

Engineering Land Use Application Comments



Home of the Tualatin River National Wildlife Refuge

To: Hugo Hamlin-Agosto, Associate Planner
 From: Craig Christensen P.E., Civil Engineer, Engineering Department
 Project: Rock Point Apartments (LU 2025-007)
 Date: August 29, 2025

Engineering staff has reviewed the information provided for the above referenced private development project. Final construction plans will need to meet the standards established by the City of Sherwood Engineering Department and Public Works Department, Clean Water Services (CWS) and Tualatin Valley Fire & Rescue (TVF&R), in addition to requirements established by other jurisdictional agencies providing land use comments. City of Sherwood Engineering Department comments are as follows:

Transportation

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

SW Pine Street has an existing 60-foot right-of-way consisting of a non-centered, underdeveloped, 2-lane street with curb and a curb-tight asphalt sidewalk along the subject property frontage. The 30-foot wide half right-of-way width complies with the downtown pedestrian street standards. Since the project frontage along SW Pine Street is within the Old Town Overlay District, extension of the concrete pedestrian street section that is northwest of the subject property may be desired (two 11-foot wide travel lanes and two 7-foot wide parking lanes with a 3.5-foot wide exposed aggregate separation strip and an 8-foot wide sidewalk within a 30-foot wide half street right-of-way). However, due to the significant curvature of the existing street putting it significantly off centered within the existing right-of-way and the 75 feet of separation with the existing concrete downtown streetscape improvements, it would be impractical to construct street widening improvements along the subject property's 77.39 feet of frontage as it would not be consistent with the street sections of the surrounding parcels.

A development is responsible for half street improvements up to the full half street section of a standard residential local street section. The existing street section has a 12-foot wide lane along the subject property frontage of SW Pine Street. Although most of this 12-foot wide lane is on the opposite side of the right-of-way centerline from the subject property, it does not seem reasonable for the subject property to be assessed for this abnormality in the street section and therefore the payment-in-lieu of constructing a half street improvement shall be calculated as if there were an existing 12 feet of existing street on the subject property's side of the center line of SW Pine Street.

The payment-in-lieu will be based upon a value of 125% of the engineer's estimate for the following:

1. Excavation of roadway (77.39'x7'x14")
2. Geotextile roadway fabric (77.39'x7')
3. Crushed aggregate base course (77.39'x7'x8")

4. Curb and gutter (77.39')
5. Crushed aggregate leveling course (77.39'x4.5'x2")
6. Asphalt concrete pavement (77.39'x4.5'x4")
7. Concrete sidewalk (77.39'x6')
8. Catch basin and pipe extension.
9. Street light relocation.
10. Two street trees.

The development is proposing to have a driveway access onto SW Pine Street. Per Sherwood municipal code section 16-106.040.M.2.c, there are no allowances for residential property to obtain access to a Collector status street. Also, section 210.8 of the Sherwood engineering design manual, a driveway can't be within 150 feet of an intersection on a collector street. This proposed driveway is only approximately 60 feet from SW Ode Gribble Lane and approximately 135 feet from SW Willamette Street. With the proposed site plan layout submitted, the driveway connection appears to be necessary for emergency vehicle access. As such the driveway access to SW Pine Street shall be allowed for emergency vehicle use only. Either removable bollards or a gate meeting the approval of TVF&R shall be installed.

SW Willamette Street has an existing 20-foot wide half street right-of-way consisting of a travel lane with curb and a curb-tight sidewalk along the subject property frontage. TSP requirements for a neighborhood route street are an 18-foot wide half street section (11-foot wide travel lane with 7-foot wide parking lane), curb and gutter, 5-foot wide landscape strip, 8-foot wide sidewalk and 1-foot wide buffer strip within a 32-foot wide half street right-of-way section.

Since the existing right-of-way width is less than width required for a neighborhood route street, right-of-way will need to be dedicated to create a 32-foot wide half street right-of-way width along the subject property frontage of SW Willamette Street.

Since the existing street is not up to Sherwood TSP standards it would typically be required to construct half street widening improvements along with an asphalt grind and inlay to centerline. However, constructing street widening improvements along this section of SW Willamette Street (120.85 feet of street frontage) would make this short section of street inconsistent with the street sections of the surrounding properties, it would be best to leave the existing street section as is and assess a payment-in-lieu toward future improvements along this section of SW Willamette Street.

The payment-in-lieu will be based upon a value of 125% of the engineer's estimate for the following:

1. Excavation of roadway (120.85'x5'x14")
2. Geotextile roadway fabric (120.85'x5')
3. Crushed aggregate base course (120.85'x5'x8")
4. Curb and gutter (120.85')
5. Crushed aggregate leveling course (120.85'x2.5'x2")
6. Asphalt concrete pavement (120.85'x2.5'x4")
7. Two-inch thick grind and inlay (120.85'x14')

8. Concrete sidewalk (120.85'x8')
9. Westbrook street light (One).
10. Four street trees.

SW Columbia Street currently has a fully developed street section (Sherwood Cannery Square Public Improvements) along the subject property frontage that is in good condition. However since site access to the subject property is to come from SW Columbia Street it will be necessary to remove some of the existing street widening improvements in order to create an driveway access point for the subject property. It will be necessary for the subject development to restore the SW Columbia Street frontage in a manner meeting the approval of the City of Sherwood Engineering Department. A EV charging station exists at the proposed driveway location onto SW Columbia Street. Relocation of the EV charging station will be the responsibility of the developer.

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

Condition: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall make a payment-in-lieu of installing street improvements along the subject property frontage of SW Pine Street. Said payment-in-lieu will be based upon 125% of the engineer's estimate meeting the approval of the City of Sherwood Engineering Department which will include the following:

1. Excavation of roadway (77.39'x7'x14")
2. Geotextile roadway fabric (77.39'x7')
3. Crushed aggregate base course (77.39'x7'x8")
4. Curb and gutter (77.39')
5. Crushed aggregate leveling course (77.39'x4.5'x2")
6. Asphalt concrete pavement (77.39'x4.5'x4")
7. Concrete sidewalk (77.39'x6')
8. Catch basin and pipe extension.
9. Street light relocation.
10. Two street trees.

Condition: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall make a payment-in-lieu of installing street improvements along the subject property frontage of SW Willamette Street. Said payment-in-lieu will be based upon 125% of the engineer's estimate meeting the approval of the City of Sherwood Engineering Department which will include the following:

1. Excavation of roadway (120.85'x5'x14")
2. Geotextile roadway fabric (120.85'x5')
3. Crushed aggregate base course (120.85'x5'x8")
4. Curb and gutter (120.85')
5. Crushed aggregate leveling course (120.85'x2.5'x2")
6. Asphalt concrete pavement (120.85'x2.5'x4")

7. Two-inch thick grind and inlay (120.85'x14')
8. Concrete sidewalk (120.85'x8')
9. Westbrook street light (One).
10. Four street trees.

Condition: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design for driveway access and associated street frontage restoration along SW Columbia Street (including EV charging station relocation) meeting the approval of the City of Sherwood Engineering Department.

Condition: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design for emergency access (unless otherwise deemed unnecessary by TVF&R) and associated street frontage restoration along SW Pine Street meeting the approval of the City of Sherwood Engineering Department.

Condition: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design for either removable bollards or gate on the emergency access to SW Pine Street meeting the approval of TVF&R and the City of Sherwood Engineering Department.

Condition: Prior to Acceptance of Public Improvements, the proposed development shall dedicate half-street right-of-way to a width of 32 feet along the subject property frontage of SW Willamette Street meeting the approval of the City of Sherwood Engineering Department.

Sanitary Sewer

There is an existing 12-inch diameter public sanitary sewer within SW Willamette Street and an existing 8-inch diameter public sanitary sewer within both SW Pine Street and SW Columbia Street. There appears to be no sanitary sewer laterals currently available for connection by the subject property. The developer will need to install a sanitary sewer lateral to provide sanitary sewer for the development.

Condition: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide a sanitary sewer service lateral for the subject development meeting the approval of the City of Sherwood Engineering Department.

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

Storm Sewer

There is an existing 27-inch diameter public storm sewer within SW Pine Street and SW Willamette Street and an existing 15-inch diameter public storm sewer within SW Columbia Street. There appears to be no storm sewer laterals currently available for connection by the subject property. The developer will need to install a storm sewer lateral to provide service to the subject property.

Storm water runoff water quality treatment in compliance with Clean Water Services standards is required for the subject development. Private onsite storm water runoff water quality treatment is proposed to be provided for the development via a storm filter manhole.

Storm water runoff hydro-modification in compliance with Clean Water Services standards is required for the subject development. Private onsite storm water hydro-modification is proposed to be provided for the development via a subsurface detention facility.

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

Condition: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide a storm sewer service lateral for the subject development. The connection to the public storm mainline shall be in conformance with City engineering standards.

Condition: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide for on-site water quality treatment in compliance with Clean Water Services standards or make a payment-in-lieu thereof for impervious area not being treated by the development or a combination thereof if approved by the City of Sherwood and Clean Water Services.

Condition: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide for on-site hydro-modification in compliance with Clean Water Services standards.

Condition: Prior to Acceptance of Public Improvements, a Private Stormwater Facility Access and Maintenance Covenant meeting City of Sherwood standards shall be recorded at Washington County for any on-site water quality/hydro-modification facilities.

Condition: Prior to Acceptance of Public Improvements, an O&M Plan meeting City of Sherwood standards shall be provided to the city.

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

Water

There is an existing 12-inch diameter water main within SW Pine Street and SW Willamette Street and an existing 8-inch diameter water main within SW Columbia Street. There appears to be no water services currently available for connection by the subject property. The subject development will need to install a domestic water service and fire service (if necessary/desired).

The subject property is within 100 feet of a community well owned and operated by the city of Sherwood. As such, per OAR 333-061-0050, a perpetual restrictive easement shall be dedicated to the city of Sherwood over the area of the subject property that is within 100 feet of the city well.

Condition: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide a domestic water service with backflow prevention for the subject development meeting the approval of the Sherwood Engineering Department.

Condition: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide for fire water service, as needed, with backflow prevention for the subject development meeting the approval of the Sherwood Engineering Department.

Condition: Prior to Acceptance of Public Improvements, the proposed development shall dedicate a public water line easement for any public water facilities within private property meeting the approval of the City of Sherwood Engineering Department.

Condition: Prior to Acceptance of Public Improvements, the proposed development shall dedicate a perpetual restrictive easement to the city of Sherwood over the portion of the subject property that is within 100 feet of the city well meeting the approval of the City of Sherwood Engineering Department.

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

Grading and Erosion Control

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

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

Environmental

The subject development is proposing to fill an existing wetland. Wetland fill requires a joint permit to be issued by the US Army Corps of Engineers/Oregon Department of State Lands.

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

Other Engineering Issues

A Clean Water Services Service Provider Letter needs to be obtained by the developer.

Sherwood Broadband service exists in the area and providing service for all properties in the vicinity of the subject development. Therefore no Sherwood Broadband vaults or conduits are not necessary except as necessary to provide service to the new development.

Condition: Prior to Approval of Engineering Public Improvement Plans, the developer shall design to bring Sherwood Broadband facilities to the proposed building.

Condition: Prior to Approval of Engineering Public Improvement Plans, the developer shall obtain and adhere to the conditions of the Clean Water Services Service Provider Letter.

Condition: Prior to Approval of Engineering Public Improvement Plans, a stormwater connection permit shall be obtained from Clean Water Services.

Condition: Prior to Issuance of an Engineering Compliance Agreement, the developer shall obtain final engineering plan approval by the Sherwood Engineering Department.

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

Condition: Prior to Acceptance of Public Improvements, all public improvements and private on-site storm water runoff water quality treatment and hydro-modification facilities shall be installed meeting the approval of the Sherwood Engineering Department.

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

Condition: Per City of Sherwood standards, all new utilities shall be placed underground.

M E M O R A N D U M

Date: September 11, 2025

To: Hugo Hamblin-Agosto, Associate Planner, City of Sherwood

From: Jackie Sue Humphreys, Clean Water Services (CWS)

Subject: Old Town Multi-Family (Rock Point), LU 2025-007 SP/VAR, 2S132BD00400

Please include the following comments when writing your conditions of approval:

PRIOR TO ANY WORK ON THE SITE

A Clean Water Services (CWS) Storm Water Connection Permit Authorization must be obtained. Application for CWS Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 19-5 as amended by R&O 19-22, or prior standards as meeting the implementation policy of R&O 18-28, and is to include:

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

- e. If use of an existing offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and, any additional improvements and/or upgrades that may be needed to utilize that facility.
- f. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review and acceptance.
- g. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.
- h. Application may require additional permitting and plan review from CWS Source Control Program. For any questions or additional information, please contact Source Control at (503) 681-5175.
- i. Applicant shall comply with the conditions as set forth in the Service Provider Letter No. 21-002995, dated December 28, 2021. Note: This Service Provider Letter will require a review for extension of the expiration date prior to permit issuance.
- j. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.

CONCLUSION

This Land Use Review does not constitute CWS approval of storm or sanitary sewer compliance to the NPDES permit held by CWS. CWS, prior to issuance of any connection permits, must approve final construction plans and drainage calculations.

Hugo Hamblin-Agosto

From: Kristen Tabscott <kTabscott@pridedisposal.com>
Sent: Tuesday, September 9, 2025 11:18 AM
To: Hugo Hamblin-Agosto
Subject: RE: [REQUEST FOR FINAL COMMENTS]_Type IV – Site Plan Review & Variance(s) (LU 2025-007 SP/VAR)_15665 SW Willamette Street

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Good morning,

The location of this enclosure is great, I have reached out to the applicant to see if we can get more details on the enclosure itself. I think that they will need to tweak some things on it before I can issue the approval letter.

