



Home of the Tualatin River National Wildlife Refuge

Planning Commission Meeting Packet

FOR

July 12, 2016

Planning Commission Meeting

**Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon**



City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
July 12, 2016
6:30 PM Public Work Session
7:30 PM Regular Meeting

6:30 Public Work Session Agenda

1. Federal Emergency Management Association (FEMA) Floodplain Updates

FEMA has provided revised flood hazard data. The Planning Commission will hold a public work session for staff to present information and maps of the revised floodplains within the City.

7:30 Regular Meeting

1. Call to Order

2. Consent Agenda

None

3. Council Liaison Announcements

4. Staff Announcements (Brad Kilby)

5. Community Comments

6. Old Business

a. Public Hearing – SP 16-04 Sherwood Plaza Apartments (continued from June 28, 2016)

The applicant proposes a six- building, 82-unit apartment complex located behind and east of the Sherwood Plaza commercial development and south of Langer Drive. The property is zoned Retail-Commercial (RC).

Residential uses are allowed in the RC zone so long as it is clearly secondary to the commercial use (Sherwood Plaza) on the site. The use is subject to the dimensional standards of the High Density Residential zone (HDR).

7. Planning Commissioner Announcements

8. Adjourn



COVER MEMO
SP 16-04
Sherwood Plaza Apartments

Home of the Tualatin River National Wildlife Refuge

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To: Planning Commission
From: Michelle Miller, AICP Senior Planner
RE: SP 16-04 Sherwood Plaza Materials for July 12, 2016 continued Hearing
Date: July 5, 2016

Mayor
Krisanna Clark

Council President
Jennifer Harris

Councilors
Renee Brouse
Linda Henderson
Dan King
Jennifer Kuiper
Sally Robinson

City Manager
Joseph Gall, ICMA-CM

Assistant City Manager
Tom Pessemier, P.E.

At the June 28, 2016 hearing on the Sherwood Plaza Apartments, the Planning Commission listened to the presentation of the staff report and heard testimony from the applicant and several citizens. The citizens were concerned about noise from the development, onstreet parking within the neighborhood, and pedestrian safety on SW Langer Drive.

The applicant was generally in support of recommendations found in the staff report but was opposed to the following staff-recommended conditions:

- Improved building elevations facing SW Langer Drive (p. 6)
- A pedestrian pathway on the eastern side of the development between the Sunfield Apartments and the Sherwood Plaza Apartments (p.13)
- Paying the proportionate share of the cost (\$7423) of removing the signal on SW Sherwood Blvd. and SW Langer Dr. (p.25)
- Dedicating right of way for the segment of development abutting SW Langer Dr. (p.25)

The Planning Commission, after hearing the applicants' testimony, decided that the elevation of Building 1 was sufficient to meet the standard with some modifications as presented at the hearing and identified in Exhibit I. The applicant requested a continuance in order to provide more information on Building 2.

Staff revised the Staff Report on p. 6 to reflect changes in the building elevation condition (C.2) based on the Planning Commission's discussion and numbering corrections and duplication errors of the conditions in the back of the report. All changes are identified in red underline.

Two exhibits were presented at the hearing which are not included in your packet, but can be found on the project's web page.

- **Exhibit H.** Photos SW Langer Drive concerning the pedestrian crossing on SW Langer Drive, submitted by Garth Appanatis, DKS Engineering on June 28, 2016

- **Exhibit I.** Applicant's additional materials (Revised Landscaping Plans, Pedestrian Plaza for Buildings 1 and 2, Aerial of Site, revised site plan, garage elevations, and active space renderings), submitted June 28, 2016

After the cover memo and amended staff report, the following additional materials are included for the hearing continued to July 12, 2016.

Planning Commission Packet Materials

Exhibit J. Applicant's additional materials (Buildings 1 and 2 revised street facing elevations)

Exhibit K. Applicant's Site Plan with Easements

Exhibit L. Letter from Brian Shahum, applicant dated July 1, 2016

If you were not present at the last hearing, and plan to attend and participate in the continued hearing, please read your staff report, watch the video at <http://www.sherwoodoregon.gov/pc/page/planning-commission-meeting-81>, and contact staff if you have any questions or need any additional information. I can be reached at 503-625-4242.

CITY OF SHERWOOD
Staff Report

June 28, 2016
File No: SP 12-04
Revised July 1, 2016

Sherwood Plaza Apartments

TO: Planning Commission

Pre-App. Meeting: August 3, 2015
App. Submitted: March 2, 2016
App. Complete: May 9, 2016
Hearing Date: June 28, 2016
120 Day Deadline: September 6, 2016

From:



Michelle Miller, AICP
Senior Planner

Proposal: The applicant proposes a six- building, 82-unit apartment complex located behind and just east of the Sherwood Plaza commercial development and south of Langer Drive. The property is zoned Retail-Commercial (RC). The applicant's submittal materials are attached to this report as Exhibit A.

I. BACKGROUND

A. Owner/Applicant: Portland Fixture Limited Partnership
15350 SW Sequoia Pkwy
Portland OR

Contact: Brian Shahum 503-925-1850

Applicant's Representative: Emerio Design
8285 SW Nimbus Ave. Ste, 180
Beaverton OR 97008

Contact: AnneMarie Skinner, 503-746-8812

B. Location: SW Langer Drive. Washington County Tax Map 2S129CB tax lots 00400.

C. Parcel Size: The total site area of tax lot 400 is 13.26 acres of which 3.43 acres is proposed for the residential development.

Existing Development and Site Characteristics: The square shaped 13.26 acre site contains Sherwood Plaza, a single story multi-tenant retail facility. The site, known as "Sherwood Plaza" is a 27,000 square foot shopping plaza where multiple commercial businesses surround an existing parking area with several satellite buildings. The "Plaza" consists of one large parcel along SW Langer Drive that includes a large, long L-shaped

shopping area with a post office, toy store, several restaurants, a coffee shop and a large children's indoor activity center. There are several outlying buildings including a drive through restaurant, a dine-in restaurant and a real estate office. The parking area consists of 540 spaces primarily in the front of the large shopping area surrounding the buildings. The parking areas are separated with a few landscape islands and a sidewalk that connects to SW Langer Drive. This commercial plaza area has primary access onto SW Langer Drive at three locations as it curves around the site on the site's west and northern boundaries. There are several other stand-alone buildings on the site which contain two restaurants, a drive up coffee shop and a small office building.

There is an access road behind the Plaza and a large stand of lodgepole pines and overgrown vegetation separating the developed and undeveloped sections of the site. The remaining vacant portion, approximately 3.43 acres is relatively flat, with grass and minimal landscaping.

- D. Site History: The site received land use approval for development of the Plaza in 1977. (SR 77-04) Several other site plan approvals have been granted since that time and Includes the Taco Bell Site Plan approval in 2008 (SP 07-08) and Dutch Bros. in 2012 (SP 12-02).
- E. Zoning Classification and Comprehensive Plan Designation: The site is zoned Retail Commercial (RC). Per Chapter 16.22, the purpose of the RC zone is to provide areas of general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts as per Division VIII. Multi-family housing is allowed so long as it is clearly secondary to the commercial use. The dimensional standards of the High Density Residential apply, with a density range between 16.8 and 24 units to the acre.
- F. Adjacent Zoning and Land Use: The subject property is adjacent to high density residentially zoned and developed properties to the south and east. The Sunfield Apartments are located to the south and the Arbor Terrace subdivision is located to the east. A private drive is located adjacent to the property's eastern boundary. Properties north and west of the site are also zoned Retail Commercial.
- G. Review Type: The applicant proposes site plan approval for six multi-family buildings adjacent to the Sherwood Plaza. Due to the size, 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.
- H. Public Notice and Hearing: This application was processed consistent with the standards in effect at the time it was submitted. A neighborhood meeting was held on January 4, 2016 at the Sherwood Police Department. The neighborhood meeting was attended by four members of the general public. They raised concerns, the proposed parking, housing type, site amenities, play area location, garbage receptacles, and management of the development. The minutes are provided in the applicant's materials (See Exhibit A).

Notice of the application was mailed to property owners within at least 1,000 feet of the subject property, posted on the property and in five locations throughout the City on June 6 and 7, 2016 in accordance with Section 16.72.020 of the SZCDC. The notice was published in the Times (a paper of general circulation) on June 23 and in the Sherwood

Gazette (a paper of local circulation) in the June 2016 edition in accordance with Section 16.72.020 of the SZCDC.

- I. Review Criteria:** Sherwood Zoning and Community Development Code, 16.12 (Residential Land Use Districts), 16.22 (Commercial Land Use Districts), 16.58 (Clear Vision and Fence Standards), 16.72 (Procedures for Processing Development Permits), 16.90 (Site Planning), 16.92 (Landscaping), 16.94 (Off Street Parking and Loading), 16.96 (On-Site Circulation), 16.98 (On-Site Storage), Division V.I Public Infrastructure- 16.106 (Transportation Facilities), 16.110 (Sanitary Sewers), 16.112 (Water), 16.114 (Storm), 16.116 (Fire Protection), 16.118 (Public and Private Utilities), Division VIII. Environmental Resources, 16.142 (Parks, Trees, and Open Spaces), 16.154 (Heat and Glare)

II. PUBLIC COMMENTS

Public notice was mailed and posted on the property and in five locations throughout the City on June 6 and 7, 2016. Staff received no specific public comments to this application. However, comments are accepted prior to, or at the Planning Commission hearing.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on May 18, 2016. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: Craig Christensen, PE, Project Engineer submitted comments on June 16, 2016. His comments are incorporated throughout the report, and where appropriate conditions have been imposed to ensure that the proposal meets the standards which the engineering department is responsible to enforce. These comments are discussed in greater detail throughout this report, incorporated into the recommended decision, and are attached as Exhibits B.

Clean Water Services: Jackie Sue Humphrey's submitted comments dated June 13, 2016. Within her comments, Ms. Humphrey's indicates that the applicant will be required to obtain a storm connection permit from Clean Water Services (CWS), and approval of final construction plans and drainage calculations. The CWS comments are attached to this report as Exhibit C.

Tualatin Valley Fire and Rescue: Tom Mooney, Deputy Fire Marshal II with Tualatin Valley Fire and Rescue (TVFR), submitted comments for this proposal on June 10, 2016. Mr. Mooney's comments have been incorporated into this report where applicable, and are attached to this report as Exhibit D.

Pride Disposal Co.: Kristin Leichner of Pride Disposal, provided staff with amended comments dated May 26, 2016 that initially had the applicant revise their layout to accommodate the disposal trucks. The revised layout is satisfactory to Pride Disposal. Ms. Leichner's comments are attached to this report as Exhibit E.

ODOT, PGE, Kinder Morgan Energy, NW Natural Gas, Washington County, Metro, and Tri-Met were also notified of this proposal and did not respond or provided no comments to the request for agency comments by the date of this report.

IV. SITE PLAN REVIEW REQUIRED FINDINGS (SECTION 16.90)

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: This standard can be met as discussed and conditioned in this report.

