector street as identified within the Sherwood Transportation System Plan.

FINDING: Parking lots are allowed outright in the RC and therefore allowed within the OT district. Festival use of the plaza is a conditional use within the RC zone. The conditional use criteria are met as address previously in this report. This criterion is met.

16.162.060 - Dimensional Standards

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

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

- B. Setbacks - Minimum yards (RC zoned property only):** None, including structures adjoining a residential zone, provided that Uniform Building Code, Fire District regulations, and the site design standards of this Code, not otherwise varied by this Chapter, are met.
- C. Height -** The purpose of this standard is to encourage 2 to 4 story mixed-use buildings in the Old Town area consistent with a traditional building type of ground floor active uses with housing or office uses above.

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

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

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

FINDING: The public parking lot/festival plaza meet the dimensional standards of the RC base zone. There are no proposed structures on the site. This standard is met.

16.162.070 - Community Design

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

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

Applicant's Response: The design of the parking lot meets or exceeds the standards as outlined in this section. The color palette for the parking lot will be a dark charcoal that matches the existing color of the Old Town streetscape intersection paving. The demarcation for the parking lot stalls will be the streetscape furnishing pebbled pavement pattern that is found throughout the Old Town district. Within the pedestrian way, brick that is in the same range of color used for the Cannery Square project will be utilized. The stone walls will be a grey basalt color. All vertical site furnishings will be a dark bronze and match the Cannery Square furnishings. These standards have been met.

ANALYSIS: Staff concurs with the applicant's response above.

FINDING: Based on the discussion above, this standard is met.

IV. STAFF RECOMMENDATION AND CONDITIONS OF APPROVAL

After review of the applicable code standards and approval criteria, the applicant's submittal, agency comments, and public testimony, staff finds that the proposed modification does not fully comply with the standards but can be conditioned to comply. **Therefore, staff recommends approval of application LU 2022-015 SP, CUP, Sherwood Festival Plaza / Public Parking Lot, 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. This land use approval shall substantially comply with the submitted preliminary site plans and narrative dated June 6, 2022 and prepared by Lango Hansen Landscape Architects except as indicated in the following 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. This approval is valid for a period of two (2) years from the date of the decision notice. Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
6. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.

B. Prior to Final Site Plan Approval:

1. *Removed, replaced with Condition of Approval E5*
2. Prior to Final Site Plan approval, submit a final landscape plan that addresses the installation and maintenance standards of Section 16.92.040 to the Planning Department for review and approval.
3. Prior to Final Site Plan Approval, a revised Site Plan shall be submitted showing the location of the proposed bicycle rack.

C. Prior to Issuance of a Grading Permit:

1. Prior to Issuance of Grading Permit, the developer shall design for project erosion control meeting Sherwood Engineering Department standards.

D. Prior to Engineering Approval of the Public Improvement Plans:

1. Prior to Approval of the Engineering Public Improvement Plans, the developer shall design for the new driveway and frontage changes to SW 1st Street meeting the approval of the Sherwood Engineering Department.
2. Prior to Approval of the Engineering Public Improvement Plans, the developer shall design to relocate the existing street light pole and provide street lighting level calculations meeting the approval of the Sherwood Engineering Department.

3. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to relocate the existing water service to a location outside of the proposed driveway meeting the approval of the Sherwood Engineering Department.
4. Prior to Approval of the Engineering Public Improvement Plans, water flows calculations (domestic and irrigation) shall be provided by the developer.
5. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design for the installation of a Backflow Assembly meeting the approval of the Sherwood Engineering Department unless otherwise approved.
6. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to use the existing storm lateral to supply storm service to the development unless otherwise approved by the Sherwood Engineering Department.
7. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall make a payment in lieu of providing on-site water quality treatment facilities in compliance with Clean Water Services' standards.
8. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to provide on-site hydro-modification facilities in compliance with Clean Water Services' standards or make a payment in lieu thereof.
9. Prior to Approval of the Engineering Public Improvement Plans, a Storm Water Connection Permit Authorization shall be obtained from Clean Water Services.

E. Prior to Issuance of Building Permits:

1. Prior to Issuance of any Building Permits, the applicant shall obtain Final Site Plan approval.
2. Prior to Issuance of a Building Permit, the applicant shall submit construction documents that provide additional information on the proposed plantings and maintenance of the plants to ensure that the landscaping will be appropriately maintained. The construction plans shall include specifications for the adequate preparation of the soils and show a fully automatic underground irrigation system.
3. Prior to Issuance of Building Permit, the developer shall obtain a Grading Permit from the Building Department
4. Prior to Issuance of Building Permits, an Engineering Compliance Agreement shall be obtained from the City of Sherwood Engineering Department.
5. Prior to Issuance of Building Permits, apply for building permits for the poles that support the canopy sails.

F. Prior to Issuance of a Plumbing Permit:

1. 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.
2. 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.

G. Prior to Acceptance of Public Improvements:

1. 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 Sherwood Engineering standards.

2. Prior to Acceptance of Public Improvements, private 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.

H. Prior to Final Building Permit Approval

1. Prior to Final Building Permit Approval for the canopy/sail poles, all site improvements, including but not limited to landscaping, parking and site lighting shall be installed per the approved final site plan and inspected and approved by the Planning Department.

V. EXHIBITS

A. Applicant Submittal

1. Materials as of June 6, 2022
2. Email Correspondence dated June 30, 2022

B. Agency Comments

- Exhibit B1 – City of Sherwood Engineering Comments
- Exhibit B2 – City of Sherwood Building Comments
- Exhibit B3 – Clean Water Services Memorandum
- Exhibit B4 – Oregon Department of Transportation Rail
- Exhibit B5 – Pride Disposal