Kristen Tabscott
 EXECUTIVE ASSISTANT
 —

Pride Disposal & Recycling Company

503-625-6177

pridedisposal.com

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From: Hugo Hamblin-Agosto <hamblinagostoh@sherwoodoregon.gov>
Sent: Wednesday, August 27, 2025 3:45 PM
To: Ryan Winfree <Ryan.Winfree@nwnatural.com>; Henry English <henry.english@pgn.com>; Travis Smallwood <Travis.Smallwood@pgn.com>; Jose Marquez <Jose.Marquez@pgn.com>; Jackie Humphreys <humphreysj@CleanWaterServices.org>; Marvin Spiering <spieringm@CleanWaterServices.org>; CWS Comments <LUComments@cleanwaterservices.org>; Kinder Morgan <kmenroachmentspacific@kindermorgan.com>; Kristen Tabscott <kTabscott@pridedisposal.com>; Emily McBride <raindrops2refuge@gmail.com>; rebecca_chuck@fws.gov; Eva Kristofik <eva_kristofik@fws.gov>; Mark Werner <mwerner@pwrr.com>; Darin Smith <dxsmith@bpa.gov>; bstrutz@sherwood.k12.or.us; Gary Bennett <gbennett@sherwood.k12.or.us>; Jessica Tump <tumpj@trimet.org>; ben Baldwin <baldwinb@trimet.org>; Trimet Review <DevelopmentReview@trimet.org>; Metro Notification <landusenotifications@oregonmetro.gov>; CCDRailCrossingLUR@odot.oregon.gov; Jill Hendrickson <Jill.M.HENDRICKSON@odot.state.or.us>; ODOT_R1_DevRev@odot.state.or.us; tony Mills <anthony_mills@washingtoncountyor.gov>; Naomi Vogel <Naomi_Vogel@co.washington.or.us>; LUT Transportation <lutdevtransportation@Washingtoncountyor.gov>; Stephen Roberts <stephen_roberts@co.washington.or.us>; Theresa Cherniak <Theresa_Cherniak@co.washington.or.us>; Bryan Robb <Bryan_Robb@co.washington.or.us>; jason.arn@tvfr.com; Brad Crawford <CrawfordB@SherwoodOregon.gov>; Richard Sattler <SattlerR@SherwoodOregon.gov>; Jason Waters <WatersJ@SherwoodOregon.gov>; Craig Christensen <ChristensenC@SherwoodOregon.gov>; Katie Corgan <CorganK@SherwoodOregon.gov>; Andrew Stirling <StirlingA@SherwoodOregon.gov>; Colleen Resch <ReschC@SherwoodOregon.gov>; Jared Bradbury <BradburyJ@sherwoodoregon.gov>; Ty Hanlon <HanlonT@SherwoodOregon.gov>; Jon Carlson <CarlsonJ@SherwoodOregon.gov>; Hoon Choe <hoon.choe@USPS.gov>; isaaca@hbapdx.org; Land Use Notice <mlrr.info@oregon.gov>; Ian Crawford <icrawford@wcca.com>; Chris Stevenson <Chris.Stevenson@dsl.oregon.gov>; Dean Kampfer <dkampfer@wm.com>
Cc: Sean Conrad <conrads@sherwoodoregon.gov>
Subject: [REQUEST FOR FINAL COMMENTS]_Type IV – Site Plan Review & Variance(s) (LU 2025-007 SP/VAR)_15665 SW Willamette Street

Hello Staff & Agency Partners,

An application located at **15665 SW Willamette Street** (Washington County Assessors and Tax Lot Number: 2S132BD/400) has submitted a complete application for a **Type IV – Site Plan Review & Variance(s) (LU 2025-007 SP/VAR ‘Old Town Apartments’)**. Materials can be located [here](#). **Please provide final comments no later than 9/10/25.** If your agency will not be providing comments for the land use application, please indicate that ‘no comment’ will be provided. If you have any questions or concerns, please don’t hesitate to reach out for assistance.

Thanks in advance,



Hugo Agosto (He/Him/El)
Associate Planner
503-625-4271
Hamblin-Agostoh@SherwoodOregon.gov
www.sherwoodoregon.gov
22560 SW Pine Street, Sherwood, OR 97140

Sherwood Community Development Department is open Monday-Friday 8 am – 5 pm. Located on the second floor of City Hall.

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Hugo Hamblin-Agosto

From: CCD Rail Crossing LUR <CCDRailCrossingLUR@odot.oregon.gov>
Sent: Wednesday, August 27, 2025 4:38 PM
To: Hugo Hamblin-Agosto
Cc: CCD Rail Crossing LUR
Subject: RE: [REQUEST FOR FINAL COMMENTS]_Type IV – Site Plan Review & Variance(s) (LU 2025-007 SP/VAR)_15665 SW Willamette Street

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Hi Hugo,

ODOT Rail Crossing does not have any concerns/comments. Thank you for the opportunity to review.

Have a good day,

Ruth Price

Rail Crossing Program Coordinator
 ODOT | Commerce and Compliance Division
 455 Airport Rd SE, Building A | Salem, OR 97301
 C: 541-250-6788

From: Hugo Hamblin-Agosto <hamblinagostoh@sherwoodoregon.gov>
Sent: Wednesday, August 27, 2025 3:45 PM
To: Ryan Winfree <Ryan.Winfree@nwnatural.com>; Henry English <henry.english@pgn.com>; Travis Smallwood <Travis.Smallwood@pgn.com>; Jose Marquez <Jose.Marquez@pgn.com>; Jackie Humphreys <jhumphreysj@CleanWaterServices.org>; Marvin Spiering <spieringm@CleanWaterServices.org>; CWS Comments <LUComments@cleanwaterservices.org>; Kinder Morgan <kmenroachmentspacific@kindermorgan.com>; Kristin Tabscott <kTabscott@pridedisposal.com>; Emily McBride <raindrops2refuge@gmail.com>; rebecca_chuck@fws.gov; Eva Kristofik <eva_kristofik@fws.gov>; Mark Werner <mwerner@pwrr.com>; Darin Smith <dxsmith@bpa.gov>; bstrutz@sherwood.k12.or.us; Gary Bennett <gbennett@sherwood.k12.or.us>; Jessica Tump <tumpj@trimet.org>; ben Baldwin <baldwinb@trimet.org>; Trimet Review <DevelopmentReview@trimet.org>; Metro Notification <landusenotifications@oregonmetro.gov>; CCD Rail Crossing LUR <CCDRailCrossingLUR@odot.oregon.gov>; HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>; ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>; tony Mills <anthony_mills@washingtoncountyor.gov>; Naomi Vogel <Naomi_Vogel@co.washington.or.us>; LUT Transportation <lutdevtransportation@Washingtoncountyor.gov>; Stephen Roberts <stephen_roberts@co.washington.or.us>; Theresa Cherniak <Theresa_Cherniak@co.washington.or.us>; Bryan Robb <Bryan_Robb@co.washington.or.us>; jason.arn@tvfr.com; Brad Crawford <CrawfordB@SherwoodOregon.gov>; Richard Sattler <SattlerR@SherwoodOregon.gov>; Jason Waters <WatersJ@SherwoodOregon.gov>; Craig Christensen <ChristensenC@SherwoodOregon.gov>; Katie Corgan <CorganK@SherwoodOregon.gov>; Andrew Stirling <StirlingA@SherwoodOregon.gov>; Colleen Resch <ReschC@SherwoodOregon.gov>; Jared Bradbury <BradburyJ@sherwoodoregon.gov>; Ty Hanlon <HanlonT@SherwoodOregon.gov>; Jon Carlson <CarlsonJ@SherwoodOregon.gov>; Hoon Choe <hoon.choe@USPS.gov>; isaaca@hbapdx.org; Land Use Notice <mlrr.info@oregon.gov>; Ian Crawford <icrawford@wccca.com>; STEVENSON Chris * DSL <Chris.STEVENSON@dsl.oregon.gov>; Dean Kampfer <dkampfer@wm.com>
Cc: Sean Conrad <conrads@sherwoodoregon.gov>

Subject: [REQUEST FOR FINAL COMMENTS]_Type IV – Site Plan Review & Variance(s) (LU 2025-007 SP/VAR)_15665 SW Willamette Street

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Hello Staff & Agency Partners,

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Thanks in advance,



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Hugo Hamblin-Agosto

From: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>
Sent: Thursday, August 28, 2025 8:35 AM
To: Hugo Hamblin-Agosto
Subject: RE: [REQUEST FOR FINAL COMMENTS]_Type IV – Site Plan Review & Variance(s) (LU 2025-007 SP/VAR)_15665 SW Willamette Street

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Good Morning Hugo,

Thank you for providing this information to the OAS Program at ODOT. I've reviewed the materials and do not see any mention of signage that will be visible to the right of way of a state highway and therefore I do not have any comments.

Have a great upcoming weekend,

Jill

Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section
 Oregon Dept of Transportation | 555 13th St NE | Salem, OR 97301
 Cell: 503.559.5295 | Fax: 503.986.3625

From: Hugo Hamblin-Agosto <hamblinagostoh@sherwoodoregon.gov>
Sent: Wednesday, August 27, 2025 3:45 PM
To: Ryan Winfree <Ryan.Winfree@nwnatural.com>; Henry English <henry.english@pgn.com>; Travis Smallwood <Travis.Smallwood@pgn.com>; Jose Marquez <Jose.Marquez@pgn.com>; Jackie Humphreys <humphreysj@CleanWaterServices.org>; Marvin Spiering <spieringm@CleanWaterServices.org>; CWS Comments <LUComments@cleanwaterservices.org>; Kinder Morgan <kmenroachmentspacific@kindermorgan.com>; Kristin Tabscott <kTabscott@pridedisposal.com>; Emily McBride <raindrops2refuge@gmail.com>; rebecca_chuck@fws.gov; Eva Kristofik <eva_kristofik@fws.gov>; Mark Werner <mwerner@pwrr.com>; Darin Smith <dxsmith@bpa.gov>; bstrutz@sherwood.k12.or.us; Gary Bennett <gbennett@sherwood.k12.or.us>; Jessica Tump <tumpj@trimet.org>; ben Baldwin <baldwinb@trimet.org>; Trimet Review <DevelopmentReview@trimet.org>; Metro Notification <landusenotifications@oregonmetro.gov>; CCD Rail Crossing LUR <CCDRailCrossingLUR@odot.oregon.gov>; HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>; ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>; tony Mills <anthony_mills@washingtoncountyor.gov>; Naomi Vogel <Naomi_Vogel@co.washington.or.us>; LUT Transportation <lutdevtransportation@Washingtoncountyor.gov>; Stephen Roberts <stephen_roberts@co.washington.or.us>; Theresa Cherniak <Theresa_Cherniak@co.washington.or.us>; Bryan Robb <Bryan_Robb@co.washington.or.us>; jason.arn@tvfr.com; Brad Crawford <CrawfordB@SherwoodOregon.gov>; Richard Sattler <SattlerR@SherwoodOregon.gov>; Jason Waters <WatersJ@SherwoodOregon.gov>; Craig Christensen <ChristensenC@SherwoodOregon.gov>; Katie Corgan <CorganK@SherwoodOregon.gov>; Andrew Stirling <StirlingA@SherwoodOregon.gov>; Colleen Resch <ReschC@SherwoodOregon.gov>; Jared Bradbury <BradburyJ@sherwoodoregon.gov>; Ty Hanlon <HanlonT@SherwoodOregon.gov>; Jon Carlson <CarlsonJ@SherwoodOregon.gov>; Hoon Choe <hoon.choe@USPS.gov>; isaaca@hbapdx.org; Land Use Notice <mlrr.info@oregon.gov>; Ian Crawford <icrawford@wccca.com>; STEVENSON Chris * DSL

<Chris.STEVENSON@dsl.oregon.gov>; Dean Kampfer <dkampfer@wm.com>

Cc: Sean Conrad <conrads@sherwoodoregon.gov>

Subject: [REQUEST FOR FINAL COMMENTS]_Type IV – Site Plan Review & Variance(s) (LU 2025-007 SP/VAR)_15665 SW Willamette Street

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hello Staff & Agency Partners,

An application located at **15665 SW Willamette Street** (Washington County Assessors and Tax Lot Number: 2S132BD/400) has submitted a complete application for a **Type IV – Site Plan Review & Variance(s) (LU 2025-007 SP/VAR ‘Old Town Apartments’)**. Materials can be located ☐ [here](#). **Please provide final comments no later than 9/10/25.** If your agency will not be providing comments for the land use application, please indicate that ‘no comment’ will be provided. If you have any questions or concerns, please don’t hesitate to reach out for assistance.

Thanks in advance,



Hugo Agosto (He/Him/El)

Associate Planner

503-625-4271

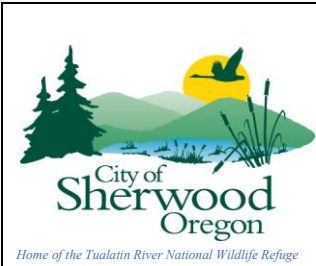
Hamblin-Agostoh@SherwoodOregon.gov

www.sherwoodoregon.gov

22560 SW Pine Street, Sherwood, OR 97140

Sherwood Community Development Department is open Monday-Friday 8 am – 5 pm. Located on the second floor of City Hall.