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.**

Staff Analysis: Water, sanitary and streets are all available. They were provided as a part of the Sherwood Plaza. Parks and open space are nearby at Langer Park and provided onsite by the applicant. Solid waste services, power, communication and public safety are all available to this development as it is located adjacent to SW Langer Drive, within the City's designated Town Center. There is a need to provide storm water treatment for the proposed development that has been discussed in the Engineering comments later in this report.

FINDING: Services are available to the site. Some of the services must be extended to the proposed apartment buildings. These extensions are discussed and conditioned further in this report.

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.**

FINDING: This site plan is subject to the conditions of the original Sherwood Plaza site plan approval. Any required covenants or restrictions will be required to be satisfied as a part of the development.

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.**

FINDING: The site where the apartments are proposed is flat and vacant. There are not any known significant natural resource areas on the property.

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 shall provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate for impacts attributable to the project.**

STAFF ANALYSIS: The applicant prepared a traffic analysis as requested by the City Engineer that was reviewed by DKS, the City's transportation consultants. The applicant evaluated the transportation impacts and pedestrian safety and connectivity surrounding the proposed development.

Specifically, the applicant was asked to evaluate the safety of the pedestrian crossing of SW Langer Drive in the vicinity of the site to determine if enhanced crossing is needed to provide safety pedestrian crossing access to/from the proposed site to the commercial development to the north. In the assessment, the applicant noted that there were no pedestrian crashes during the last three years near the crossing, adequate sight distance is provided, and that the proposed development would not be expected to add substantially more pedestrian volumes.

However, the applicant also determined that the proposed development is a residential complex in the Town Center, opposite of food and shopping attractions on the other side of Langer Drive. This combination of mixed uses does have the potential to increase multimodal activity to/from the site, consistent with the vision of the Sherwood Town Center.

Further analysis found that the minimum pedestrian volume peak-hour evaluation is 20 pedestrians per hour using the existing crosswalk at the intersection of SW Langer Drive. The proposed development would generate 51 weekday PM peak hour trips.

To that end the City Engineer in consultation with DKS determines that an enhanced pedestrian crossing is warranted and recommends the following condition to ensure pedestrian safety and connectivity at this location. (See Exhibit G. Transportation information prepared by Kittelson and responses by DKS)

FINDING: Based on the above analysis, the applicant does not meet this criterion, but can do so with the following condition.

RECOMMENDED CONDITION: Prior to Engineering plan approval, design the pedestrian crossing striping that conforms to standards defined in Section 3b.18 (Crosswalk Markings) of the Manual on Uniform Traffic Control Devices. The pedestrian crossing striping shall include longitudinal lines parallel to the pedestrian traffic flow, and diagonal lines placed at 45 degree angle to the longitudinal lines.

RECOMMENDED CONDITION: Prior to final occupancy, install a high visibility advanced pedestrian crossing warning signage and striping at the pedestrian crossing of Langer Drive between the Plaza Site driveway entrance and the Highway 99W right-in/right-out access road. Signage shall conform to standards defined in the Manual on Uniform Traffic Control Devices. Applicant's Engineer shall provide pedestrian crossing signage design drawings to the City for review and approval.

6. **The proposed office, retail multi-family institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:**
 1. **Primary, front entrances shall be 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.**
 2. **Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.**

- 3. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding shall be prohibited. Street facing elevations shall 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 shall be installed unless other architectural elements are provided for similar protection, such as an arcade.**

Staff Analysis: The vacant portion of the site is long and rectangular with limited options for orientation to the actual street frontage of the northern section of SW Langer Drive. The applicant contends that the overall site is a corner lot and both the western and northern property border SW Langer Drive and thus the three buildings on the eastern edge are facing a street albeit the westernmost portion of SW Langer Drive. Because of the narrowness and existing lot configuration, some buildings cannot be oriented to SW Langer Drive at the north.

In looking at the setbacks for the site, the applicant uses northern SW Langer Drive as the front of the site (See applicant's materials page 4 of the narrative) and the east and west boundaries as the side property lines. For clarity, staff has assigned each of the six buildings a number. (See Exhibit F. Numbered Building Site Plan). Using the north boundary as the front, Building 1 should be oriented to SW Langer Drive rather than internal to the parking area. The applicant's narrative agrees with this assessment, but it is unclear from the site layout (applicant's site plan sheet A1.01) whether Building 1 is indeed orientated to the street. From this plan view, there is no sidewalk to the front entrance and it would appear that the front elevation is facing the internal parking area rather than SW Langer Drive.

The other building using the front yard setback of SW Langer Drive to the north, "Building A" has a side elevation that directly faces northern SW Langer Drive, with a 28 foot setback. Building 1 and 2 are flush with SW Langer Drive on the north and need to be oriented to the street. The applicant shows a side elevation at this location rather than a front elevation for Building 2, with limited articulation and orientation to the pedestrian. The applicant will need to revise this elevation in order to meet the intention of this standard.

Planning Commission Discussion: The applicant submitted additional information on addressing this criterion. (Exhibit I). The applicant proposes a pedestrian plaza with additional streetscape amenities along the frontage of the apartment complex portion of SW Langer Drive. These include a different colored sidewalk treatment, trees, benches, and concrete planter boxes and a short wall. This will bring activity to the front of the area and will break up the building façade on the street facing elevation.

The applicant noted in their testimony that the street facing elevation of building 1 had different fenestration, but was not shown on the submitted plans. The additional design elements satisfy the condition with respect to building 1.

FINDING: Based on the above analysis, the applicant does not meet this criterion with respect to building 2. The applicant should be able to meet this provision with the following condition.

RECOMMENDED CONDITION: Prior to final site plan approval, provide revised elevations for the northern sides of Building ~~s-1 and-2~~ which front SW Langer Drive. The elevations shall clearly demonstrate how the ~~buildings-building are-is~~ located and oriented to the street, and ~~have-has~~ significant articulation and treatment, via facades, sidewalk connection, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians.

V. APPLICABLE CODE PROVISIONS

The applicable zoning district standards are identified in Chapter 16.22 below.

A. Division II– Land Use and Development

The applicable provisions of Division II include:

Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS

16.22.010 – Purpose

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

Staff Analysis: The site is zoned Retail Commercial, (RC) and provides “areas of general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts as per Division VIII.” The site, approximately 13.26 acres in total on one tax lot, holds the Sherwood Plaza, a multi-tenant single story retail outlet as well as a stand-alone fast food restaurant, a sit down restaurant, a single story office building and a small drive up coffee stand and associated parking. The applicant proposes to add multi-family housing on the remaining 3.43 acres of the site, which would be permitted within this zone, so long as it is clearly secondary to the primary retail commercial use of the property.

FINDING: Based on the above analysis, the applicant meets this criterion.

16.22.020 - Uses

Multi-family housing, subject to the dimensional requirements of the High Density Residential (HDR) zone in 16.12.030 when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings

Staff Analysis: According to the table, multi-family residential uses are permitted outright within the zone so long as they are “otherwise clearly secondary to the commercial building.” Since the commercial buildings are single story and pre-existing, the applicant does not propose to add residential apartments atop the existing buildings but utilize a vacant portion of the site behind or in the rear of the commercial property.

The applicant submitted a traffic study with this land use application identifying 1,517 pm peak hour trips generated from the commercial uses on the site. (See applicant’s traffic study, Exhibit A, prepared by Kittelson and Associates. In this same study, they estimated that the 82 unit multi-family development would generate an additional 545 net new

weekday daily trips, a much smaller proportion than the commercial activity and the vehicular trip activity.

The commercial portion of the site takes up approximately 75 % of the overall site area in compared to the residential area of the multifamily. Additionally, the multifamily development is clearly secondary as to the amount of frontage visible on SW Langer Drive.

FINDING: Based on the above discussion, the applicant meets this criterion.

16.12.030. - Residential Land Use Development Standards

C. Development Standard per Residential Zone (table)

HDR Dimensional Standard	In Feet
Two or Multi-Family: for the first 2 units	8,000 sq. ft.
Multi-family, each add. Unit after first 2	1,500 sq. ft.
Minimum lot width at front property line	25
Minimum lot width at building line-	60
Lot Depth	80
Max Height	40 or 3 stories
Setbacks- Multi-family	
Front Yard	14
Interior side yard	
• Over 24 ft. in height	See § 16.68- Infill
Rear Yard	20

1. Lot Dimensions

Staff Analysis: The proposed development is located within the RC zone and subject to the High Density Residential (HDR) dimensional standards for multi-family development. The HDR designation allows for a density of 16.8 to 24 units. The residential area is 3.47 acres and the housing density will be between 57 and 82 units. The applicant has proposed the maximum density for this site.

The building and all other structures must meet the dimensional standards outlined in the Sherwood Zoning and Development Code (SZDC).The minimum lot width at the front property line is required to be 25 feet and the minimum lot width at the building line is required to be 60 feet. The minimum lot depth is 80 feet. The subject property is 565 feet wide at the northern frontage and at least 718 feet deep, thus clearly exceeding the minimum required dimensions.

The first two multifamily units are required to have 8,000 square feet with each additional unit requiring 1,500 square feet of area. The applicant proposes 82 units, using the first two units at 8,000 square feet and then the remaining 80 units require an additional 120,000 for a total of 128,000 square feet or a minimum of 2.94 acres. The vacant area designated for the housing units are 3.43 acres.

FINDING: Based on the above discussion, the lot dimension standards are met.

2. Setbacks

Staff Analysis: As discussed earlier, the northern setback is the front of the site, which requires a 14 foot setback, the southern property line is the rear setback and requires 20 feet and the side yard setbacks are required to meet Chapter 16.68-Infill because the buildings are all over 24 feet in height which will be further discussed below. The applicant's plans show the front yard setback to be 14 feet and rear yard setback to be 20 feet. (Exhibit A, applicant's site plan Sheet A1.01 and Sheet A1.02)

FINDING: The front and rear setback requirements are met. The side yard setbacks will be discussed below.

16.68.030 - Building Design on Infill Lots

B. Interior Side Setback and Side Yard Plane. When a structure exceed twenty four (24) feet in height:

1. The minimum interior side setback is five (5) feet, provided that elevations or portions of elevations exceeding twenty four (24) feet in height shall be setback from interior property line(s) an additional one-half (½) foot for every one (1) foot in height over twenty four (24) feet (see example below); and

Staff Analysis: Three buildings are adjacent to the eastern side property line and subject to the side yard setback requirements. No other buildings are near any of the other side property lines. For this section, please refer to Exhibit F which assigns numbers to the buildings.

Building 2, (sheet A2.01), the tallest building is 36 feet tall, 12 feet above the 24 foot high threshold which requires six feet (12 feet/.5 foot) of additional setback beyond the 5 feet minimum. Thus, the side yard setback is eleven feet and the plans show an 11 foot setback.

Buildings 4 and 5, (sheet A2.03 and A2.05) are both 30 feet tall, 6 feet above the threshold which requires three feet of additional setback or 8 feet. The applicant shows these buildings 11 feet from the side property line. (Sheet A1.01).