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NOTICE OF PUBLIC HEARING

LU 2025-007 SP/VAR

SITE PLAN REVIEW & VARIANCES

OLD TOWN MULTI-FAMILY (ROCK POINT)

October 14, 2025 AT 7:00PM

Public Notice is hereby given that the City of Sherwood Planning Commission will conduct a public hearing on **Tuesday October 14, 2025 at 7:00 PM** on the proposal described below. Public testimony can be provided in writing prior to hearing or in person or by telephone during the live hearing. The hearing will be held at Sherwood City Hall (Community Room, 1st Floor), 22560 SW Pine St., Sherwood, OR and broadcast live on the City's YouTube channel at <https://www.youtube.com/user/CityofSherwood>

Proposal: An application for a Type IV – Site Plan Review & Type IV – Variance(s) to develop a multi-family structure consisting of thirty-two (32) dwelling units including two mandatory adjustments to the minimum lot size and the maximum density, pursuant to Senate Bill (SB) 1537 (2024). The subject parcel is approximately ±1.14 acres in size, zoned High Density Residential within the Old Town (OT) Overlay District – Old Cannery Area, and located at 15665 SW Willamette Street (Washington County Assessors and Tax Lot Number: 2S132BD/400).

Case File No.: LU 2025-007 SP/VAR

Tax Map/Lot: 2S132BD/400

Location: Approximately 150-feet east of the intersection of SW Columbia St. and SW Pine St., on the south side of SW Columbia Street

Address: 15665 SW Willamette Street

Applicant

Rock Point Construction
Attn: Adrian Oltean
8101 SW Nyberg Street, Suite 202
Tualatin, OR 97062

Owner

Sherwood Group, LLC
8101 SW Nyberg Street, Suite 202
Tualatin, OR 97062

Staff Contact: Hugo Agosto, Associate Planner, HamblinAgostoh@sherwoodoregon.gov
503-625-4271

Find out about the project on the City's website:

<https://www.sherwoodoregon.gov/projects/old-town-multi-family-rock-point/>

Application materials are also available for review at the city offices or can be copied for a reasonable cost at City Hall, 22560 SW Pine Street. The City Planning Staff report on this matter

will be available for review at least seven (7) days in advance of the hearing. If you have any questions, please contact Hugo Agosto at (503)-625-4271.

The following chapters of the Sherwood Zoning and Community Development Code (SZCDC), along with applicable SB 1537, apply to this proposal:: Chapter 16.70 – General Provisions; Chapter 16.72 – Procedures for Processing Development Permits; Chapter 16.12 – Residential Land Use Districts; Chapter 16.58 – Vision Clearance and Fence Standards; Chapter 16.60 Yard Requirements; Chapter 16.68 – Infill Development Standards; Chapter 16.84.030(B)(1) and (2) – Variances procedures; Chapter 16.90 – Site Planning; Chapter 16.92 – Landscaping; Chapter 16.94 – Off-Street Parking and Loading; Chapter 16.96 - On-Site Circulation; Chapter 16.98 – On-Site Storage; Chapter 16.106 Transportation Facilities; Chapter 16.108 Improvement Plan Review; Chapter 16.110 Sanitary Sewers; Chapter 16.112 Water Supply; Chapter 16.114 Storm Water; Chapter 16.116 Fire Protection; Chapter 16.118 Public and Private Utilities; Chapter 16.140 – Parks, Trees, and Open Spaces; Chapter 16.142 – Wetland, Habitat, and Natural Resources; Chapter 16.154 – Energy Conservation; Chapter 16.162 – Old Town (OT) Overlay District.

How to Provide Testimony: Public testimony may be provided in writing, in person, or by phone.

- **In Writing:** Provide testimony in writing, prior to the hearing, via email to HamblinAgostoh@sherwoodoregon.gov or regular mail to Planning Department, Sherwood City Hall, 22560 SW Pine St., Sherwood, OR 97140. Must be received at least 1 hour prior to the hearing.
- **In Person:** Provide testimony in-person during hearing at Sherwood City Hall (Community Room, 1st Floor), 22560 SW Pine St., Sherwood, OR 97140
- **By Telephone:** Provide testimony by telephone during the hearing via ZOOM. Contact Art Graves at least 24-hours in advance of the scheduled hearing to obtain ZOOM access instructions at HamblinAgostoh@sherwoodoregon.gov or 503-625-4271.

All testimony must clearly state that it is intended as testimony for a public hearing, the specific public hearing topic for which it is intended. Written testimony must be received at least 1 hour in advance of the scheduled meeting time.

Public testimony should be limited to the findings of fact in the Staff Report, the above criteria, or other City or State applicable land use standards. Only those persons who provide testimony may appeal the decision. As mandated under SB 1537, only the applicant may appeal the decision, as it relates to the requested Variances. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-maker and the parties an opportunity to respond to the issue will preclude appeal, on said issue, to the Appeal Authority or State Land Use Board of Appeals (LUBA).

Notice to mortgagee, lien holder, vendor or seller: The City of Sherwood requests that you promptly forward this notice to the purchaser if this notice is received.



Attune Architecture LLC
7888 SE Jefferson St.
Milwaukie, OR 97267

PRELIMINARY - NOT
FOR CONSTRUCTION
OR PERMITTING

Project Name

SHERWOOD OLD TOWN APARTMENTS

Project Address

15665 SW WILLAMETTE
SHERWOOD, OR 97140

revision:

set issue date:

8/22/25

sheet name:

LANDSCAPE PLAN

sheet number:

L100

© ATTUNE ARCHITECTURE LLC 2025
PACKET PAGE 1096

GENERAL NOTES - LANDSCAPE PLAN

- THIS PLAN IS CONCEPTUAL AND INTENDED FOR LAND USE REVIEW PURPOSES ONLY.
- IT IS NOT INTENDED FOR CONSTRUCTION, PERMITTING, OR FINAL DOCUMENTATION.
- PLANT SPECIES, SPACING, AND QUANTITIES SHOWN ARE ILLUSTRATIVE ONLY.
- FINAL PLANT SELECTION AND LAYOUT ARE TO BE CONFIRMED AND SPECIFIED BY A LICENSED LANDSCAPE ARCHITECT OR QUALIFIED LANDSCAPE DESIGNER.
- IRRIGATION DESIGN, SOIL PREPARATION, PLANTING DETAILS, AND INSTALLATION METHODS ARE NOT INCLUDED IN THIS PLAN.
- THESE ELEMENTS WILL BE DEVELOPED IN THE PERMIT AND CONSTRUCTION DOCUMENTATION PHASES.
- GRADING, DRAINAGE, AND STORMWATER MANAGEMENT ARE NOT ADDRESSED IN THIS PLAN.
- COORDINATION WITH THE CIVIL ENGINEER AND LANDSCAPE ARCHITECT IS REQUIRED FOR FINAL SITE ENGINEERING.
- ALL CODE COMPLIANCE INTERPRETATIONS ARE BASED ON PRELIMINARY UNDERSTANDING OF CURRENT ZONING REGULATIONS (CITY OF SHERWOOD CHAPTER 16.92).
- FINAL COMPLIANCE REVIEW AND CONFIRMATION ARE THE RESPONSIBILITY OF THE DESIGN TEAM DURING PERMITTING.

SETBACK LANDSCAPING

- (4) ZS
- (6) MA
- (5) CT
- (4) MN
- (8) PL
- AU
- MIXTURE OF TREES, SHRUBS, AND GROUNDCOVERS AS SHOWN TO FILL IN REST OF AREA IN 3 YEARS

PEDESTRIAN PATH

PROPOSED 32-UNIT APARTMENT BUILDING

PEDESTRIAN PATH

TRASH ENCLOSURE

5' MIN LANDSCAPE BUFFER PER
16.92.030.A.2 & 3.

- (1) QR
- (9) MN
- AU
- MIXTURE OF TREES, SHRUBS, AND GROUNDCOVERS AS SHOWN TO FILL IN REST OF AREA IN 3 YEARS

(2) LANDSCAPE ISLAND PER
16.92.030.B.6.b & 16.92.030.B.6.f -
212 SF EA.

- (1) CB
- (3) PL
- AU
- MIXTURE OF TREES, SHRUBS, AND GROUNDCOVERS AS SHOWN TO FILL IN REST OF AREA IN 3 YEARS

(4) LANDSCAPE ISLANDS PER
16.92.030.B.6.b - 212 SF EA.

- (1) CB
- (6) PL
- AU
- MIXTURE OF TREES, SHRUBS, AND GROUNDCOVERS AS SHOWN TO FILL IN REST OF AREA IN 3 YEARS

5' MIN LANDSCAPE BUFFER PER
16.92.030.A.2 & 3.

- (10) QR
- (10) PL
- AU
- MIXTURE OF TREES, SHRUBS, AND GROUNDCOVERS AS SHOWN TO FILL IN REST OF AREA IN 3 YEARS

5' MIN LANDSCAPE BUFFER PER
16.92.030.A.2 & 3.

- (3) QR
- (16) MN
- AU
- MIXTURE OF TREES, SHRUBS, AND GROUNDCOVERS AS SHOWN TO FILL IN REST OF AREA IN 3 YEARS

BASKETBALL HALF-COURT; FINAL
SURFACING TO BE SELECTED FROM
STANDARD SPORT COURT OPTIONS SUCH
AS ASPHALT OR CONCRETE, SUITABLE
FOR OUTDOOR USE AND CONSISTENT
WITH RECREATIONAL PERFORMANCE
AND DURABILITY STANDARDS.

PLAY STRUCTURE; FINAL SURFACING TO BE
SELECTED FROM SAFETY-RATED OPTIONS SUCH
AS ENGINEERED WOOD FIBER, POURED-IN-
PLACE RUBBER, RUBBER MULCH, OR SYNTHETIC
TURF WITH SHOCK PAD, ALL COMPLIANT WITH
FALL SAFETY AND ACCESSIBILITY STANDARDS.

EXISTING 35" FIR TREE TO
BE PRESERVED

EXISTING 10" FIR TREE
TO BE PRESERVED

1
L100

CONCEPTUAL LANDSCAPE PLAN

1/16" = 1'-0"



-Ad Proof-

This is the proof of your ad, scheduled to run on the dates indicated below. Please proofread carefully, and if changes are needed, please contact Bren Swogger prior to deadline at or Bren.Swogger@youroregonnews.com.

<p>Date: 09/16/25 Account #: 101498 File #: Company Name: SHERWOOD, CITY OF Contact: Address: 22560 SW PINE ST SHERWOOD Telephone: (503) 625-4210 Fax: (503) 625-5524</p>	<p>Ad ID: 369472 Start: 09/24/25 Stop: 10/03/25 Total Cost: \$728.13 Columns Wide: 4 Ad Class: 1201 Phone # Email: Bren.Swogger@youroregonnews.com Amount Due: \$728.13</p>
<p>Run Dates</p> <p>The Times 09/26/25 The Times 10/03/25</p>	

City of Sherwood Land Use Notices

Below is a list of projects under review that require public hearing. This information is current as of September 15, 2025. For the most current list of projects and status, as this is subject to change, contact the city or review the "Land Use Projects" link on the Planning page of the website:

Project Name/ Location	Description of Project and Applicable Code Criteria	Status / Staff Contact
Old Town Multi-Family (Rock Point) Case File No: LU 2025-007 SP/VAR Address: 15665 SW Willamette Street Map/Tax lots: 2S132BD/400	An application for a Type IV – Site Plan Review & Type IV – Variance(s) to develop a multi-family structure consisting of thirty-two (32) dwelling units including two mandatory adjustments to the minimum lot size and the maximum density, pursuant to Senate Bill 1537 (2024). The subject parcel is approximately ±1.14 acres in size, zoned High Density Residential (HDR) within the Old Town (OT) Overlay District – Old Cannery Area, and located at 15665 SW Willamette Street (Washington County Assessors and Tax Lot Number: 2S132BD/400). <i>Decision maker: Planning Commission</i>	Public Hearing: October 14, 2025, at 7:00pm Sherwood City Hall Community Room (1 st Floor) 22560 SW Pine Street Staff contact: Hugo Agosto Associate Planner 503-625-4271
Code Criteria: Sherwood Zoning and Community Development Code: Sherwood Zoning and Community Development Code: Chapter 16.70 – General Provisions; Chapter 16.72 – Procedures for Processing Development Permits; Chapter 16.12 – Residential Land Use Districts; Chapter 16.58 – Vision Clearance and Fence Standards; Chapter 16.60 Yard Requirements; Chapter 16.68 – Infill Development Standards; Chapter 16.84.030.C – Variance procedures; Chapter 16.90 – Site Planning; Chapter 16.92 – Landscaping; Chapter 16.94 – Off-Street Parking and Loading; Chapter 16.96 - On-Site Circulation; Chapter 16.98 – On-Site Storage; Chapter 16.106 Transportation Facilities; Chapter 16.108 Improvement Plan Review; Chapter 16.110 Sanitary Sewers; Chapter 16.112 Water Supply; Chapter 16.114 Storm Water; Chapter 16.116 Fire Protection; Chapter 16.118 Public and Private Utilities; Chapter 16.140 – Parks, Trees, and Open Spaces; Chapter 16.142 – Wetland, Habitat, and Natural Resources; Chapter 16.154 – Energy Conservation; Chapter 16.162 – Old Town (OT) Overlay District.		

Anyone may testify at any public hearing verbally or in writing. Written statements are encouraged and may be submitted to the Planning Department, City Hall, 22560 SW Pine Street, Sherwood, OR 97140. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-maker and the parties an opportunity to respond to the issue will preclude appeal on said issue to the State Land Use Board of Appeals (LUBA). All hearings will be held in the Community Room of the City Hall at 22560 SW Pine Street.

Application materials are available for review or can be copied for a reasonable cost at City Hall, 22560 SW Pine Street. All application materials are available on the web site at <http://www.sherwoodoregon.gov/projects>. The City Planning staff reports on these matters will be available for review at least seven (7) days in advance of the hearing. If you have any questions, please call the Planning Department at (503) 925-2308.

Publish September 26, October 3, 2025

TT369472

Hugo Hamblin-Agosto

Sent: Tuesday, September 2, 2025 2:17 PM
To: 'Ryan.Winfree@nwnatural.com'; 'henry.english@pgn.com';
'Travis.Smallwood@pgn.com'; 'Jose.Marquez@pgn.com';
'humphreysj@CleanWaterServices.org'; Marvin Spiering;
'LUComments@cleanwaterservices.org'; 'kmenroachmentspacific@kindermorgan.com';
'kTabscott@pridedisposal.com'; 'raindrops2refuge@gmail.com';
'rebecca_chuck@fws.gov'; 'eva_kristofik@fws.gov'; 'mwerner@pwrr.com';
'dxsmith@bpa.gov'; 'bstrutz@sherwood.k12.or.us'; Gary Bennett; Jessica Tump;
'baldwinb@trimet.org'; Trimet Review; 'landusenotifications@oregonmetro.gov';
'CCDRailCrossingLUR@odot.oregon.gov'; 'Jill.M.HENDRICKSON@odot.state.or.us';
'ODOT_R1_DevRev@odot.state.or.us'; 'anthony_mills@washingtoncountyor.gov';
'Naomi_Vogel@co.washington.or.us'; 'lutdevtransportation@Washingtoncountyor.gov';
Stephen Roberts; 'Theresa_Cherniak@co.washington.or.us';
'Bryan_Robb@co.washington.or.us'; 'Arn, Jason S.'; Brad Crawford; Richard Sattler; Jason
Waters; Craig Christensen; Katie Corgan; Andrew Stirling; Colleen Resch; Jared Bradbury;
Ty Hanlon; Jon Carlson; 'hoon.choe@USPS.gov'; 'isaaca@hbapdx.org';
'mlrr.info@oregon.gov'; Ian Crawford; 'Chris.Stevenson@dsl.oregon.gov';
'dkampfer@wm.com'
Cc: Sean Conrad
Subject: RE: [REQUEST FOR FINAL COMMENTS]_Type IV – Site Plan Review & Variance(s) (LU
2025-007 SP/VAR)_15665 SW Willamette Street

From: Hugo Hamblin-Agosto

Sent: Wednesday, August 27, 2025 3:45 PM


To: 'Ryan.Winfree@nwnatural.com' <Ryan.Winfree@nwnatural.com>; 'henry.english@pgn.com'
<henry.english@pgn.com>; 'Travis.Smallwood@pgn.com' <Travis.Smallwood@pgn.com>; 'Jose.Marquez@pgn.com'
<Jose.Marquez@pgn.com>; 'humphreysj@CleanWaterServices.org' <humphreysj@CleanWaterServices.org>; Marvin
Spiering <spieringm@CleanWaterServices.org>; 'LUComments@cleanwaterservices.org'
<LUComments@cleanwaterservices.org>; 'kmenroachmentspacific@kindermorgan.com'
<kmenroachmentspacific@kindermorgan.com>; 'kTabscott@pridedisposal.com' <kTabscott@pridedisposal.com>;
'raindrops2refuge@gmail.com' <raindrops2refuge@gmail.com>; 'rebecca_chuck@fws.gov' <rebecca_chuck@fws.gov>;
'eva_kristofik@fws.gov' <eva_kristofik@fws.gov>; 'mwerner@pwrr.com' <mwerner@pwrr.com>; 'dxsmith@bpa.gov'
<dxsmith@bpa.gov>; 'bstrutz@sherwood.k12.or.us' <bstrutz@sherwood.k12.or.us>; Gary Bennett
<gbennett@sherwood.k12.or.us>; Jessica Tump <tumpj@trimet.org>; 'baldwinb@trimet.org' <baldwinb@trimet.org>;
Trimet Review <DevelopmentReview@trimet.org>; 'landusenotifications@oregonmetro.gov'
<landusenotifications@oregonmetro.gov>; 'CCDRailCrossingLUR@odot.oregon.gov'
<CCDRailCrossingLUR@odot.oregon.gov>; 'Jill.M.HENDRICKSON@odot.state.or.us'
<Jill.M.HENDRICKSON@odot.state.or.us>; 'ODOT_R1_DevRev@odot.state.or.us' <ODOT_R1_DevRev@odot.state.or.us>;
'anthony_mills@washingtoncountyor.gov' <anthony_mills@washingtoncountyor.gov>;
'Naomi_Vogel@co.washington.or.us' <Naomi_Vogel@co.washington.or.us>;
'lutdevtransportation@Washingtoncountyor.gov' <lutdevtransportation@Washingtoncountyor.gov>; Stephen Roberts
<stephen_roberts@co.washington.or.us>; 'Theresa_Cherniak@co.washington.or.us'
<Theresa_Cherniak@co.washington.or.us>; 'Bryan_Robb@co.washington.or.us' <Bryan_Robb@co.washington.or.us>;
'Arn, Jason S.' <Jason.Arn@tvfr.com>; Brad Crawford <CrawfordB@SherwoodOregon.gov>; Richard Sattler
<SattlerR@SherwoodOregon.gov>; Jason Waters <WatersJ@SherwoodOregon.gov>; Craig Christensen
<ChristensenC@SherwoodOregon.gov>; Katie Corgan <CorganK@SherwoodOregon.gov>; Andrew Stirling

<StirlingA@SherwoodOregon.gov>; Colleen Resch <ReschC@SherwoodOregon.gov>; Jared Bradbury <BradburyJ@sherwoodoregon.gov>; Ty Hanlon <HanlonT@SherwoodOregon.gov>; Jon Carlson <CarlsonJ@SherwoodOregon.gov>; 'hoon.choe@USPS.gov' <hoon.choe@USPS.gov>; 'isaaca@hbapdx.org' <isaaca@hbapdx.org>; 'mlrr.info@oregon.gov' <mlrr.info@oregon.gov>; Ian Crawford <icrawford@wccca.com>; 'Chris.Stevenson@dsl.oregon.gov' <Chris.Stevenson@dsl.oregon.gov>; 'dkampfer@wm.com' <dkampfer@wm.com>

Cc: Sean Conrad <ConradS@sherwoodoregon.gov>

Subject: [REQUEST FOR FINAL COMMENTS]_Type IV – Site Plan Review & Variance(s) (LU 2025-007 SP/VAR)_15665 SW Willamette Street

Hello Staff & Agency Partners,


An application located at **15665 SW Willamette Street** (Washington County Assessors and Tax Lot Number: 2S132BD/400) has submitted a complete application for a **Type IV – Site Plan Review & Variance(s) (LU 2025-007 SP/VAR ‘Old Town Apartments’)**. Materials can be located  [here](#). **Please provide final comments no later than 9/10/25.** If your agency will not be providing comments for the land use application, please indicate that ‘no comment’ will be provided. If you have any questions or concerns, please don’t hesitate to reach out for assistance.

Thanks in advance,



Hugo Agosto (He/Him/El)

Associate Planner

 503-625-4271

 Hamblin-Agostoh@SherwoodOregon.gov

 www.sherwoodoregon.gov

22560 SW Pine Street, Sherwood, OR 97140

Sherwood Community Development Department is open Monday-Friday 8 am – 5 pm. Located on the second floor of City Hall.



Pre-Application Conference Notes

PAC 2025-002: 15665 SW Willamette Street

Meeting Date – February 27, 2025

Staff Contact – Hugo Agosto

Hamblin-Agostoh@sherwoodoregon.gov

503-625-4271

Type IV – Site Plan Review

The pre-application conference and notes cannot cover all code requirements and aspects that apply to the proposal. Failure of staff to provide information required by the code does not constitute a waiver of the applicable standards or requirements. It is recommended that a prospective applicant obtain and read the Zoning and Community Development Code and/or ask any questions of City staff relative to code requirements prior to submitting an application.

PROJECT SUMMARY

Proposed Project Name:	Sherwood Old Town Apartments
Proposal Description:	A Pre-Application Conference for twenty-seven (27) unit multi-family development. The subject parcel is zoned High Density Residential (HDR) – Old Town Overlay, approximately 1.14 acres in size, and located at 15665 SW Willamette Street (Washington County Assessors Map and Tax Lot Number: 2S132BD/400).
Applicant:	Adrian Oltean 8101 SW Nyberg Street, Suite 202 Tualatin, OR 97062
Owner:	Elton Family Fund 1 LLC
Site Address:	2541 E GALA ST STE 310, Meridian, ID 83642
Tax Lot ID:	2S132BD00400
Land Use Designation:	High Density Residential-HDR (HDR) – Old Town Overlay

APPLICATION TYPE, TIMELINE & FEES

Full details on application type, noticing, and public hearing procedures listed under SZCDC § 16.90.030.

Type IV– Site Plan Review: Process and Timeline

Pursuant to 16.72.010.A.5, the proposal would be processed under a Type IV – Site Plan Review procedure. The Decision Authority is through Planning Commission and the Appeal Authority is City Council. Approval is based on the applicable approval criteria.

Timeline

- 30-day completeness review
- 35-45 days for a public hearing after application is deemed complete.
- 1-5 days to receive coordinated PC signatures and issue Notice of Decision.
- 14-day appeal period for all land use decisions.

Neighborhood Meeting (SZCDC 16.70.020)

- Applicants of Type III, IV and V applications are required to hold a meeting, at a public location for adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject application, prior to submitting their application to the City.
- Notification of the neighborhood meeting shall be mailed 14 calendar days prior to the meeting date. Affidavits of mailing, sign-in sheets and a summary of the meeting notes must be included with the application when submitted.

Land Use Fees

Fees as of October 29, 2024. Please confirm fees with staff prior to submittal as the fee schedule is revised annually (July 1, 2025). Engineering plan review, building permit, and SDC fees are separate.

Application fee for Old Town projects is the application fee based on size of the project plus the Old Town Overlay review fee

- | | |
|--|-------------------------------|
| • Type III and IV | \$7,261.99 |
| • Old Town overlay review* | \$291.77 added to application |
| • Publication/distribution of Notice Type IV | \$466.00 |

APPLICATION SUBMITTAL REQUIREMENTS

The following forms and checklists describe the submittal requirements for each permit and are included in the pre-application packet:

- Land Use Application Form
- Neighborhood Meeting Packet
- Site Plan Review Checklist

- Final Site Plan Checklist

LAND USE CASES:

- **LU 2021-022 SP / VAR / MLP:** A request for a 24-unit multifamily development on a High Density Residential (HDR) property in Sherwood's Old Town Overlay District.

Note: Applicants are encouraged to submit one (1) full and reduced size paper copies and one electronic copy for completeness review. The full number of paper copies, equating to ten (10) and one (1) updated electronic copy, will be required after the application is deemed complete.

SUMMARY OF APPLICABLE CODE CRITERIA (SZCDC Title 16) *These sections **must** be addressed in the narrative submitted with the land use application.*

Division II. - LAND USE AND DEVELOPMENT		Division VI. - PUBLIC INFRASTRUCTURE	
Chapter 16.12 - RESIDENTIAL LAND USE DISTRICTS	X	Chapter 16.104 – GENERAL PROVISIONS	X
Chapter 16.14 – RESIDENTIAL BUILDING DESIGN			
Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS		Chapter 16.106 - TRANSPORTATION FACILITIES	X
Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS		Chapter 16.108 - IMPROVEMENT PLAN REVIEW	X
Chapter 16.36 - INSTITUTIONAL AND PUBLIC (IP) LAND USE DISTRICT		Chapter 16.110 - SANITARY SEWERS	X
Chapter 16.38 - SPECIAL USES		Chapter 16.112 - WATER SUPPLY	X
Chapter 16.40 - PLANNED UNIT DEVELOPMENT (PUD)		Chapter 16.114 - STORM WATER	X
Chapter 16.42 - HOME OCCUPATIONS		Chapter 16.116 - FIRE PROTECTION	X
Chapter 16.44 - TOWNHOMES		Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES	X
Chapter 16.46 - MANUFACTURED HOMES			
Chapter 16.48 - NON-CONFORMING USES		Division VII. - LAND DIVISIONS, SUBDIVISIONS, PARTITIONS, LOT LINE ADJUSTMENTS AND MODIFICATIONS	
Chapter 16.50 - ACCESSORY STRUCTURES, ARCHITECTURAL FEATURES AND DECKS		Chapter 16.120 - SUBDIVISIONS	
Chapter 16.52 - ACCESSORY DWELLING UNITS		Chapter 16.122 - LAND PARTITIONS	
Chapter 16.54 - ADULT ENTERTAINMENT		Chapter 16.124 - PROPERTY LINE ADJUSTMENTS AND LOT CONSOLIDATIONS	
Chapter 16.56 - OTHER LAND USE ACTIONS		Chapter 16.126 - REPLATTING, LOT CONSOLIDATIONS AND VACATION OF PLATS	
Chapter 16.58 - CLEAR VISION AND FENCE STANDARDS		Chapter 16.128 - LAND DIVISION DESIGN STANDARDS	
Chapter 16.60 - YARD REQUIREMENTS			
Chapter 16.62 - CHIMNEYS, SPIRES, ANTENNAS, AND SIMILAR STRUCTURES		Division VIII. - ENVIRONMENTAL RESOURCES	
Chapter 16.64 - DUAL USE OF REQUIRED SPACE		Chapter 16.134 - FLOODPLAIN (FP) OVERLAY	
Chapter 16.66 - TRANSPORTATION FACILITIES AND IMPROVEMENTS		Chapter 16.136 - PROCEDURES	
Chapter 16.68 - INFILL DEVELOPMENT STANDARDS		Chapter 16.138 - MINERAL RESOURCES	
		Chapter 16.140 - SOLID WASTE	
Division III. - ADMINISTRATIVE PROCEDURES		Chapter 16.142 - PARKS, TREES AND OPEN SPACES	X
Chapter 16.70 - GENERAL PROVISIONS	X	Chapter 16.144 - WETLAND, HABITAT AND NATURAL AREAS	X