2. All interior side elevations exceeding twenty four (24) feet in height shall be divided into smaller areas or planes to minimize the appearance of bulk to properties abutting the side elevation: When the side elevation of such a structure is more than 750 square feet in area, the elevation shall be divided into distinct planes of 750 square feet or less. For the purposes of this standard, a distinct plane is an elevation or a portion of an elevation that is separated from other wall planes, resulting in a recessed or projecting section of the structure that projects or recedes at least two (2) feet from the adjacent plane, for a length of at least six (6) feet. The maximum side yard plane may be increased by ten percent (10%) for every additional five (5) feet of side yard setback provided beyond the five (5) foot minimum.

Staff Analysis: The applicant shows the interior side elevations divided into smaller areas with distinct planes resulting in recessed or projecting sections at least six feet long at different intervals on all of the buildings that face the residential development to the east. The recesses are at least 2 feet from the adjacent plane. (Sheet A1.02)

FINDING: Based on the above discussion the applicant meets this criterion.

C. Height

The maximum height of structures in the HDR zone is 40 feet or three stories, whichever is less.

FINDING: All of the proposed buildings are under 40 feet. The tallest building is 36 feet tall. Buildings 2-6 are three stories. Building 1 is two stories. Therefore, the applicant meets this criterion.

16.58 Clear Vision and Fence Standards

16.58.010 Clear Vision Areas

The following requirements shall govern clear vision areas:

2. In a commercial zone, the minimum distance shall be fifteen (15) feet, or at intersections including an alley, ten (10) feet.

Staff Analysis: There is one driveway where the clear vision areas could potentially be affected. The applicant has identified a 20 foot clear vision triangle on Sheet A1.01, showing that there will be no obstructions within the triangle, thus meeting this requirement.

FINDING: The proposed development does not include any new structures or proposed landscaping that would obstruct the clear vision areas that have been prescribed in Section 16.58. This criterion is satisfied by the proposed development.

B. Division V- Community Design

The applicable provisions of Chapter 5 include: 16.90 (Site Planning – addressed previously in this report), 16.92 (Landscaping), 16.94 (Off-street parking and Loading), and 16.96 (On-site Circulation). 16.98 (On-Site Storage)

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.

Staff Analysis: The applicant's materials contain a landscaping plan, identified as Sheets L1.1-L.4. Compliance with this section will be discussed below.

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.

Staff Analysis: The landscape plan includes a combination of trees, shrubs and groundcover. The groundcover and shrub plantings are at least one gallon in size. The trees are at least 2" caliper. Proper installation and size of materials will be reviewed at the time of final inspection prior to occupancy of the buildings.

FINDING: Based on the above discussion, the applicant meets the criterion with respect to variety of plant materials, but full compliance cannot be realized until the final inspection by planning staff. The following condition is recommended to fully meet this standard.

RECOMMENDED CONDITION: Prior to final occupancy, ensure that all landscaping is installed per the approved landscape plan specifications.

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.

Staff Analysis: Laura Antonson, a registered landscape architect prepared the landscape plan set for this project. She identified the variety of plants and indicated that they would meet the requirements of this Chapter and would be at full growth within 3 years of planting. The

applicant provided a description of how the trees and plants should be planted along with the type of soil and amendment that would be suitable for these plants.

FINDING: Based on the above discussion, the applicant meets this criterion.

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).

Staff Analysis: There are existing lodgepole pines separating the residential and commercial use on site. The narrative indicates that they are proposing to remove eight of the 24 pines onsite. The applicant does not explain why they need to be removed for development.

In contrast, the landscape plan, L1.1, shows that 31 trees need to be removed for development. The applicant has not conducted a proper inventory as described in Chapter 16.142, which will be discussed further within this report.

FINDING: Based on the above discussion, the applicant has not provided a clear description on the landscape plans and in the narrative which trees are to be retained or removed for development and a tree inventory conducted by an arborist describing the condition of the trees.

RECOMMENDED CONDITION: Prior to final site plan approval, submit plans that indicate the correct number of trees to be removed or retained, the condition of the trees and if necessary, the reason for their removal.

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.

Staff Analysis: As discussed above, staff is unable to discern the appropriate number of trees to be retained and removed and as a result unable to calculate these provisions.

FINDING: Based on the above criterion, the applicant does not meet the standard, but may be able to do so by meeting the previous condition stated above.

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.

Staff Analysis: The applicant describes the southernmost play area as containing play equipment within the landscaped open space area, which is permitted. The applicant has not counted any impervious area within the required open space areas with the exception of the sideway within southern play area which serves as a pedestrian pathway from the parking lot. No artificial plants are proposed.

FINDING: Based on above discussion, the applicant meets this criterion.

16.92.030 - Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

1. Perimeter Screening Separating Residential Zones:

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

- a. For new uses adjacent to inventoried environmentally sensitive areas, screening requirements shall be limited to vegetation only to preserve wildlife mobility.
- b. The required screening shall have breaks, where necessary, to allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and security.
- c. Evergreen hedges used to comply with this standard shall be a minimum of thirty-six (36) inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one (1) year after planting.

Staff Analysis: The applicant proposes a six foot cedar fence along the eastern boundary and most of the southern boundary, both of which are adjacent to existing residential developments. At the southwest corner of the site, there are existing mature photinia shrubs that provide screening between developments.

The applicant does not propose a break in the fence between developments to allow pedestrian access to the site. Since the eastern property line is 720 feet long, a pedestrian pathway between the residential developments is warranted for better access to Sherwood Plaza and better pedestrian connectivity for the surrounding neighborhood.

FINDING: Based on the above discussion, the applicant meets criterion with respect to the fencing, but does not include an adequate break in the screening where necessary to allow pedestrian access to the site.

RECOMMENDED CONDITION: Prior to final site plan approval, provide at least one break in the fencing with a five foot wide public pedestrian pathway and a corresponding public non-vehicular access easement centrally located at the eastern boundary to allow adjoining pedestrian access through the site.

2. Perimeter Landscaping Buffer

a. A minimum ten (10) foot wide landscaped strip comprised of trees, shrubs and ground cover shall be provided between off-street parking, loading, or vehicular use areas on separate, abutting, or adjacent properties.

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

3. Perimeter Landscape Buffer Reduction

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

Staff Analysis: The applicant has indicated within their narrative that they would be providing a fence along the eastern and southern property line. The applicant also provides for at least ten feet of landscaping around the perimeter of the site. It is still unclear whether the majority of the lodgepole pines will remain, but regardless, the landscape plan shows adequate perimeter landscaping on the western boundary as well. The applicant proposes to landscape the entire 11 foot wide area between the fence and the buildings to the east. The applicant does not propose a reduction.

FINDING: Based on the above discussion, the applicant meets this criterion.

B. Parking Area Landscaping

1. Purpose

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

2. Definitions

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

b. **Canopy Factor**

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

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

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

3. Required Landscaping

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

Staff Analysis: The applicant proposes 139 spaces which requires 6,255 square feet of parking area landscaping. The applicant proposes 14 landscaped planters totaling 6,354 square feet of parking area landscaping interior to the parking area that comply with the spacing requirements.

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.**

Staff Analysis: The applicant proposes 38 trees onsite to meet the parking area landscaping requirements. The applicant has provided 25 large trees to account for 100 parking spaces and 14 medium trees to account for 42 parking spaces. The applicant has included enough trees per parking space and provided details as to which trees are designated medium or large on the plan set. The applicant proposes two evergreen trees, or 5 % of the required total.

FINDING: Based on the above discussion the applicant meets this standard.

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.

Staff Analysis: The applicant proposes 300 shrubs for 97 parking spaces, nearly three per space and 160 shrubs for the 42 spaces that require an additional shrub per space. The applicant proposes 460 shrubs in total.

FINDING: Based on the above discussion the applicant meets this standard.

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.

Staff Analysis: The applicant proposes to cover the remaining unpaved area with ground cover and has noted that the selected plants will be able to cover the area within three years.

FINDING: Based on the above discussion, the applicant meets this criterion.

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:

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

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

Staff Analysis: The applicant has provided landscape islands that are spaced to provide for at least one island for every ten contiguous parking spaces. The fourteen planter islands each contain a tree within each landscape island that is at least 90 square feet and 5 feet wide with curbs to protect the landscaping. The applicant has spaced the landscaping appropriately throughout the site.

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

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

All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and any adjacent

residential zones. If unfeasible to fully screen due to policies and standards, the applicant shall make efforts to minimize the visual impact of the mechanical equipment.

Staff Analysis: According to the applicant, they do not propose any outdoor storage or mechanical equipment.

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

D. Visual Corridors

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

Staff Analysis: The northern property is adjacent to SW Langer, a collector and thus a visual corridor is required along the frontage. This will be discussed and conditioned further within this report under Chapter 16.142.

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.

Staff Analysis: The applicant's landscaping plans show the installation and maintenance standards for the proposed landscaping. An irrigation system will be used to ensure that the plants remain healthy. The applicant proposes a landscaping company to maintain the grounds and existing trees to be retained will remain protected during construction by fencing and erosion control inspections by city staff.

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

16.94 Off Street Parking and Loading

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).

Staff Analysis: The applicant proposes to add surface parking around the buildings and in the central area on the same residential lot. The applicant also proposes three separate garage structures but do not include the structured parking to satisfy the minimum parking requirements for the site. The applicant does not propose any on street parking.

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.

Staff Analysis: All of the parking will be marked with striping. The applicant shows a two lane drive aisle that is shown marked on the plans.

FINDING: Based on the above discussion the applicant meets this criterion.

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.

FINDING: The applicant proposes to use asphalt for the parking area. This criterion is met.

H. Repairs

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

FINDING: The site will be inspected before the Certificate of Occupancy is granted and will need to be in good condition and repair. After that, any necessary repairs would become a Code Compliance issue. Based on the discussion, the applicant has not met this criterion, but can do so by satisfying the following condition.

RECOMMENDED CONDITION: Prior to final occupancy, ensure that the parking and loading areas are in good repair, wheel stops are in good condition and the painted parking space boundaries and directional symbols are readable.

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: The applicant prepared a parking plan that included the striping plan and dimensions. The specific criteria will be discussed within the applicable Code sections.

16.94.020 - Off-Street Parking Standards

A. Generally

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

Table 1: Minimum and Maximum Parking Standards

Sherwood Plaza Apartments Unit Type	Number of Units Proposed	Minimum Parking Spaces Required
Studio (1 per unit)	6	6
One Bed (1.25 per unit)	41	51
Two Bed (1.5 per unit)	29	44
Three Bedroom (1.75 per unit)	6	11
Visitor Parking (15 % additional)	112 parking spaces x 15%	17

Staff Analysis: Parking standards for multi-family developments depend on the number of bedrooms in each apartment. The table above shows that 112 parking spaces are required for the apartments with an additional 15 % for visitor parking. In this case, 17 additional spaces are required for visitors.