Chapter 16.72 - PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS	X	Chapter 16.146 - NOISE	
Chapter 16.76 - APPEALS		Chapter 16.148 - VIBRATIONS	
		Chapter 16.150 - AIR QUALITY	
<u>Division IV. - PLANNING PROCEDURES</u>		Chapter 16.152 - ODORS	
Chapter 16.80 - PLAN AMENDMENTS		Chapter 16.154 - HEAT AND GLARE	
Chapter 16.82 - CONDITIONAL USES		Chapter 16.156 - ENERGY CONSERVATION	
Chapter 16.84 - VARIANCES			
Chapter 16.86 - TEMPORARY USES		<u>Division IX. - HISTORIC RESOURCES</u>	
Chapter 16.88 - INTERPRETATION OF SIMILAR USES		Chapter 16.160 - SPECIAL RESOURCE ZONES	
		Chapter 16.162 - OLD TOWN (OT) OVERLAY DISTRICT	X
<u>Division V. - COMMUNITY DESIGN</u>		Chapter 16.164 - LANDMARK REVIEW	
Chapter 16.89 – RESIDENTIAL DESIGN CHECKLIST AND RESIDENTIAL DESIGN REVIEW			
Chapter 16.90 - SITE PLANNING	X	Chapter 16.166 - LANDMARK DESIGNATION	
Chapter 16.92 - LANDSCAPING	X	Chapter 16.168 - LANDMARK ALTERATION 16.168.010 - PROCEDURES	
Chapter 16.94 - OFF-STREET PARKING AND LOADING	X	16.168.020 - ALTERATION STANDARDS	
Chapter 16.96 - ON-SITE CIRCULATION	X	16.168.030 - VARIANCES TO ALTERATION STANDARDS	
Chapter 16.98 - ON-SITE STORAGE	X		
Chapter 16.100 - PERMANENT SIGNS			
Chapter 16.102 - TEMPORARY, PORTABLE AND BANNER SIGNS			

STAFF COMMENTS ON APPLICABLE CRITERIA AND GENERAL REQUIREMENTS

Required Land Use Reviews.

- Type IV – Site Plan Review

Zoning & Proposed Land Uses

- The proposal includes future use(s) categorized under **residential**, which are permitted outright in the High Density Residential (HDR) – Old Town Overlay zone district.

Chapter 16.12.020 – Uses (Residential Land Use Districts) Abbreviated table.

- *The HDR zoning district provides for higher density multi-family housing and other related uses with density of 16.8 to 24 dwelling units per acre (except middle housing types pursuant to 16.12.010.F). **Please note, based on the site's overall acreage, the maximum density for the subject parcel is 28 units (24 units/acre × 1.14 acres = 27.3600 units).***
- *The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Residential Districts. The specific land use categories are described and defined in Chapter 16.10.*

Uses	HDR Zone
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<i>Multi-Family Dwellings</i>	<i>P</i>
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Development Standards (SZCDC 16.12.030)

- The development standards for the High Density Residential (HDR) – Old Town Overlay zone is shown in the table below.

Development Standard by Residential Zone		HDR Zone
Minimum Lot areas:(in square ft.)		
Single Family Detached		5,000
Duplex		5,000
Triplex		5,000
Quadplex		7,000
Townhome ¹		Average of 1,500 SF per unit
Multi-Family Dwelling: for the first 2 units		8,000
Multi-Family Dwelling: each additional unit after first 2		1,500
Minimum Lot width at front property line: (in feet)		25
Minimum Lot width at front property line: (in feet)—Townhomes only		20
Minimum Lot width at building line ² : (in feet)		
Single Family Detached; Duplex; Triplex; Quadplex and Cottage Cluster		50
Townhome		20
Multi-Family dwelling		60
Minimum Lot Depth		80

Development Standard by Residential Zone		HDR Zone
Maximum Height (in feet) ³		
;bull; All other dwelling types		40 feet or 3 stories
Setbacks (in feet)		
Front yard ⁵		14
Face of garage		20
Interior side yard ⁶		
Single-Family Detached; Duplex; Triplex; Quadplex; Cottage Cluster		5
Townhome ⁷		5
Multi-Family Dwelling		
18 ft. or less in height		5
Between 18—24 ft. in height		7
If over 24 ft. in height		§ 16.68 Infill
Corner lot street side		
Single-Family Detached; Duplex; Triplex; Quadplex; Townhome		15
Multi-Family Dwelling		30
Rear yard		20
Footnote: If the lot is an irregular shape see definition for Lot Line, Rear, Section 16.10 Definitions		

¹ For townhomes, interior units may have different lot sizes than exterior or corner units, as long as the average of all lots is not greater than 1,500 square feet.

² Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard.

³ Maximum height is the lesser of feet or stories.

⁴ Some accessory structures, such as chimneys, stacks, water towers, radio or television antennas, etc. may exceed

these height limits with a conditional use permit, per [Chapter 16.62](#) (Chimneys, Spires, Antennas and Similar Structures).

⁵ Reductions in front yard setbacks for architectural features as described in [16.50.050](#) are not permitted in the MDRL, MDRH, or HDR zoning districts.

⁶ Adjustments and Variances to interior side yard setbacks for all housing types are not allowed.

⁷ No side yard setback is required between attached townhomes within the same townhome block. The side yard setbacks in this table refer to the setbacks for the townhomes at each end of the townhome block on the side that is not attached to another townhome within the same townhome block.

Planner Note: The applicant is proposing approximately twenty-seven (27) units. Based on the maximum density of the zone district, the subject parcel can sustain one (1) additional unit, based on its existing site dimensions.

Planner Note: The applicant inquired if site grading would be allowed prior or concurrently with land use approval. Staff indicated this would not be permitted under current standard procedures. Additionally, review of the prior land use decision (LU 2021-022 SP / VAR / MLP) indicated additional agencies will need to approve site grading, as further discussed under SZCDC 16.142- Wetland, Habitat and Natural Areas.

Site Plan Review (SZCDC 16.90.020)

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

- The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.
- 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.
- 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.
- 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.
- For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant must provide adequate information, such as a traffic impact analysis (TIA) or traffic counts, to demonstrate the level of impact to the surrounding transportation system. The developer is required to mitigate for impacts attributable to the project, pursuant to TIA requirements in Section 16.106.080 and rough proportionality requirements in Section 16.106.090. The determination of impact or effect and the scope of the impact study must be coordinated with the provider of the affected transportation facility.
- Proposed multi-family residential buildings with five or more residential dwelling units

and proposed mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units, shall provide sufficient electrical service capacity, as defined in ORS 455.417, to accommodate no less than 40 percent of all vehicle parking spaces. Dwelling units in townhouses are not included for purposes of determining the applicability of this regulation.

Additionally, the proposed multi-family dwelling or mixed-use development must be oriented to pedestrians, bicyclist, and to existing/planned transit facilities. Urban design standards include the following:

- Primary, front entrances are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.
- Buildings are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
- The architecture of the buildings are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding are prohibited. Street facing elevations have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.
- Multi-family development requires a minimum of 15 percent of the area of the primary building elevation adjacent to a public right-of-way to include windows and entrance doors, and for the side building elevation, adjacent to a public right-of-way or public accessway, a minimum of 10 percent glazing of area is required.

Planner Note: The applicant is encouraged to submit preliminary elevations and architectural renderings to staff prior to submittal. Additionally, it's recommended the applicant submit a materials board in conjunction with the required color palette, pursuant to Chapter 16.162.

Old Town (OT) Overlay District (SZCDC 16.162)

The OT overlay zone recognizes the unique and significant characteristics of Old Town, and is intended to provide development flexibility with respect to uses, site size, setbacks, heights, and site design elements, in order to preserve and enhance the area's commercial viability and historic character. Land use applications within the Old Town Overlay District must demonstrate substantial conformance with the standards and criteria below:

- Encourage development that is compatible with the existing natural and man-made environment, existing community activity patterns, and community identity.
- Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:
 - The scale, mass, height, areas, appearances and architectural design of buildings and

- other development structures and features.
- Vehicular and pedestrian ways and parking areas.
- Existing or proposed alteration of natural topographic features, vegetation and waterways.

In the OT overlay zone, the dimensional standards of the underlying zone shall apply, with the following exceptions:

- A principal building in the RC and HDR zones must be at least sixteen (16) feet in height.
- The intent of the Old Town area is to encourage 2 to 4 story mixed-use buildings with a traditional building type of ground floor active uses with housing or office uses above.

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

- For all property and uses within the "Old Cannery Area" of the Old Town Overlay District, requirements for off-street automobile parking shall be no more than sixty-five percent (65%) of that normally required by Section 16.94.020. Shared or joint use parking agreements may be approved, subject to the standards of Section 16.94.010. Please refer to correspondence, dated March 14, 2025, for additional clarification (attachment C).
- The color of all exterior materials shall be earth tone. A color palette shall be submitted and reviewed as part of the land use application review process and approved by the hearing authority.
- A comprehensive list of applicable criterion can be found under Chapter [16.162. – Old Town \(OT\) Overlay District](#).

Landscaping (SZCDC 16.92)

- All proposed developments for which site plan review is required pursuant to Section 16.90.020 shall submit a landscaping plan that meets the applicable landscaping standards.
- All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses.
- 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.
- 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.
- There shall be at least forty-five (45) square feet parking area landscaping for each parking space located on the site.

- Landscape islands shall be distributed and evenly spaced throughout the off-street parking and maneuvering area. Residential uses in a residential zone shall have one (1) island for every eight (8) contiguous parking spaces.

Old Town (OT) Overlay District – Landscaping (SZCDC 16.162.070)

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

Parking, Loading, and Maneuvering Areas (SZCDC 16.94)

Off-street parking:

- Residential developments shall have all off-street parking located on the same lot or development as the residential use.
- Off-street parking counts shall not include garages or enclosed buildings with the exception of a parking structure in multi-family dwelling developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).
- Pursuant to 16.94.020.B.1, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Language pertaining to the design and layout standards are outlined Parking layout and dimensional standards are listed under SZCDC § 16.94.020(B).
- 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.
- Per OAR 660-012-0435 Climate Friendly Areas, no off-street parking is required within the Sherwood Town Center and one-quarter mile of the area (see CFEC Parking Delineated Area Map at the end of this section).

Table 1: Parking Standards for lots or parcels within the CFEC Parking Delineated Area

Use	Minimum	Maximum Zone A ¹
Residential		
Multi-Family dwelling ⁴	N/A (1 per unit)	None

² Parking Zone B reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone B areas include those parcels that are located at a distance

greater than one-quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both.

³ If the street on which the house has direct access does not permit on-street parking or is less than twenty-eight (28) feet wide, two (2) off-street parking spaces are required per single-family-detached dwelling (includes a manufactured home on an individual lot) if the abutting street is twenty-eight (28) feet or wider, one (1) standard (9 ft. × 20 ft.) parking space is required.

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

Planner Note: The subject parcel is located within Climate-Friendly and Equitable Communities (CFEC) delineated area, therefore, is not subject to the minimum off-street parking requirements. There's no maximum off-street parking for the proposed development.

Bicycle parking:

- 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.
- 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.
- 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.
- Lighting. Bicycle parking shall be at least as well-lit as vehicle parking for security.
- 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.
- 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.

Table 4: Parking Minimum Required Bicycle Parking Spaces

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

Planners Note: review of the submitted materials did not indicate an amount or location for dedicated bicycle parking. Based on the current off-street parking ratios, the applicant is required to provide a minimum of four (4) dedicated bicycle stalls ($36/10 = 3.6$) meeting the minimum dimensional and location standards, pursuant to 16.94.020.C.2.

Minimum Residential Pedestrian Circulation Standards (SZCDC 16.96.020)

Minimum standards for private, on-site pedestrian circulation improvements in multi-family developments include the following:

- A system of private pedestrian sidewalks/pathways extending throughout the development site shall connect each dwelling unit to vehicular parking areas, common open space, storage areas, recreation facilities, adjacent developments, transit facilities within five hundred (500) feet of the site, and future phases of development. Main building entrances shall also be connected to one another.
- Required private pathways/sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators, on one (1) side of approved driveways connecting to the public sidewalk or curb of the public street that provides required ingress and egress. Curbs shall also be required at a standard approved by the Review Authority.
- Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick/masonry pavers, or other durable surface, at least five (5) feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump).