The applicant has provided for 139 surface parking spaces onsite, exceeding the minimum required by 10 additional spaces. The applicant proposes three garage buildings over 1,100 square feet in side for additional parking for tenants, and not included in this calculation.

FINDING: Based on the above discussion, the applicant meets this criterion.

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.

Staff Analysis: The applicant's plans show 139 standard parking spaces. The applicant shows that there will be eighteen (18) compact parking spaces and 121 standard parking spaces. Up to 25 % of the minimum number of spaces may be compact so up to 32 spaces are allowed. Since the applicant proposes only 18 spaces as compact, this standard is met.

FINDING: Based on the above discussion, the applicant meets this criterion.

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.

Staff Analysis: All of the parking spaces are at 90 degree angles to the drive aisles and according to Table 3, the minimum standard is 26 feet for the two way drive aisle. The applicant proposes a 26 foot wide two way drive aisle for the parking area.

FINDING: Based on the above discussion, the applicant meets this standard.

3. Wheel Stops

- a. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high, located three (3) feet back from the front of the parking stall as shown in the above diagram.
- b. Wheel stops adjacent to landscaping, bio-swailes or water quality facilities shall be designed to allow storm water runoff.

FINDING: The applicant shows wheel stops where they abut a sidewalk. Therefore, the applicant meets this criterion with respect to the site plan, but cannot fully comply with this requirement without the following condition.

RECOMMENDED CONDITION: Prior to receiving the Certificate of Final Occupancy, install wheel stops where they abut sidewalks or interior landscaping.

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.

Staff Analysis: The applicant's site plan indicates that that the site will have both short and long term bike parking. The Code requires two bike spaces per ten auto spaces; and since over bike 8 spaces are required the applicant is required to provide additional long term bike spaces at a rate of 25 % of the total required.

In this case, the project has 139 vehicular parking spaces so the applicant is required to have at least 14 spaces with at least 25% or 4 spaces long term.

The applicant has included a covered area for six long term spaces near the southeast corner of the site and 12 short term spaces. Sheet A.1.04 shows the typical bike rack to be used on the site and the long term bike shelter located at the same location.

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

2. Location and Design.

a. General Provisions

- (1) Each space must be at least two (2) feet by six (6) feet in area, be accessible without moving another bicycle, and provide enough space between the rack and any obstructions to use the space properly.
- (2) There must be an aisle at least five (5) feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
- (3) Lighting. Bicycle parking shall be at least as well-lit as vehicle parking for security.
- (4) Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- (5) Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" or staple design is appropriate. Alternative, creative designs are strongly encouraged.
- (6) Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

b. Short-term Bicycle Parking

- (1) Provide lockers or racks that meet the standards of this section.
- (2) Locate inside or outside the building within thirty (30) feet of the main entrance to the building or at least as close as the nearest vehicle parking space, whichever is closer.

c. Long-term Bicycle Parking

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

d. Covered Parking (Weather Protection)

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

Table 4: Minimum Required Bicycle Parking Spaces Residential Categories

- Multi-dwelling — 2 or 1 per 10 auto spaces.

FINDING: As discussed above, the applicant has satisfied the required short and long term parking requirement. The site is located near a sidewalk and there is adequate maneuverability for the bikes at this location. This criterion is met.

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.

Staff Analysis: The applicant propose private sidewalks for pedestrian circulation throughout the development and connecting with the other onsite commercial amenities at Sherwood Plaza and on SW Langer Drive. There are two access points within the development for vehicular connectivity.

FINDING: Based on the above analysis, the applicant meets this criterion.

16.96.020 Minimum - Residential standards

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

A. Driveways

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

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

3. Multi-Family: Improved hard surface driveways are required as follows:

Number of Units	Number required	Two Way Drive
3—49	1	24 feet
50 or more	2	24 feet

Staff Analysis: The applicant proposes a total of 139 parking spaces that will be centrally located on site. Existing overhead utilities shall be relocated underground along the frontage of the development and beneath the existing easternmost driveway to the existing complex. The Applicant proposes to use an existing driveway that is 26 feet wide.

FINDING: Based on the above discussion, the applicant meets this criterion.

B. Sidewalks and Curbs

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

Staff Analysis: The applicant proposes a private sidewalk system extending throughout the development to the public rights of way and to the parking areas and open space. Although not proposed, the applicant has been conditioned earlier in this report to provide a paved pathway to the adjoining residential multifamily development to the east.

FINDING: Based on the above discussion, the applicant meets this criterion.

16.98.020 - Solid Waste Storage

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

Staff Analysis: The applicant provides for two trash enclosures, one at the southwestern corner of the site and one near the central eastern boundary between Buildings 3 and 5. Pride Disposal has reviewed and approved a revision to the applicant's proposal as evidenced by the letter and comments that they have provided and attached as Exhibit E.

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

C. Division VI - Public Improvements

16.108– Streets

16.108.030.01 – Required Improvements

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.

Staff Analysis: The subject property is bordered by SW Langer Drive to the north. The existing street has a 21-foot wide half-street paved street section with 5-foot wide curb tight sidewalk within a 33-foot wide half street right-of-way section. Standard for a 3 lane

collector street is 24 feet of paved width for a half street section with a 5-foot wide landscape strip and 8-foot wide sidewalk within a 39-foot wide half street right-of-way section. The 21 feet of half street paved width with curb-tight sidewalk is consistent throughout this area.

The applicant does not propose additional streets or street improvements. However, the proposed development (82 new apartments) is anticipated to increase the pedestrian traffic and vehicular along the subject property frontage of SW Langer Drive and at the SW Langer Drive pedestrian crossing in front of the subject property west of the proposed development. The sidewalk ramps at the main driveway for the existing complex across from the Langer Access do not meet ADA standards.

The preliminary plans indicate that the new development will obtain access to SW Langer Drive via the easternmost driveway of the existing development. The existing driveway and sidewalk ramps located at the proposed access for the new development does not meet current Sherwood Engineering Department standards.

Ultimately, the Sherwood Transportation System Plan (TSP) indicates removal of the traffic signal at SW Sherwood Boulevard/SW Langer Drive intersection and modify the intersection so that only right-in, right-out, and left-in movements would be allowed. This modification would be supplemented with the installation of a traffic signal at the SW Sherwood Boulevard/SW Century Drive intersection, which would include eastbound and westbound left turn lanes. Based on the proposed improvements estimated at \$900,000 in the TSP (project D24 as shown in page 169 of the Sherwood TSP Volume 2) and the 0.82 percent impact by the proposed development as determined by comparing the total entering volume during the weekday PM peak hour of background (1,576 vehicles) and total traffic (1,589 vehicles) conditions, the development's proportional share contribution of \$7,423 is required.

FINDING: Based on the above analysis, the applicant does not meet this criterion but can do so with the following conditions.

RECOMMENDED CONDITION: Prior to engineering approval, widen sidewalk to 8 feet of width and dedicate right-of-way to a 39-foot half street width along the frontage of SW Langer Drive from the eastern property line of the subject property through the driveway across from the SW Langer Drive/Langer Access intersection. The right-of-way dedication shall be recorded with Washington County prior to final city engineering approval of the public improvements. Street lighting will need to be relocated as necessary.

RECOMMENDED CONDITION: Prior to building permit approval, reconstruct the existing easternmost driveway to the complex to meet Sherwood Engineering Department standards.

RECOMMENDED CONDITION: Prior to building permit approval, reconstruct existing sidewalk ramp on east side of the existing driveway to the complex (across from the Langer Access road) to bring it in compliance with ADA standards.

RECOMMENDED CONDITION: Prior to engineering department plan approval, contribute the development's proportional share contribution of \$7,423 for the SW Langer/SW Sherwood Blvd intersection change.

16.108.040.03 - Underground Utilities

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

Staff Analysis: The City Engineer has indicated that there are overhead utilities to the site that require undergrounding.

FINDING: Based on the above discussion, the applicant has not met this criterion, but can do so with the following condition.

RECOMMENDED CONDITION: Prior to the issuance of building permits, the existing overhead utilities shall be relocated underground along the frontage of the development and beneath the existing easternmost driveway to the existing complex.

16.108.050.11-Transit Facilities

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

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

Staff Analysis: There is an existing transit facility on SW Langer north and west near Sherwood Plaza. Tri-Met did not provide comments on the proposed development to indicate additional stops are needed.

FINDING: There is no evidence to suggest that any transit facilities are needed for the proposed development; therefore, this criterion is not applicable to the proposed development.

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.

Staff Analysis: Currently, a public sanitary sewer main exists northeast of the subject property crossing SW Langer Drive from the east. There is also a private sanitary sewer within the subject property west of the portion to be developed. All surrounding properties

are developed with public sanitary sewer service, therefore no public sanitary sewer main extension is required.

The preliminary plans indicate that the new development will connect to the existing public sanitary sewer within the neighboring property east of the subject property. No record of a public sanitary easement for this sewer can be found.

FINDING: Based on the above discussion, the applicant does not meet this criterion, but can do so with the following conditions.

RECOMMENDED CONDITION: Prior to engineering plan approval, the proposed development shall supply sanitary service to the development as needed meeting Sherwood Engineering standards.

RECOMMENDED CONDITION: Prior to engineering plan approval, if the developer desires to connect to the existing sanitary sewer within the neighboring property to the east, then the developer shall provide proof of or obtain and record a public sanitary sewer easement over the public sanitary sewer within the property east of the subject property.

RECOMMENDED CONDITION: Prior to final occupancy, private sanitary sewer shall be installed in compliance with the current Oregon Plumbing Specialty Code.

RECOMMENDED CONDITION Prior to ~~engineering plan approval~~building permit approval, all public sanitary sewer infrastructure shall be designed to meet the City of Sherwood standards and be reviewed and approved by the Sherwood Engineering Department.

16.112– Water Supply

Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development in compliance with 16.112.

Staff Analysis: Currently there is a public water main existing within SW Langer Drive along the subject property frontage. No public water main extension is required, however some improvements may need to occur for placement of fire and domestic service for the development.

The preliminary plans indicate that the new development will connect to the existing public water line north of the development within SW Langer Drive.

FINDING: Although the water lines are already available to the site, the Fire Marshal has indicated that there is not enough information within the record to demonstrate that fire flows are met. Therefore, the following conditions are warranted for this development.

RECOMMENDED CONDITION: Prior to the issuance of building permits, the proposed development shall supply domestic, irrigation and fire water to the development as needed meeting Sherwood Engineering standards.

RECOMMENDED CONDITION: Prior to the issuance of any building permits, water flows calculations (domestic, irrigation and fire) shall be provided by the developer.

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 system consistent with the Comprehensive Plan, the requirements of the Clean Water Services water quality regulations and section 16.114.

Staff Analysis: According to the City Engineer, a public storm sewer exists within SW Langer Drive along most of the subject property frontage. All surrounding properties are developed with public storm sewer service, therefore no public storm sewer main extension is required. Currently only a small portion of the existing impervious area within the subject property has water quality treatment.

The preliminary plans indicate that the new development will connect to the existing storm sewer north of the development within SW Langer Drive.

~~**RECOMMENDED CONDITION:**~~ (Condition removed and language added to analysis)

The proposed development shall provide storm sewer service to the development as required to meet Clean Water Services, and the Sherwood Engineering standards.

RECOMMENDED CONDITION: Prior to engineering approval, the developer shall perform an analysis of the downstream storm sewer system in accordance with Clean Water Services standards.

RECOMMENDED CONDITION: The developer shall either remove and replace any downstream deficiencies in the existing storm sewer system or provide detention in a manner that the downstream system will have adequate capacity for this new development.

RECOMMENDED CONDITION The developer shall provide water quality treatment for all new impervious area constructed and any existing impervious area redeveloped unless otherwise approved by the City Engineer and Clean Water Services. Also some or all of the existing impervious area to remain undisturbed within the subject property shall have water quality treatment as required by Clean Water Services in accordance with their standards.

RECOMMENDED CONDITION: The developer shall replace the catch basin on the west side of the easternmost driveway and connect it to the existing public storm sewer system within SW Langer Drive or eliminate it if deemed unnecessary by City of Sherwood Engineering Department.

RECOMMENDED CONDITION: Private storm water runoff within the subject property shall be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code.

16.116.010 - Fire Protection

When land is developed so that any commercial or industrial structure is further than 250 feet or any residential structure is further than 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. In addition

capacity, fire flow, access to facilities and number of hydrants shall be consistent with 16.116.020 and fire district standards.

Staff Analysis: There is an existing fire hydrant within the subject property on the west side of the development. This fire hydrant appears to supply fire flow for the development. This fire hydrant is currently lacking a backflow assembly between the fire hydrant and the public water main.

Thomas Mooney, the TVFR Deputy Fire Marshal has provided comments within Exhibit C of this report that indicates that the development has not fully satisfied the fire protection requirements. This is not uncommon in that the District will typically issue comments that are intended to guide the applicant towards compliance as the construction drawings are finalized; however, given that the comments are not specific to the proposal the following conditions are warranted.

FINDING: Based on the above discussion, the applicant does not meet this standard but is able to do so by satisfying the following conditions.

RECOMMENDED CONDITION: Prior to the issuance of building permits, the applicant shall provide evidence in writing from the Fire Marshal that the requirements within his comments have been satisfied by the proposed development.

RECOMMENDED CONDITION: If on-site fire protection is required, install backflow protection meeting Sherwood Engineering Department standards.

RECOMMENDED CONDITION: The existing fire hydrant shall have backflow protection meeting Sherwood Engineering Department standards or be removed from service.

RECOMMENDED CONDITION: Prior to final occupancy, private water lines shall be installed in compliance with the current Oregon Plumbing Specialty Code.

RECOMMENDED CONDITION: Prior to issuance of a final engineering plan approval, all public water infrastructure shall meet City of Sherwood standards and be reviewed and approved by the Sherwood Engineering Department.

16.118.020 – Public and Private Utilities 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 feet in width unless a reduced width is specifically exempted by the City Engineer.**
- C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property (ies).**
- D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.**
- E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.**

F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.

Staff Analysis: In this specific instance, the developer is proposing to connect to services at the property line.

FINDING: The proposed development includes the extension of some public utilities onto the site. It is in the public's interest to have access to the utilities for the purpose of maintenance. Therefore, the following condition is warranted with this proposal.

RECOMMENDED CONDITION: Prior to granting occupancy, the applicant shall provide an 8 foot public utility easement for the water meter and the FDC vault and assembly in conformance with City standards.

D. Division VIII. Environmental Resources

Chapter 16.142 - PARKS, TREES AND OPEN SPACES

16.142.020 - Multi-Family Developments

A. Standards

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

1. Open Space

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

2. Recreation Facilities

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

3. Minimum Standards

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

Staff Analysis: The applicant is required to have at least 20% of the site area for open space. The total site area is approximately 149,410 square feet and therefore 29,882 square feet is required for the multifamily development. The applicant provides approximately 33,317 square feet for open space. (See applicant's materials, sheet A1.02)

The applicant is also required to provide at least 50% of the required open space (29,882 square feet) for active recreational use. The applicant provides for an area in the southeastern corner of the site to be equipped with a play structure and park benches and several other areas that will be landscaped with grass and plantings that are just under 8,000 square feet. The open space areas area dispersed throughout the development and in close proximity to the different apartment buildings. However, the applicant does not provide the size of the individual open space areas to determine if the applicant has fully complied with this criterion.

FINDING: Based on the above discussion, the applicant has not met this criterion. Based on the amount of open space illustrated on the plans, it is feasible for the applicant to meet this criterion with the following condition.

RECOMMENDED CONDITION: Prior to final site plan approval, provide the calculations for the individual open space areas demonstrating compliance with Section 16.142.020.

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:

	Street	Minimum Corridor
3.	Collector	10 feet

B. Landscape Materials

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

3. Establishment and Maintenance

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

4. Required Yard

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

Staff Analysis: SW Langer is a designated collector. The applicant is required to provide a minimum visual corridor that is 10-feet wide along the site's frontage with SW Langer. The applicant has not shown the visual corridor on the plans, but has provided a landscape plan that shows landscaping that is varying in width between 14 and 28 feet. The proposed landscaping includes a combination of trees shrubs and ground cover along SW Langer Drive. The landscape plans call for a landscape maintenance company to maintain the landscaping. The plan also calls for an internal irrigation system.

FINDING: Based on the above discussion, the applicant meets the visual corridor criterion.

16.142.050 Trees Along Public Streets or on Other Public Property

16.142.050. Street Trees

A. Trees are required to be planted to the following specifications along public streets abutting or within any new development or redevelopment. 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.

Staff Analysis: The applicant proposes six street trees to be located along the frontage of SW Langer Drive. Two of the trees are a Harlequin Glorybower and the other trees are Aristocrat Callery Pear. Neither of these trees are on the City's recommended street tree list. The applicant has not provided the tree canopy cover for these trees to know how far apart they should be planted either.

FINDING: Based on the above discussion, the applicant has not met this criterion but can do so by satisfying the following conditions.

RECOMMENDED CONDITION: Prior to final site plan approval, provide verification from a licensed landscape professional that the proposed trees are suitable for this location and are at appropriate distance apart based on the conditions of the site.

RECOMMENDED CONDITION: Prior to final site plan approval, provide plans that show street trees adequately placed along the frontage of the site.

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:

Staff Analysis: The applicant has provided a limited tree inventory and has identified the majority of the trees to be removed onsite. However, the inventory does not show the reason for removal of the majority of the trees on site or the condition. The inventory contrasts with the narrative description of the trees to be removed

FINDING Based on the above discussion, the applicant has not met this standard but could do so by satisfying the following condition.

RECOMMENDED CONDITION: Prior to final site plan approval, provide a tree inventory with the condition of the trees, and the reason the applicant requests the tree's removal in order to assist the City in making its determinations on the retention of the trees.

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.

	Commercial, Industrial, Institutional Public and Multi-family
Canopy Requirement	30%
Counted Toward the Canopy Requirement	
Street trees included in canopy requirement	No
Landscaping requirements included in canopy requirement	Yes
Existing trees onsite	Yes x2
Planting new trees onsite	Yes

FINDING: The applicant has not discussed compliance with this criterion, but the landscape plans indicate that there are many trees proposed for the site. The applicant could meet this criterion with the following condition.

RECOMMENDED CONDITION: Prior to final site plan approval, provide the tree canopy calculation that shows a minimum 30% tree canopy cover for the site.

16.146.020 - Noise Sensitive Uses

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

- A. The applicant shall submit to the City a noise level study prepared by a professional acoustical engineer. Said study shall define noise levels at the boundaries of the site in all directions.**
- B. The applicant shall show that the use will not exceed the noise standards contained in OAR 340-35-035, based on accepted noise modeling procedures and worst case assumptions when all noise sources on the site are operating simultaneously.**
- C. If the use exceeds applicable noise standards as per subsection B of this Section, then the applicant shall submit a noise mitigation program prepared by a professional acoustical engineer that shows how and when the use will come into compliance with said standards.**

Staff Analysis: It is not anticipated that there will be high levels of noise beyond what is expected in an urban area generated by the proposed multi-family use.

FINDING: As proposed, there will be no adverse impacts therefore this standard is met

16.148.010 - Vibrations

All otherwise permitted commercial, industrial, and institutional uses shall not cause discernible vibrations that exceed a peak of 0.002 gravity at the property line of the originating use, except for vibrations that last five (5) minutes or less per day, based on a certification by a professional engineer.

Staff Analysis: It is not anticipated that there will be high levels of vibration beyond what is expected in an urban area.

FINDING: There are not any expected adverse impacts therefore this standard is met.

16.150.010 – Air Quality

All otherwise permitted commercial, industrial, and institutional uses shall comply with applicable State air quality rules and statutes:

- A. All such uses shall comply with standards for dust emissions as per OAR 340-21-060.**
- B. Incinerators, if otherwise permitted by Section 16.140.020, shall comply with the standards set forth in OAR 340-25-850 through 340-25-905.**

C. Uses for which a State Air Contaminant Discharge Permit is required as per OAR 340-20-140 through 340-20-160 shall comply with the standards of OAR 340-220 through 340-20-276.

Staff Analysis: It is not anticipated that there will be high levels of air pollution beyond what is expected in an urban area.

FINDING: There are not any expected adverse impacts therefore this standard is met.

16.152.010 - Odors

All otherwise permitted commercial, industrial, and institutional uses shall incorporate the best practicable design and operating measures so that odors produced by the use are not discernible at any point beyond the boundaries of the development site.

Staff Analysis: It is not anticipated that there will be high levels of odor or unusual beyond what is expected in an urban area.

FINDING: There are not any expected adverse impacts therefore this standard is met.

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.

Staff Analysis: The lighting plan provides a photometric lighting plan that demonstrates that the light at the property line is expected to be 0.5 foot candle or less.

FINDING: As demonstrated on the submitted plans, the proposed lighting will not shine off site in excess of 0.5 foot candle. This criterion is satisfied.

RECOMMENDATION

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's submittal, staff finds that the requested approvals do not fully comply with the standards but can be conditioned to comply. Therefore, staff recommends **approval of File Nos: SP 16-04 with the recommended conditions below.**

VI. 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 dated March, 2016 prepared by Emerio Engineering 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. An on-going condition of the approval is that the site be maintained in accordance with the approved site plan. In the event that landscaping is not maintained, in spite of the assurances provided, this would become a code compliance issue.
6. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
7. A temporary use permit must be obtained from the Planning Department prior to placing a construction trailer on-site.
8. 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 issuance of grading or erosion control permits from the Building Department:

1. Obtain City of Sherwood Building Department approval of grading plans.
2. Provide an Erosion and Sediment Control Plan that is consistent with the applicable requirements of CWS and or the DEQ for the duration of construction.