Minimum Residential Vehicle Circulation Standards (SZCDC 16.96.050)

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

Number of Units	Number of Driveways		One Way Drive Width (Pair)	Two Way Drive Width
5—49	1		15 feet	24 feet
50 or more	2		15 feet	24 feet

Clear Vision and Fence Standards (SZCDC 16.58)

- A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2½) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.
- Retaining, masonry, concrete, and modular retaining walls may not be constructed within the eight-foot public utility easement (PUE) located on the front and corner street side yards, without approval from the City Engineer.
- Fences, Walls, and Hedges in Residential Zones shall comply with the following standards:

Table 16.58.020

Standards for fences, walls, and hedges in residential zones by location

Fence Location		Maximum Fence Height	Hedge Location	Hedge Height
Front Yard Setback	Anywhere, up to the property line	Forty-two (42) inches	Anywhere, up to the property line	4 feet
Corner Lot Streetside/ Side Yard Setback	At least 5 ft. back from the property line	6 feet	Anywhere, up to the property line.	8 feet
	Anywhere, up to the property line	Forty-two (42) inches		
Side Yard Setback	Anywhere, up to the side yard property line	6 feet	Anywhere, up to the property line	8 feet
Rear Yard Setback	Anywhere, up to the rear yard property line	6 feet	Anywhere, up to the property line	8 feet
Public Access Ways/Alleys	At least 3 ft. back from the property line	6 feet	Anywhere, up to the property line	8 feet
	Anywhere, up to the property line	Forty-two (42) inches		

Planners Note: If the applicant decides to incorporate fencing or wall structures into the overall design, then the above size and dimensional standards apply.

Parks, Trees, and Open Space (SZCDC 16.140)

- 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.
- 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.

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

Planner Note: Review of the submitted materials do not delineate a common open space area. This will need to be adequately addressed prior to submittal. Staff recommend an application include site details about the specific layout, feature, and amenities of the dedicated open space.

Planner Note: No Visual Corridors, pursuant to section 16.140.040, is required for new development within Old Town Overlay.

Wetland, Habitat and Natural Areas (SZCDC 16.142)

- The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development.
- Alternatively, if existing wetlands are proposed to be eliminated by development, the applicant shall demonstrate that the project can, and will develop or enhance an area of wetland on the site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.
- The applicant shall include information indicating the site does not contain an endangered or threatened plant or animal species or a critical habitat for such species identified by Federal or State government (and does not contain significant natural features identified in the Community Development Plan, Part 2, Natural Resources and Recreation Plan).
- Prior to tree removal and issuance of a grading permit, a proposed development shall obtain a US Army Corps of Engineers/Oregon Department of State Lands joint permit for the filling of the wetlands.

Planner Note: Review of the previous land use decision (LU 2021-022 SP / VAR / MLP) indicated the applicant purchased wetland mitigation bank credit at the “Buter Wetland Mitigation Bank” near Beaverton, OR. The proposed mitigation area was within the Tualatin River Basin.

Utilities, Transportation, and Public Improvements

Sanitary Sewer

- There exists public sanitary sewer within SW Pine Street, SW Willamette Street and SW Columbia Street. No extension of the public sanitary sewer is anticipated except as necessary to provide sanitary sewer service to the subject property.

Water

- There exist public water mains within SW Pine Street, SW Willamette Street and SW Columbia Street. No extension of the public water system is anticipated except as necessary to provide water service to the subject property.
- Portions of the subject property are near a city of Sherwood community well. Oregon Administrative Rule 333-061-0050 has regulations relating to well setbacks.
- Fire vaults within private property requires a water line easement to be dedicated to the city of Sherwood.

Storm Sewer

- There exists public storm sewer within SW Pine Street, SW Willamette Street and SW Columbia Street. No extension of the public storm sewer is anticipated except as necessary to provide storm sewer service to the subject property.
- The public storm sewers surrounding the subject property all flow to a regional storm water runoff water quality treatment facility located north of SW Division Street and west of SW Main Street. This regional facility has been designed to provide storm water runoff water quality treatment for the subject property. The subject development will either need to provide for on-site storm water runoff water quality treatment on-site per Clean Water Services standards or make a fee-in-lieu payment thereof.
- The aforementioned regional storm water runoff water quality treatment facility does not have a hydro-modification component. Therefore, the subject development will need to construct an on-site storm water hydromodification facility in compliance with Clean Water Services standards unless the site is eligible for exclusion based upon Clean Water Services design standards section 4.03.7a. If eligible for exclusion, then a fee-in-lieu payment will be required. Clean Water Services design standards section 4.03 has information on hydromodification requirements.
- Private storm water runoff water quality treatment/hydromodification facilities require a Private Storm Water Facility Access and Maintenance covenant to be recorded. An O&M plan is also required.

Transportation

- The subject property has street frontage along SW Pine Street (City Collector), SW Willamette Street (City Neighborhood) and SW Columbia Street (City Local).
- SW Pine Street has an existing 60-foot right-of-way consisting of a non-centered, underdeveloped, 2-lane street with curb and a curb-tight asphalt sidewalk along the subject property frontage. The 30-foot-wide half right-of-way width complies with the downtown pedestrian street standards. Since the project frontage along SW Pine Street is within the Old Town Overlay District, extension of the concrete pedestrian street section that is northwest of the subject property may be desired (two 11-foot-wide

travel lanes and two 7-foot-wide parking lanes with a 3.5-foot-wide exposed aggregate separation strip and an 8-foot-wide sidewalk within a 30-foot wide half street right-of-way). However, due to the significant curvature of the existing street putting it significantly off centered within the existing right-of-way, it would be impractical to try to perform street widening improvements along the subject property's 77.39 feet of frontage at this time. Therefore, only the 8-foot width of concrete sidewalk along the subject property street frontage with the back of sidewalk at the right-of-way line along with concrete sidewalk to reconnect back with the existing sidewalk (6-foot wide) will likely be required at this time. Outside of the sidewalk, the subject property will likely be required to make a payment-in-lieu for the full half-width standard residential street section for the SW Pine Street frontage (including street lighting relocation). Street trees along SW Pine Street may be required.

- City of Sherwood standards for driveway access onto a 25MPH collector states that the driveway would have to have 150 feet between the driveway and intersection. Since there is only 220 feet between the intersections around the subject property frontage of SW Pine Street, it is not possible to meet this standard and therefore no driveway access to SW Pine Street will likely be allowed (only fire access if necessary).
- SW Willamette Street has an existing 20-foot-wide half street right-of-way consisting of a travel lane with curb and a curb-tight sidewalk along the subject property frontage. TSP requirements for a neighborhood route street are an 18-foot-wide half street section, curb and gutter, 5-foot-wide landscape strip, 8-foot-wide sidewalk and 1-foot wide buffer strip within a 32-foot wide half street right-of-way section. Since development of the portion of the subject property that has frontage on SW Willamette Street is labeled as "future residential build", only right-of-way dedication to a 32-foot-wide half street section will likely be required at this time.
- Future build out of the "future residential build" portion of the site will likely result in 8-foot width of concrete sidewalk along the subject property street frontage with the back of sidewalk 1-foot from the right-of-way line along with concrete sidewalk to reconnect back with the existing sidewalk (6-foot wide) being required. Outside of the sidewalk, the subject property will likely be required to make a payment-in-lieu for the half-width widening improvements to a standard residential street section for the SW Willamette Street frontage including the cost to grind and overlay the existing asphalt to center line. Street lighting and street trees along SW Willamette Street will also likely be required.
- SW Columbia Street currently has a fully developed street section (Sherwood Cannery Square Public Improvements) along the subject property frontage. However, since site access to the subject property is to come from SW Columbia Street it will be necessary to remove some of the existing street widening improvements in order to create a driveway access point for the subject property. It will be necessary for the subject development to restore the SW Columbia Street frontage.
- City of Sherwood Municipal Code sections 16.90.020.D.5 and 16.106.080 contain information as to the applicability of a traffic impact analysis.

Other Engineering Issues:

- A CWS Service Provider Letter is required.
- A CWS Storm Water Connection Permit Authorization is required.
- The existing property may contain wetlands. Fill of wetlands will require approval/permitting from other agencies.
- A DEQ NPDES 1200-CN permit will be required since the amount of disturbed area is over 1 acre. No early grading permit will be allowed. An executed Engineering Compliance Agreement will be required in order to receive a grading permit.
- Since the subject property is within the Old Town Overlay District, no PUE is required.
- There is an As-Built Request Form on the City of Sherwood website for acquisition of as-built plans.
- There are no existing overhead utilities along any of the subject property street frontages.
- Sherwood Broadband utilities exist along the subject property frontage of SW Pine Street and SW Willamette Street but not along the subject property frontage of SW Columbia Street. Sherwood Broadband conduits and vaults will likely not be required along the subject property frontage of SW Columbia Street as it is available to the property from other street frontages and since the adjacent properties all have access to Sherwood Broadband.

AGENCY COMMENTS

City of Sherwood Engineering Comments

Please refer to the engineering comments dated February 21, 2025

City of Sherwood Building Division

Please contact Jared Bradbury, Building Official, with questions at 503-625-4217 or bradburyj@sherwoodoregon.gov

Tualatin Valley Fire & Rescue Comments

Additional comments are provided after submitting project information at the link below. For questions contact Jason Arn at jason.arn@tvfr.com

<https://www.tvfr.com/FormCenter/Public-Records-7/Service-provider-permit-for-Sherwood-72>

Contact Information and Helpful Links

PLANNING DEPARTMENT INFORMATION

Colleen Resch , Planning Technician	reschc@sherwoodoregon.gov / 503-625-4223
Hugo Agosto , Associate Planner	HamblinAgostoh@sherwoodoregon.gov / 503-625-4271

Current Project Page:

https://www.sherwoodoregon.gov/projects?tid=All&field_project_status_value=All&field_project_type_tid=93&keys=&=Apply

Planning Applications and Checklists:

<https://www.sherwoodoregon.gov/planning/page/land-use-applications-and-checklists>

ENGINEERING DEPARTMENT INFORMATION

Jason Waters, City, Engineer P.E.

watersj@sherwoodoregon.gov / 503-925-2304

Craig Christensen, Civil Engineer P.E.

christensenc@sherwoodoregon.gov / 503-925-2301

Katie Corgan, Engineering Coordinator

CorganK@SherwoodOregon.gov / 503-625-4244

Engineering Department Home Page: <https://www.sherwoodoregon.gov/engineering>

Permit Process Packet:

https://www.sherwoodoregon.gov/sites/default/files/fileattachments/Engineering/page/337/2016_eppp_update_04-19-16.pdf

System Development Charges (SDC) Information:

<https://www.sherwoodoregon.gov/engineering/page/system-development-charges-sdc>

BUILDING DEPARTMENT INFORMATION

Jared Bradbury, Building Official

bradburyj@sherwoodoregon.gov / 503-625-4217

Kirsten Allan, Lead Building Permit Specialist

allenk@sherwoodoregon.gov / 503-625-4226

Building Department Home Page: <https://www.sherwoodoregon.gov/building>

Building Permit Forms: <https://www.sherwoodoregon.gov/building/page/permit-forms>

Attachments:

- **Attachment A:** Application Materials
- **Attachment B:** Engineering Memorandum dated February 21, 2025
- **Attachment C:** Staff correspondence dated March 14, 2025
- **Attachment D:** LU 2021-022 SP / VAR / MLP 'Old Town Apartments' Notice of Decision
- **Attachment E:** Land Use Application Form
- **Attachment F:** Neighborhood Meeting Packet
- **Attachment G:** Site Plan Review Checklist
- **Attachment H:** Final Site Plan Checklist



Home of the Tualatin River National Wildlife Refuge

Case No. PNC 2025-002
Fee 600.00
Receipt # 43681
Date 2/10/25
TYPE Pre App

Pre-application Form

Type of Land Use Action(s) Proposed:

- | | |
|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Conditional Use |
| <input type="checkbox"/> Plan Amendment | <input type="checkbox"/> Minor Partition |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Planned Unit Development | <input checked="" type="checkbox"/> Site Plan |
| <input type="checkbox"/> Sign Permit | <input type="checkbox"/> Other: _____ |

Owner/Applicant Information:

Applicant(s): Adrian Oltean Phone: 503-969-2518

Address(s): 8101 SW Nyberg St. Suite 202 Tualatin OR 97062

Owner(s): Elton Family Fund 1 LLC Phone: _____

Address: 15665 SW Willamette St. Sherwood, OR 97140

Contact for Additional Information: Adrian Oltean

Property Information:

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

Tax Lot and Map No: 2S1 32BD 00400

Existing Structures/Use: Vacant

Existing Plan/Zone Designation: _____

High Density Old Town Overlay District

Proposed Action:

Proposed Use: 27 Unit Apartment Complex with 35+ parking spaces

Proposed Plan/Zone Designation: High Density Residential

Proposed No. of Phases (one year each): One

Standard to be Varied & the amount of the variance Varied (Variance Only):

SHERWOOD OLDTOWN- RESIDENTIAL APARTMENT DEVELOPMENT

PROJECT INFORMATION

SITE ADDRESS: 15665 SW Willamette Street, Sherwood, OR 97140
SITE AREA: 1.14 acres, or 49,658 s.f.

Zoning Code: Title 16
Applicable ZONING:
High Density Residential HDR- Division II, Chapter 16.12
Overlay District: Old Town Division IV / Old Cannery sub-area

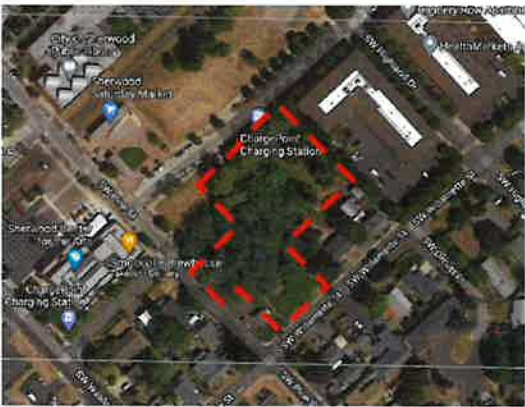
Site Planning- Division V

PROPOSED DEVELOPMENT:

Construct a new 3 Story- 27 unit apartment with approx. 35 parking spaces. Sub-divide south lots to be single family homes at a later date.
Apartment will be a single structure

GROSS BUILDING AREA: 48,000 sf

Wetland mediation and tree removal under separate permit review process.