C. Prior to Final Site Plan Approval:

1. Submit the required final site plan review fee along with a brief narrative and supporting documents demonstrating how each of the final site plan conditions are met.
2. Provide revised elevations for the northern sides of Buildings 1 and 2 which front SW Langer Drive. The elevations shall clearly demonstrate how the buildings are located and oriented to the street, and have has significant articulation and treatment, via facades, sidewalk connection, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians.
3. Submit plans that indicate the correct number of trees to be removed or retained, the condition of the trees and if necessary, the reason for their removal.

4. Provide plans that show at least one break in the fencing with a five foot wide public pedestrian pathway and a corresponding public non-vehicular access easement centrally located at the eastern boundary to allow adjoining pedestrian access through the site.
5. Provide the calculations for the individual open space areas demonstrating compliance with Section 16.142.020.
6. Provide verification from a licensed landscape professional that the proposed trees are suitable for this location and are at appropriate distance apart based on the conditions of the site.
7. Provide plans that show street trees adequately placed along the frontage of the site.
8. Provide a tree inventory with the condition of the trees, and the reason the applicant requests the tree's removal in order to assist the City in making its determinations on the retention of the trees.
9. Provide the tree canopy calculation that shows a minimum 30% tree canopy cover for the site.

D. Prior to Engineering Plan Approval.

1. The developer shall perform an analysis of the downstream storm sewer system in accordance with Clean Water Services standards.
2. The developer shall either remove and replace any downstream deficiencies in the existing storm sewer system or provide detention in a manner that the downstream system will have adequate capacity for this new development.
3. The developer shall provide water quality treatment for all new impervious area constructed and any existing impervious area redeveloped unless otherwise approved by the City Engineer and Clean Water Services. Also some or all of the existing impervious area to remain undisturbed within the subject property shall have water quality treatment as required by Clean Water Services in accordance with their standards.
4. All public water infrastructure shall meet City of Sherwood standards and be reviewed and approved by the Sherwood Engineering Department.
5. Contribute the development's proportional share contribution of \$7,423 for the SW Langer/SW Sherwood Blvd intersection change.
6. Design the pedestrian crossing striping that conforms to standards defined in Section 3b.18 (Crosswalk Markings) of the Manual on Uniform Traffic Control Devices. The pedestrian crossing striping shall include longitudinal lines parallel to the pedestrian traffic flow, and diagonal lines placed at 45 degree angle to the longitudinal lines.

7. Widen sidewalk to 8 feet of width and dedicate right-of-way to a 39-foot half street width along the frontage of SW Langer Drive from the eastern property line of the subject property through the driveway across from the SW Langer Drive/Langer Access intersection. The right-of-way dedication shall be recorded with Washington County prior to final city engineering approval of the public improvements. Street lighting will need to be relocated as necessary.
8. The proposed development shall supply sanitary service to the development as needed meeting Sherwood Engineering standards.
9. If the developer desires to connect to the existing sanitary sewer within the neighboring property to the east, then the developer shall provide proof or obtain and record a public sanitary sewer easement over the public sanitary sewer within the property east of the subject property.
10. The developer shall replace the catch basin on the west side of the easternmost driveway and connect it to the existing public storm sewer system within SW Langer Drive or eliminate it if deemed unnecessary by City of Sherwood Engineering Department.
11. Private storm water runoff within the subject property shall be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code.
- ~~7.—~~

E. Prior to Issuance of a Building Permit:

1. Receive Sherwood Engineering Department approval of engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets).
2. Obtain approval from the Engineering Department for storm water treatment.
3. Obtain a Storm Water Connection Permit from Clean Water Services.
4. Obtain final site plan approval from the Planning Department.
5. Provide evidence in writing from the fire marshal that the applicant has submitted evidence demonstrating that the existing water lines will provide at least 20 psi of dedicated water service.
6. The applicant shall provide evidence in writing from the fire marshal that the requirements within his comments have been satisfied by the proposed development.
7. Relocate the existing overhead utilities underground along the frontage of the development and beneath the existing easternmost driveway to the existing complex.
8. All public sanitary sewer infrastructure shall be designed to meet the City of Sherwood standards and be reviewed and approved by the Sherwood Engineering Department.

9. The proposed development shall supply domestic, irrigation and fire water to the development as needed meeting Sherwood Engineering standards.
10. Water flows calculations (domestic, irrigation and fire) shall be provided by the developer.
11. The developer shall replace the catch basin on the west side of the easternmost driveway and connect it to the existing public storm sewer system within SW Langer Drive or eliminate it if deemed unnecessary by City of Sherwood Engineering Department.
12. Private storm water runoff within the subject property shall be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code.
13. Reconstruct the existing easternmost driveway to the complex to meet Sherwood Engineering Department standards.
14. Reconstruct existing sidewalk ramp on east side of the existing driveway to the complex (across from the Langer Access road) to bring it in compliance with ADA standards

F. Prior to Final Inspection of the Building Official & Certificate of Occupancy:

1. Provide an 8 foot public utility easements for the water meter and the FDC vault and assembly in conformance with City standards.
2. All public improvements shall be competed, inspected and approved, as applicable, by the City, CWS, TVF & R, TVWD and other applicable agencies.
3. All agreements required as conditions of this approval must be signed and recorded.
4. 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.
5. All other appropriate department and agency conditions have been met.
6. Ensure that the parking and loading areas are in good repair, wheel stops are in good condition and the painted parking space boundaries and directional symbols are readable.
7. Install wheel stops where they abut sidewalks or interior landscaping.
8. Install the private sanitary sewer in compliance with the current Oregon Plumbing Specialty Code.
9. All public sanitary sewer infrastructure shall be designed to meet the City of

Sherwood standards and be reviewed and approved by the Sherwood Engineering Department.

~~8. The developer shall either remove and replace any downstream deficiencies in the existing storm sewer system or provide detention in a manner that the downstream system will have adequate capacity for this new development.~~

~~9. Private sanitary sewer shall be installed in compliance with the current Oregon Plumbing Specialty Code.~~

10. The proposed development shall provide storm sewer service to the development as required to meet Clean Water Services, and the Sherwood Engineering standards.

11. If onsite fire protection is required, install backflow protection meeting Sherwood Engineering standards.

~~11.12.~~ The existing fire hydrant shall have backflow protection meeting Sherwood Engineering Department standards or be removed from service.

~~12.13.~~ Private water lines shall be installed in compliance with the current Oregon Plumbing Specialty Code.

~~13.14.~~ All public water infrastructure shall meet City of Sherwood standards and be reviewed and approved by the Sherwood Engineering Department.

~~Provide an 8 foot public utility easement for the water meter and the FDC vault and assembly in conformance with City standards.~~

14.15. Install a high visibility advanced pedestrian crossing warning signage and striping at the pedestrian crossing of Langer Drive between the Plaza Site driveway entrance and the Highway 99W right-in/right-out access road. Signage shall conform to standards defined in the Manual on Uniform Traffic Control Devices. Applicant's Engineer shall provide pedestrian crossing signage design drawings to the City for review and approval.

16. Ensure that all landscaping is installed per the approved landscape plan specifications.

G On-going Conditions:

1. An on-going condition of the approval is that the site be maintained in accordance with the approved site plan. In the event that landscaping is not maintained, in spite of the assurances provided, this would become a code compliance issue.

VII. EXHIBITS

- A. Applicant's submitted land use application materials received on March 2, 2016
- B. Engineering comments dated June 21, 2016
- C. Clean Water Services comments dated June 13, 2016
- D. Tualatin Valley Fire & Rescue comments dated June 10, 2016
- E. Pride Disposal Company comments dated May 26, 2016
- F. Site Plan with Numbered Buildings 1-6
- G. Transportation information prepared by Kittelson and responses by DKS dated May and June 2016
- H. Photos of SW Langer Drive Frontage submitted by Garth Appanaitis, DKS Engineering on June 28, 2016
- I. Additional information submitted by Applicant, Emerio Design on June 28, 2016
- J. Additional Building Elevations submitted by Emerio Design on July 1, 2016
- K. Additional Site Plan with Easements submitted by Emerio Design on July 1, 21016
- L. Letter from Brian Shahum addressing Condition D.7, concerning proportional contribution for signal relocation dated July 1, 2016



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AND/OR THE COMMISSIONER, AND ANY COPY OR
THE DOCUMENTS TRANSMITTED BY MAIL, FAX,
ELECTRONIC MAIL OR OTHERWISE, THE ORIGINAL
SIGNED AND SEALED DOCUMENTS SHALL GOVERN.

PROJECT # 2015-45
DATE: 02/09/2016

REVISIONS



1 PERSPECTIVE VIEW FROM SW LANGER DR

**NEW MULTI-FAMILY HOUSING
SHERWOOD APARTMENTS**
16390 SW LANGER DR. SHERWOOD, OREGON 97140

SHEET:

3D

Exhibit J



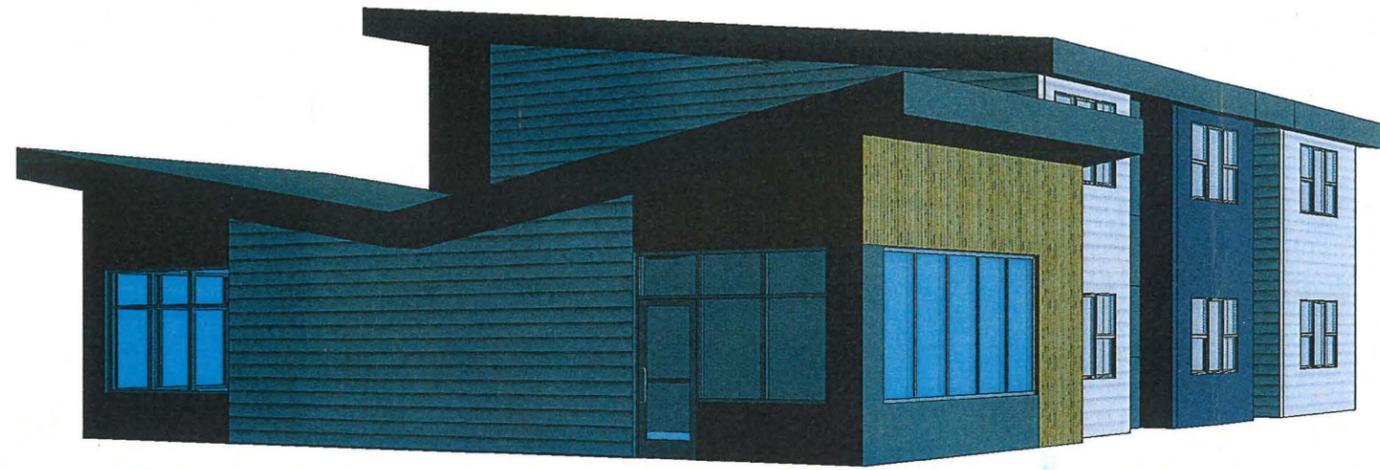
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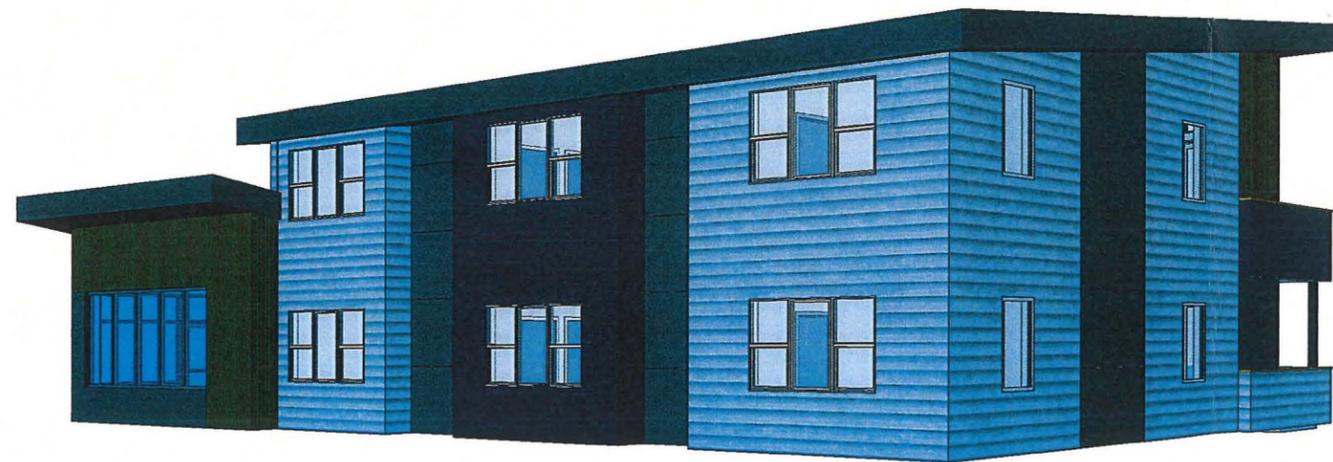
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ELECTRONICALLY OR OTHERWISE, THE ORIGINAL
SIGNED AND SEALED DOCUMENT SHALL PREVAIL.