VICINITY PHOTO



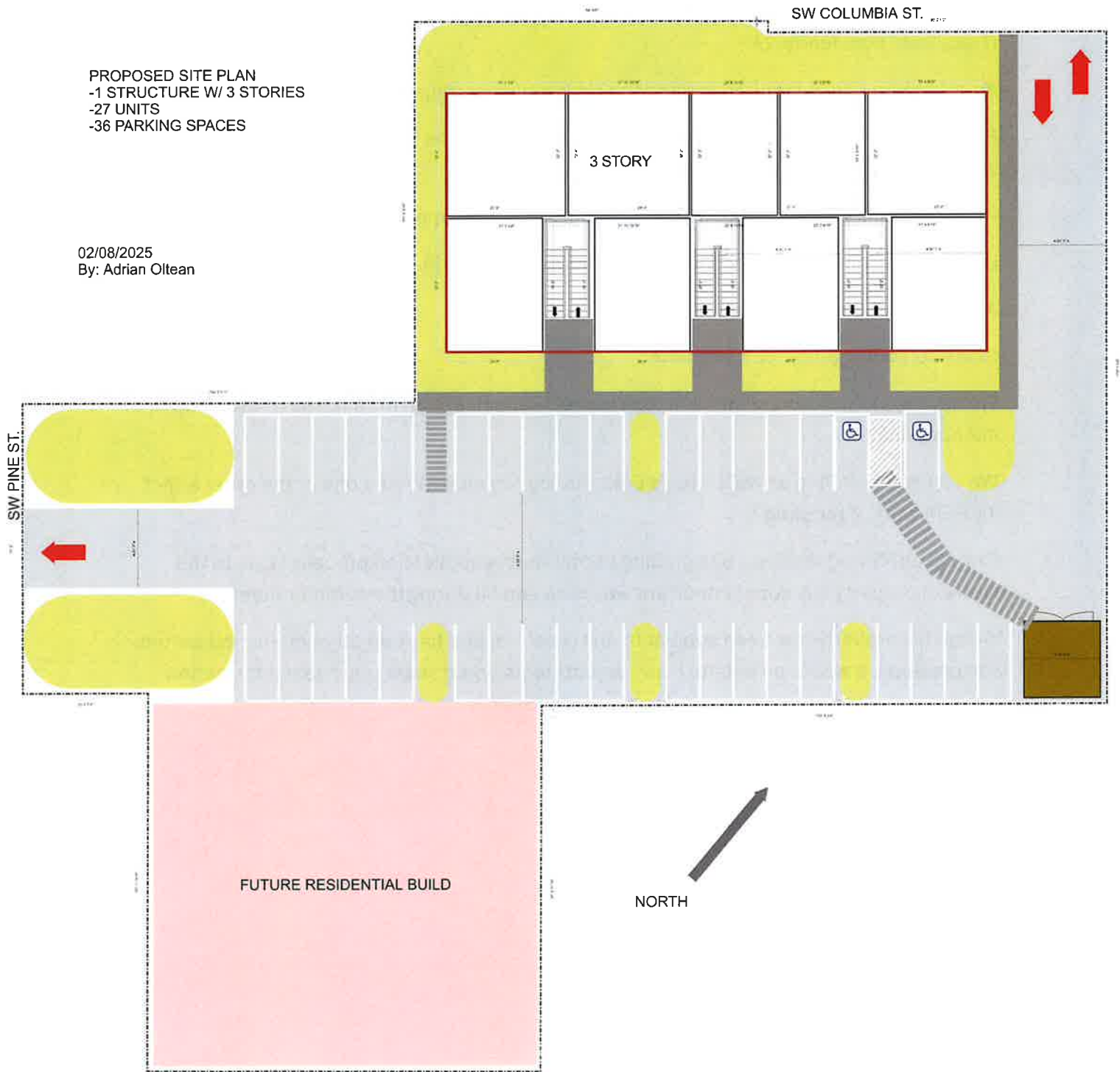
TAX MAP



ZONING MAP

PROPOSED SITE PLAN
-1 STRUCTURE W/ 3 STORIES
-27 UNITS
-36 PARKING SPACES

02/08/2025
By: Adrian Oltean



Questions:

- What information is on file about the mitigation process?
 - Overall site plan feedback?
 - Any common space required in this zone? In building or property
 - From a design standard, does the single building, parking as shown and possible building look (see attached) appear to fit in this zone?
 - How many units are possible? We've seen 24-27 in other apps for this specific lot
 - I assume a variance is needed, but at what amount is a traffic study required?
 - Any guidance on PEPI- if required?
 - Storm retention guidance if possible
 - We have a one way emergency exit, can we get some direction from fire as to this need or other options?
 - We can enter off Pine as well, what's preferred by city staff? Would one or the other affect any PEPI work, if required?
 - Can we apply and receive a site grading permit during application process? Due to the nature of property it is super important we grade and fill during the summer months.
- *Since this property has been subject to an LU before, and has had other interested parties with pre apps, it would be helpful if any departments could share important information that may have been brought up during those meetings.

POTENTIAL SIMILAR DESIGN



RECORD OF SURVEY

FOR EDGE DEVELOPMENT

IN THE NORTHWEST 1/4 OF SECTION 32, T 2 S, R. 1 W., W.M.
CITY OF SHERWOOD
WASHINGTON COUNTY
OREGON
MAY, 2021

0' 50' 100' 150'

BASIS OF BEARINGS
OREGON COORDINATE REFERENCE SYSTEM, PORTLAND ZONE,
WITH REFERENCE TO SCOD 12A (NAD 83/2011) (POCH 2010).
SEE CAP 724-003-0015 (2010/04/04)
BETWEEN POINTS (15) - (16)

CASWELL HERTZEL
SURVEYORS INC.
4150 S.W. 124TH AVE.
BEAVERTON, OR 97008
(503) 644-1110
info@chertzel.com
www.caswellhertzel.com

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO ESTABLISH CORNERS FOR THE CENTRAL PROPERTY DESCRIBED BY DEED RECORDED IN BOOK 1147 PAGE 845 IN WASHINGTON COUNTY DEED RECORDS FOR A FUTURE SUBDIVISION PLAT WORK BEGAN APRIL 12, 2021 WITH DAVID STACY AND BEN OVERLIN IN THE FIELD UNDER MY DIRECT SUPERVISION A TRIMBLE S7 TOTAL STATION AND A10 GNSS RECEIVER WERE USED FOR MEASUREMENTS.

- 1) HELD MONUMENTS SET ON THE CENTERLINE OF S.W. COLUMBIA STREET, IN THE PLAT OF SHERWOOD CANNERY SQUARE (S.C.S.) AS SHOWN MONUMENT FOUND AT (15) WAS CALLED OUT OF POSITION.
- 2) HELD CALL AT THE PLATING POINT AT (16) FOR S.C.S. TO ESTABLISH (15).
- 3) HELD (15) AND (16) FOR T.E.S. AND S.W. 31672.
- 4) HELD LINE (15) - (16) TO CONTROL THE EAST PROPERTY LINE BEING THE WEST WEST LINE OF S.C.S. HELD A 34.00' RIGHT OF WAY WIDTH TO ESTABLISH (15) BY INTERSECTION.
- 5) HELD (15) - (16) TO ESTABLISH CENTERLINE OF S.W. PINE STREET AND RECORD DISTANCE FROM (15) TO ESTABLISH (16) PER S.W. 31781. HELD LINE (15) - (16) TO ESTABLISH THE CENTERLINE OF S.W. WILLAMETTE STREET.
- 6) HELD (15) AND (16) TOGETHER WITH RECORD SURVEY ANGLE TO ESTABLISH (14). HELD LINE (14) - (15) TO ESTABLISH (14) BY INTERSECTION. HELD LINE (14) - (15) TOGETHER WITH A 20.00' RIGHT OF WAY WIDTH TO ESTABLISH (14) BY INTERSECTION.
- 7) HELD A 50.00' RIGHT OF WAY WIDTH FOR S.W. PINE STREET AND A 20.00' RIGHT OF WAY WIDTH FOR S.W. WILLAMETTE STREET TO ESTABLISH (14) BY INTERSECTION. HELD RECORD DISTANCE FROM (14) TO ESTABLISH (13). HELD A PARALLEL BEARING WITH THE EAST BOUND BY WAY LINE OF S.W. PINE STREET FROM (14) AND RECORD DISTANCE TO ESTABLISH (13). HELD A PARALLEL BEARING FROM (13) TO PARALLEL THE EAST BOUND BY WAY LINE AND ESTABLISH (13).
- 8) HELD LINE (13) - (14) TO ESTABLISH (13) BY INTERSECTION PER S.W. 31872.
- 9) NEW CORNERS WERE SET ON MAY, 2021.

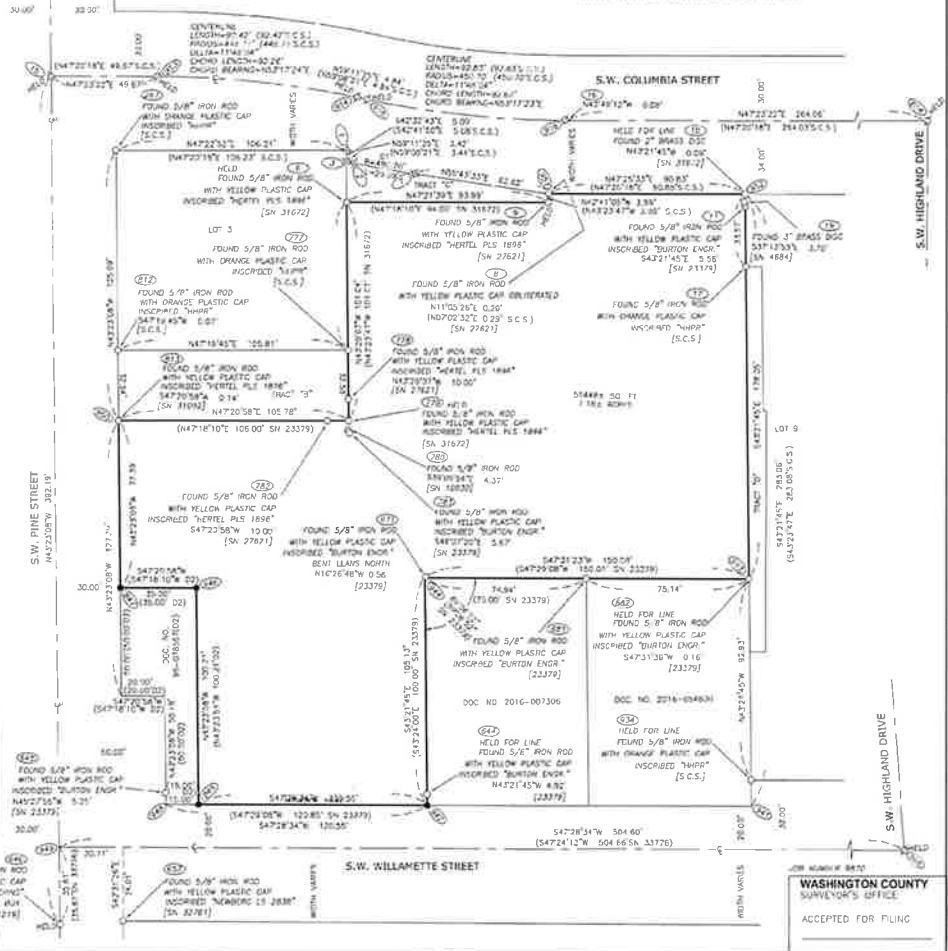
LEGEND

- MONUMENT FOUND AS NOTED
- FOUND 5/8" IRON ROD WITH 2" INCH ALUMINUM CAP STAMPED "HPR INC" IN MONUMENT BOX SET IN PLAT OF "SHERWOOD CANNERY SQUARE"
- FOUND 1" 5/32" INCH COPPER DISC WITH PUNCH MARK STAMPED "HPR INC" SET IN PLAT OF "SHERWOOD CANNERY SQUARE"
- 1" BRASS DISC INScribed "CASWELL HERTZEL" SET IN CONCRETE - UNLESS OTHERWISE NOTED
- 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP INScribed "CASWELL HERTZEL 503-644-1179"
- () HELD LINE BEARING AND/OR DISTANCE BY SURVEY NUMBER OR PLAT NAME
- [] PROBABLE ORIGIN OF MONUMENT BY SURVEY NUMBER OR PLAT NAME
- ① COMPUTER POINT NUMBER
- S.C.S. - SHERWOOD CANNERY SQUARE
- CENTERLINE

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Benjamin Stacy
OREGON
JANUARY 24, 2003
BENJAMIN S. STACY
57191
RENEWED 1002022

SURVEYOR'S NOTES

REFERENCE MATERIAL:
PLAT: SHERWOOD CANNERY SQUARE
SURVEY NUMBERS: SN 23379, SN 27821, SN 31092, SN 31672, SN 32781, SN 32776
DEEDS: 96-079504, 2518-007306, SN 2016-004907



WASHINGTON COUNTY
SURVEYOR'S OFFICE
ACCEPTED FOR FILING

Engineering Pre-Application Comments



To: Hugo Agosto, Associate Planner

From: Craig Christensen, P.E., Engineering Department

Project: PAC 2025-002 Old Town Apartments

Date: February 21, 2025

Engineering staff has reviewed the information provided for the above cited project. Final construction plans will need to meet the standards established by the City of Sherwood Engineering Department and Public Works Department, Clean Water Services (CWS) and Tualatin Valley Fire & Rescue in addition to requirements established by other jurisdictional agencies providing land use comments. City of Sherwood Engineering Department comments are as follows:

Overview

The subject property consists of an irregular shaped parcel which is located northeast of SW Pine Street, northwest of SW Willamette Street and southeast of SW Columbia Street. The subject proposal is to create an apartment complex within this one parcel with a remainder portion along SW Willamette Street being labeled as “future residential build”.