PROJECT # 2015-45
DATE: 01/19/2015

REVISIONS



1 PERSPECTIVE VIEW FROM NORTHEAST



2 PERSPECTIVE VIEW FROM NORTHWEST



**NEW MULTI-FAMILY HOUSING
SHERWOOD APARTMENTS**
16390 SW LANGER DR. SHERWOOD, OREGON 97140

SHEET:

A2.09



1 PERSPECTIVE VIEW FROM NORTHWEST

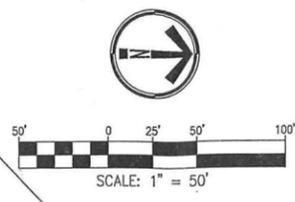
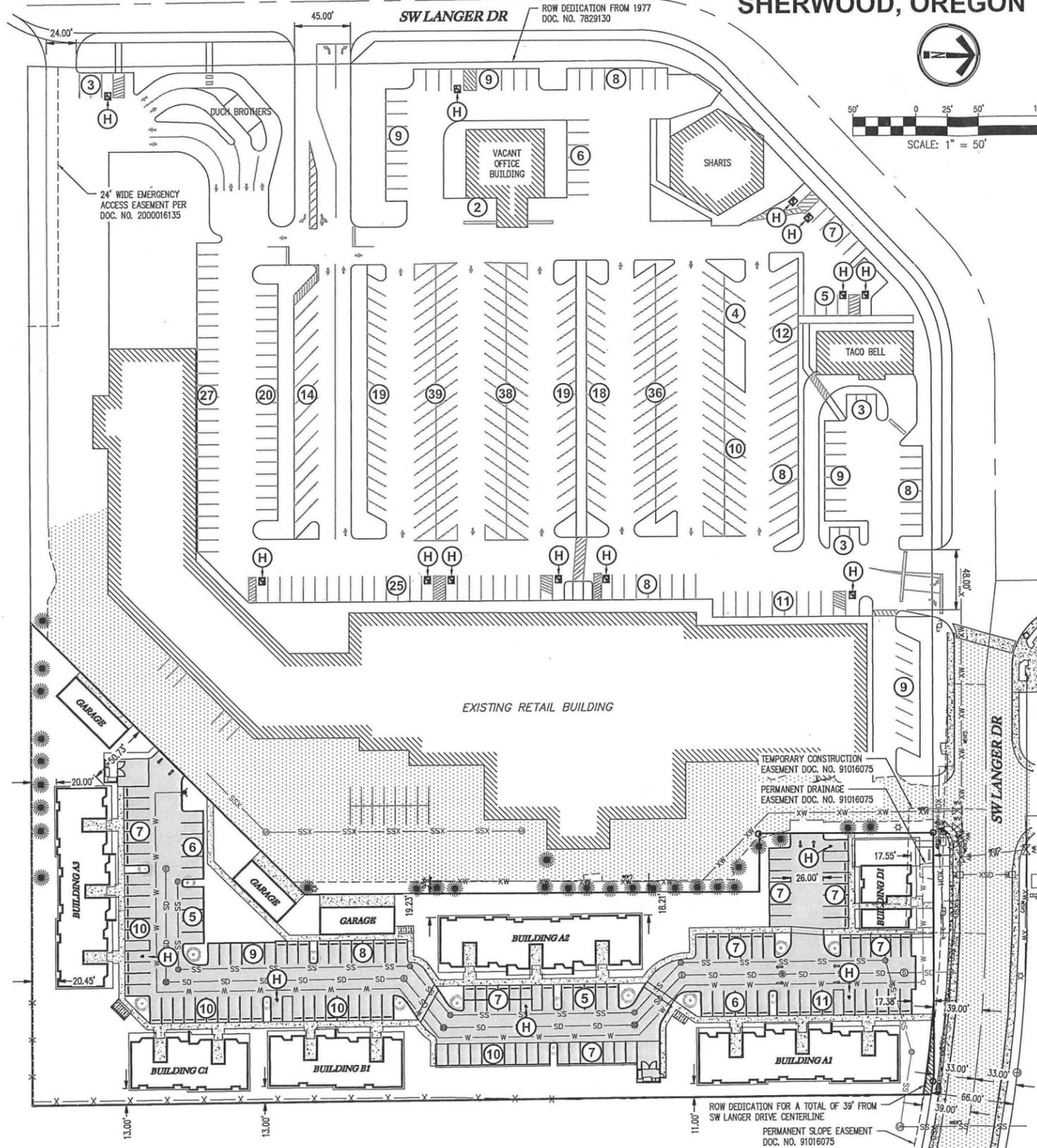
**NEW MULTI-FAMILY HOUSING
SHERWOOD APARTMENTS**
16390 SW LANGER DR. SHERWOOD, OREGON 97140

SHEET:

A2.03

SHERWOOD PARK APARTMENTS

TAX LOT 0400
SW 1/4 SECTION 29, T2S, R1W, W.M.
SHERWOOD, OREGON



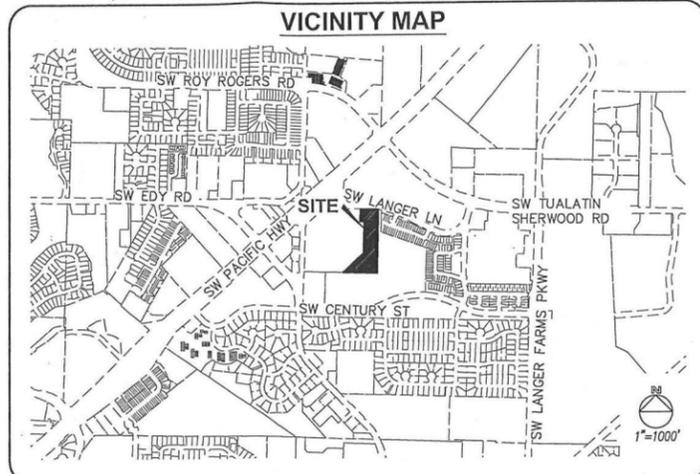
PROJECT CONTACTS

OWNER/APPLICANT
PORTLAND FIXTURE LIMITED PARTNERSHIP
15350 SW SEQUOIA PKWY, STE. 140
PORTLAND, OR 97224
CONTACT: BRIAN SHAHUM
(503) 925-1850 (P)

LAND USE AND CIVIL ENGINEER
EMERIO DESIGN, LLC
8285 SW NIMBUS AVE, STE. 180
BEAVERTON, OR 97008
LAND USE CONTACT: ANNE MARIE SKINNER
ENGINEER CONTACT: ERIC EVANS
(503) 746-8812 (P)
(503) 639-9592 (F)

ARCHITECT
STUDIO 3 ARCHITECTURE INC.
JIM TOPOREK
222 COMMERCIAL STREET NE
SALEM, OREGON 97301
(503) 390-6500

SURVEYOR
EMERIO DESIGN, LLC
8285 SW NIMBUS AVE, STE. 180
BEAVERTON, OR 97008
CONTACT: KING PHELPS
(503) 746-8812 (P)
(503) 639-9592 (F)



SITE DATA

TOTAL PARCEL: (13.26 AC.)
PROPOSED RESIDENTIAL
DEVELOPED AREA: 149,203.7 SF (3.43 AC.)
ZONING: RC
TAX MAP: T2S R1W SEC. 29CB
TAX LOT: 0400

DRAWING INDEX

Sheet Number	Sheet Title
1	OVERALL SITE PLAN
2	EXISTING CONDITIONS - RESIDENTIAL AREA
3	PRELIMINARY GRADING AND EROSION CONTROL PLAN
4	PRELIMINARY UTILITY AND STORMWATER PLAN
5	AERIAL OVERLAY MAP

NOTES:

- THE SITE DOES NOT CONTAIN ANY FLOODPLAINS OR WETLANDS

EASEMENT NOTES:

- PGE HAS A 10 FOOT WIDE EASEMENT OVER ALL CONSTRUCTED AND/OR TO BE CONSTRUCTED, EXTENDED OR RELOCATED PGE SYSTEMS ON THE ENTIRE PARCEL AS PER DOCUMENT NO. 2013-038591.
- THERE WILL BE AN 8 FOOT WIDE PUE EASEMENT AROUND THE FDC VAULT AND ASSEMBLY.
- THERE WILL BE AN 8 FOOT WIDE PUE AROUND ALL WATER METERS.

LEGEND

	EXISTING MAJOR CONTOUR LINE
	EXISTING MINOR CONTOUR LINE
	PROPOSED MAJOR CONTOUR LINE
	PROPOSED MINOR CONTOUR LINE
	EXISTING OVERHEAD POWER LINES
	EXISTING UNDERGROUND WATER
	EXISTING UNDERGROUND GAS LINE
	EXISTING SANITARY SEWER LINE
	EXISTING STORM SEWER LINE
	EXISTING FENCE
	EXISTING ROCK WALL
	PROPERTY BOUNDARY LINE
	PROPOSED LOT LINE
	PROPOSED RIGHT-OF-WAY LINE
	EXISTING DECIDUOUS TREE W/ TRUNK DIAMETER (INCHES)(CL=CLUSTER)
	EXISTING CONIFEROUS TREE W/ TRUNK DIAMETER (INCHES)(CL=CLUSTER)
	EXISTING TELEPHONE VAULT
	EXISTING POWER POLE
	EXISTING GUY ANCHOR
	EXISTING WATER METER
	EXISTING CATCH BASIN
	EXISTING SANITARY MANHOLE
	EXISTING STORM MANHOLE
	EXISTING MAILBOX
	FOUND MONUMENTS
	EXISTING GRAVEL
	EXISTING CONCRETE
	EXISTING ASPHALT
	PROPOSED CURB
	PROPOSED SIDEWALK
	PROPOSED WATER SERVICE LINE
	PROPOSED SANITARY SEWER LINE
	PROPOSED STORM SEWER LINE
	PROPOSED SANITARY CLEANOUT
	PROPOSED STORM MANHOLE WITH GRATED LID
	STORM DRAINAGE FLOW DIRECTION
	PARKING COUNT
	HANDICAP PARKING SPOT

ENGINEER'S NOTE TO CONTRACTOR

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT THOSE SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS.

THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.

SHERWOOD PLAZA APARTMENTS
A PORTION OF TAX LOT 0400
TAX MAP 2S1 29CB 0400
CITY OF SHERWOOD, OREGON
EMERIO PROJECT NO. 500-012

OVERALL SITE PLAN

REVISIONS

NO.	DATE	DESCRIPTION

EMERIO Design

8285 SW NIMBUS AVENUE SUITE 180
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 639-9592
www.emeriodesign.com

SHEET
1 OF 5

Exhibit K

SHERWOOD PLAZA
APARTMENTS
A PORTION OF TAX LOT 0400
TAX MAP 2S1 29CB 0400
CITY OF SHERWOOD, OREGON

EXISTING
CONDITIONS -
RESIDENTIAL AREA

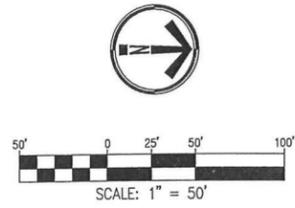
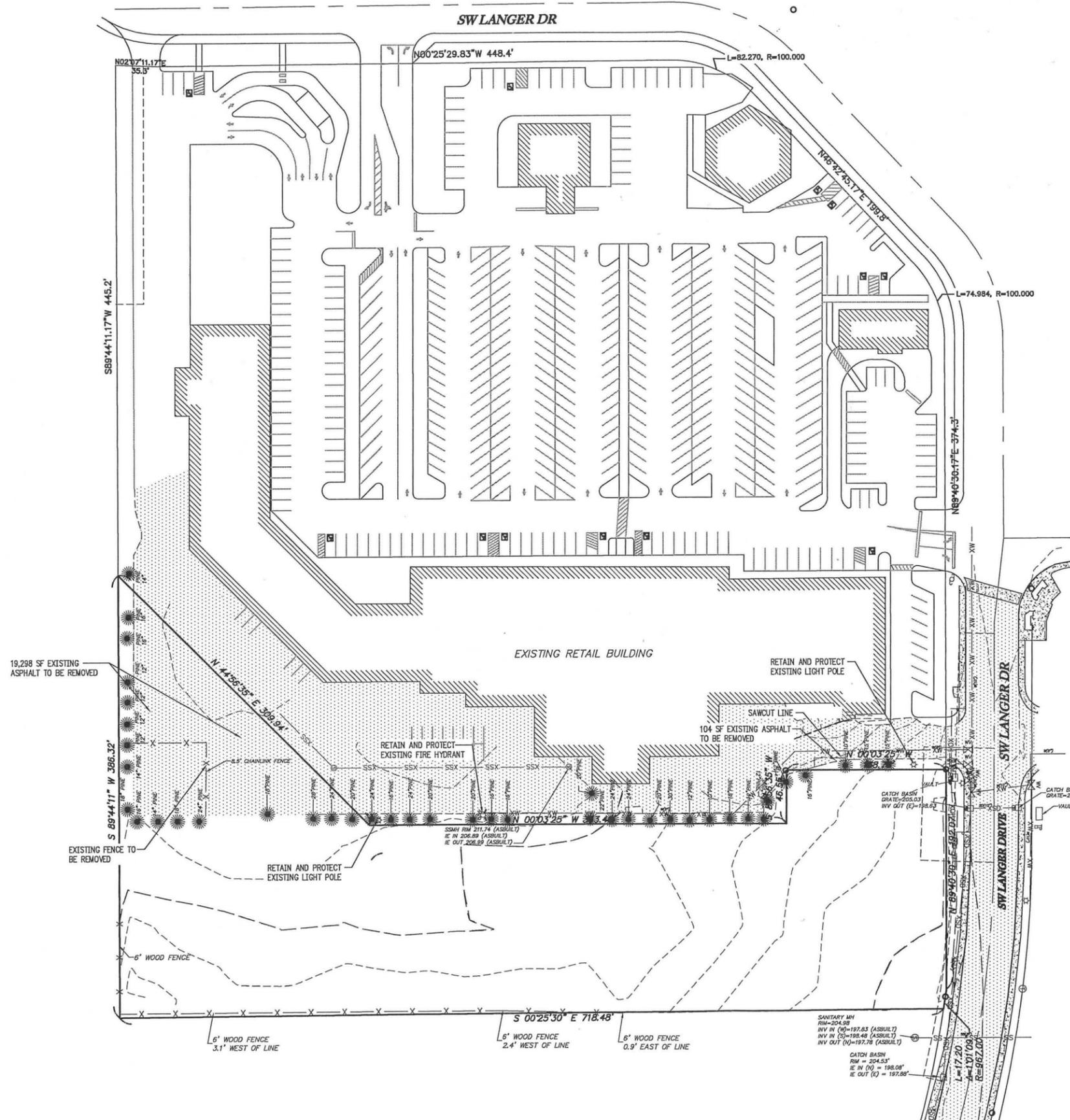
REVISIONS
NO. DATE DESCRIPTION

EMERIO
Design

6225 SW NIMBUS AVENUE SUITE 180
BUTTE, OREGON 97147
TEL: (503) 746-8812
FAX: (503) 639-9582
www.emeriodesign.com

SHEET
2
OF
5

Plot: Jul 01, 2016 11:12am, P:\500-012 Sherwood\dwg\plan\500-012-2-xcam.dwg, Layout: 2 EXISTING CONDITIONS - RESIDENTIAL AREA



LEGEND

	INDICATES WATER METER
	INDICATES WATER VALVE
	INDICATES FIRE HYDRANT
	INDICATES POWER POLE
	INDICATES GUY WIRE
	INDICATES CATCH BASIN
	INDICATES SIGN
	INDICATES SANITARY SEWER MANHOLE
	INDICATES TELEPHONE PEDESTAL
	INDICATES TELEVISION PEDESTAL
	INDICATES TELEPHONE MANHOLE
	INDICATES ELECTRIC PEDESTAL
	INDICATES STREET LIGHT
	INDICATES EVERGREEN TREE
	INDICATES 5 FOOT INTERVAL CONTOUR
	INDICATES 1 FOOT INTERVAL CONTOUR
	INDICATES EDGE OF PAVEMENT
	INDICATES FENCELINE

SURVEY NOTES:

THE DATUM FOR THIS SURVEY IS BASED UPON WASHINGTON COUNTY BENCHMARK NO. 39 ELEVATION=210.23 WASHINGTON COUNTY DATUM.

A TRIMBLE 5600 SERIES ROBOTIC INSTRUMENT WAS USED TO COMPLETE THIS SURVEY.

BOUNDARIES WERE DRAWN PER PLAT AND MONUMENTS FOUND. THIS IS NOT A BOUNDARY SURVEY. NO PROPERTY CORNERS WERE SET IN THIS SURVEY.

NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE, ETC.

THE UNDERGROUND UTILITIES AS SHOWN ON THIS MAP HAVE BEEN LOCATED FROM FIELD SURVEY OF ABOVE GROUND STRUCTURES AND AS MARKED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED. ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.

EASEMENTS FROM THE TITLE REPORT ARE SHOWN ON SHEET 1 OF 5.



July 1, 2016

Brian Shahum
Mercury Development
Senior Director

Re: Sherwood Plaza Apartments
Staff Report – Conditions of Approval - D5

Dear City of Sherwood Commissioners,

This memo is to provide additional information stating why the Applicant objects to Conditions of Approval D5 – “contribute the development’s proportional share contribution of \$7,423 for the SW Langer/SW Sherwood Blvd intersection change.”

Some of the more pertinent reasons for our objection to this Conditions of Approval are the following:

- 1) Portland Fixture Limited Partnership dba Mercury Development has been an active loyal member of the Sherwood community since the late 1970’s. Our neighborhood center has provided goods, services and enjoyment to the community for well over 30 years. We are proud of Sherwood Plaza and the relationship it has with the citizens and City of Sherwood. The City has always been very good about keeping us abreast of changes or items being proposed in the community. However, we must draw your attention to the lack of notification (both formal and informal) to Mercury Development about the proposed changes to the SW Langer/SW Sherwood Blvd intersection. No information was ever provided to us, nor did the City notify us in any other means about the proposed changes to the intersection. The City had several opportunities to notify us but failed to do so. Both during the construction of Taco Bell and Dutch Bros on our property was no information provided to us. In addition, we are aware that other local tenants were provided information about the proposed intersection change (Kohl’s and McDonald’s) and have such voiced their opinion about the negative impact of the proposal to their business. The proposed changes to the intersection will absolutely negatively impact Sherwood Plaza. Shoppers will not have the same ability to access and leave our center which will certainly lead to less visits, lower sales and increased vacancy. We cannot contribute money to a proposed intersection change that will ultimately hurt our shopping center. We were never provided notice of the proposed changes and never given the opportunity to express our opinion regarding it.
- 2) Mercury Development welcomes the opportunity to contribute towards the improvement of the City of Sherwood. We feel very strongly that through the construction of the apartments and by contributing an estimated \$1,529,000 in system and development fees that we are doing our part to improve Sherwood. Over \$425,000 of these fees go for city park improvements alone.



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Plannning Commission Meeting

July 12, 2016

COMMERCIAL REAL ESTATE

LEASING • MANAGEMENT • ACQUISITIONS

\$1,529,000 is a very large sum of money and we ask that we not have to contribute additional funds for an intersection change that will adversely impact our shopping center.

- 1) The information and reports provided by Kittleson & Associates show that the proposed multi-family apartment project will have very limited and negligible traffic impact to the SW Langer/SW Sherwood Blvd intersection. Their professional findings lend support to Mercury Development not contributing funds to the proposed intersection change.

We truly hope you can understand our rationale for wanting to strike Conditions of Approval – D5 and vote for removing it.

Respectfully,

Brian Shahum

 7/11/16