Sanitary Sewer

There exists public sanitary sewer within SW Pine Street, SW Willamette Street and SW Columbia Street. No extension of the public sanitary sewer is anticipated except as necessary to provide sanitary sewer service to the subject property.

Water

There exists public water mains within SW Pine Street, SW Willamette Street and SW Columbia Street. No extension of the public water system is anticipated except as necessary to provide water service to the subject property.

Portions of the subject property are near a city of Sherwood community well. Oregon Administrative Rule 333-061-0050 has regulations relating to well setbacks.

Fire vaults within private property requires a water line easement to be dedicated to the city of Sherwood.

Storm Sewer

There exists public storm sewer within SW Pine Street, SW Willamette Street and SW Columbia Street. No extension of the public storm sewer is anticipated except as necessary to provide storm sewer service to the subject property.

The public storm sewers surrounding the subject property all flow to a regional storm water runoff water quality treatment facility located north of SW Division Street and west of SW Main Street. This regional facility has been designed to provide storm water runoff water quality treatment for the subject property. The subject development will either need to provide for on-site storm water runoff water quality treatment on-site per Clean Water Services standards or make a fee-in-lieu payment thereof.

The aforementioned regional storm water runoff water quality treatment facility does not have a hydro-modification component. Therefore, the subject development will need to construct an on-site storm water hydromodification facility in compliance with Clean Water Services standards unless the site is eligible for exclusion based upon Clean Water Services design standards section 4.03.7a. If eligible for exclusion, then a fee-in-lieu payment will be required. Clean Water Services design standards section 4.03 has information on hydromodification requirements.

Private storm water runoff water quality treatment/hydromodification facilities require a Private Storm Water Facility Access and Maintenance covenant to be recorded. An O&M plan is also required.

Transportation

The subject property has street frontage along SW Pine Street (City Collector), SW Willamette Street (City Neighborhood) and SW Columbia Street (City Local).

SW Pine Street has an existing 60-foot right-of-way consisting of a non-centered, underdeveloped, 2-lane street with curb and a curb-tight asphalt sidewalk along the subject property frontage. The 30-foot wide half right-of-way width complies with the downtown pedestrian street standards. Since the project frontage along SW Pine Street is within the Old Town Overlay District, extension of the concrete pedestrian street section that is northwest of the subject property may be desired (two 11-foot wide travel lanes and two 7-foot wide parking lanes with a 3.5-foot wide exposed aggregate separation strip and an 8-foot wide sidewalk within a 30-foot wide half street right-of-way). However due to the significant curvature of the existing street putting it significantly off centered within the existing right-of-way, it would be impractical to try to perform street widening improvements along the subject property's 77.39 feet of frontage at this time. Therefore only the 8-foot width of concrete sidewalk along the subject property street frontage with the back of sidewalk at the right-of-way line along with concrete sidewalk to reconnect back with the existing sidewalk (6-foot wide) will likely be required at this time. Outside of the sidewalk, the subject property will likely be required to make a payment-in-lieu for the full half-width standard residential street

section for the SW Pine Street frontage (including street lighting relocation). Street trees along SW Pine Street may be required.

City of Sherwood standards for driveway access onto a 25MPH collector states that the driveway would have to have 150 feet between the driveway and intersection. Since there is only 220 feet between the intersections around the subject property frontage of SW Pine Street, it is not possible to meet this standard and therefore no driveway access to SW Pine Street will likely be allowed (only fire access if necessary).

SW Willamette Street has an existing 20-foot wide half street right-of-way consisting of a travel lane with curb and a curb-tight sidewalk along the subject property frontage. TSP requirements for a neighborhood route street are an 18-foot wide half street section, curb and gutter, 5-foot wide landscape strip, 8-foot wide sidewalk and 1-foot wide buffer strip within a 32-foot wide half street right-of-way section. Since development of the portion of the subject property that has frontage on SW Willamette Street is labeled as “future residential build”, only right-of-way dedication to a 32-foot wide half street section will likely be required at this time.

Future build out of the “future residential build” portion of the site will likely result in 8-foot width of concrete sidewalk along the subject property street frontage with the back of sidewalk 1-foot from the right-of-way line along with concrete sidewalk to reconnect back with the existing sidewalk (6-foot wide) being required. Outside of the sidewalk, the subject property will likely be required to make a payment-in-lieu for the half-width widening improvements to a standard residential street section for the SW Willamette Street frontage including the cost to grind and overlay the existing asphalt to center line. Street lighting and street trees along SW Willamette Street will also likely be required.

SW Columbia Street currently has a fully developed street section (Sherwood Cannery Square Public Improvements) along the subject property frontage. However, since site access to the subject property is to come from SW Columbia Street it will be necessary to remove some of the existing street widening improvements in order to create a driveway access point for the subject property. It will be necessary for the subject development to restore the SW Columbia Street frontage.

City of Sherwood Municipal Code sections 16.90.020.D.5 and 16.106.080 contain information as to the applicability of a traffic impact analysis.

Other Engineering Issues:

A CWS Service Provider Letter is required.

A CWS Storm Water Connection Permit Authorization is required.

The existing property may contain wetlands. Fill of wetlands will require approval/permitting from other agencies.

A DEQ NPDES 1200-CN permit will be required since the amount of disturbed area is over 1 acre. No early grading permit will be allowed. An executed Engineering Compliance Agreement will be required in order to receive a grading permit.

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

There is an As-Built Request Form on the City of Sherwood website for acquisition of as-built plans.

There are no existing overhead utilities along any of the subject property street frontages.

Sherwood Broadband utilities exist along the subject property frontage of SW Pine Street and SW Willamette Street but not along the subject property frontage of SW Columbia Street. Sherwood Broadband conduits and vaults will likely not be required along the subject property frontage of SW Columbia Street as it is available to the property from other street frontages and since the adjacent properties all have access to Sherwood Broadband.

END OF COMMENTS

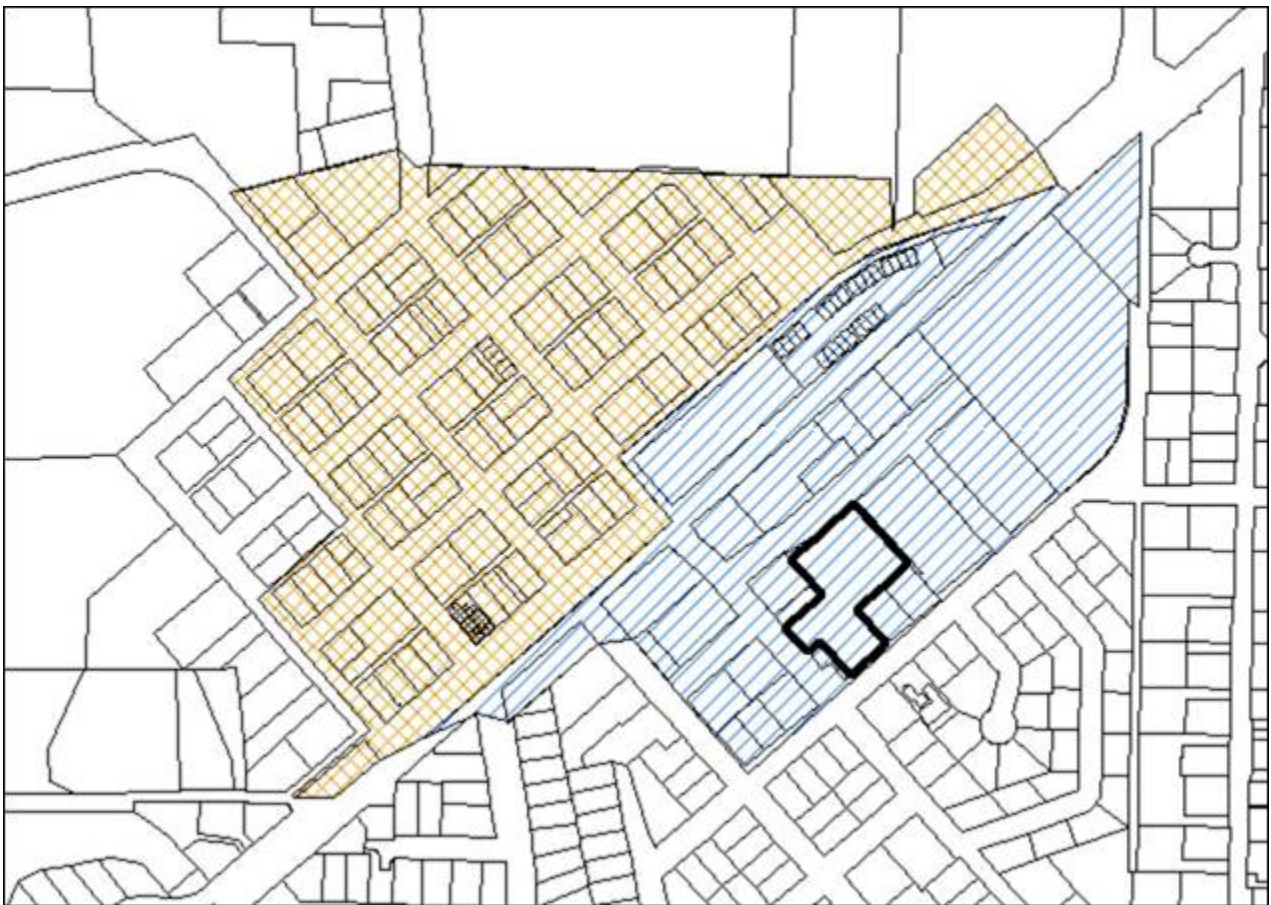
DISCLAIMER: The comments provided above are initial in nature and are in no way binding as to what conditions may or may not be imposed upon the development in the Notice of Decision.

Hugo Hamblin-Agosto

From: Hugo Hamblin-Agosto
Sent: Friday, March 14, 2025 6:30 AM
To: 'Adrian'
Subject: RE: Sherwood 27 Apt.

Morning Adrian,

Thank you for your patience on this item. Staff discussed [Chapter 16.162 – Oldtown \(OT\) Overlay District](#) at our last internal meeting. The subject parcel, located at 15665 SW Willamette Street, is within the "Old Cannery Area." The map below provides additional context, with the light **orange** defining the "Smockville Area", while the light **blue** being the "Old Cannery Area."



Pursuant to 16.162.070.C – Oldtown Overlay Community Design: Off-Street Parking standards,

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

Based on the above language, staff believe this only limits the capability to require a certain amount of minimum off-street parking (65%) but does not preclude the applicant from proposing additional parking beyond the

minimum standard. Conversely, Per OAR 660-012-0435 Climate Friendly Areas (CFEC), staff cannot require off-street parking, in general, within the Sherwood Town Center or within one-quarter mile of the defined area. **There's no maximum off-street parking for multifamily uses.** This interpretation is further supported by the previous land use decision LU 2021-022 ('Old Town Apartments'), which was never formally constructed; this development proposed a total of thirty-six (36) off-street parking stalls.

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

In terms of overall design, staff only recommend the applicant ensure the minimization or elimination of any potential "adverse" visual, aesthetic, or environmental effects. Specifically, pursuant to 16.162.020 – OT Objectives, this includes vehicular and parking areas. If you have any additional questions or concerns, please don't hesitate to reach out for assistance.

Bests,



Hugo Agosto (He/Him/El)
[Why pronouns matter](#)
Associate Planner
503-625-4271
Hamblin-Agostoh@SherwoodOregon.gov
www.sherwoodoregon.gov
22560 SW Pine Street, Sherwood, OR 97140

Sherwood Community Development Department is open Monday-Friday 8 am – 5 pm. Located on the second floor of City Hall.

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From: Adrian <adrian@teamrockpoint.com>
Sent: Thursday, March 13, 2025 4:34 PM
To: Hugo Hamblin-Agosto <hamblinagostoh@sherwoodoregon.gov>
Subject: RE: Sherwood 27 Apt.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Hi Hugo, Do you have the comments back?

Adrian Oltean
Rock Point Construction LLC
DBM Investments LLC
503-969-2518
Teamdbm.com

From: Hugo Hamblin-Agosto <hamblinagostoh@sherwoodoregon.gov>
Sent: Tuesday, March 11, 2025 7:01 AM

To: Adrian <adrian@teamrockpoint.com>

Subject: RE: Sherwood 27 Apt.

Morning Adrian,

I appreciate your patience on this item. I have scheduled this item to further discuss at our next staff meeting (3/13/25). I should have a formulated response for you by the end of the week.

Bests,



Hugo Agosto (He/Him/El)

[Why pronouns matter](#)

Associate Planner

503-625-4271

Hamblin-Agostoh@SherwoodOregon.gov

www.sherwoodoregon.gov

22560 SW Pine Street, Sherwood, OR 97140

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From: Adrian <adrian@teamrockpoint.com>

Sent: Monday, March 10, 2025 3:56 PM

To: Hugo Hamblin-Agosto <hamblinagostoh@sherwoodoregon.gov>

Subject: Re: Sherwood 27 Apt.

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Hugo,

Just checking in on the status of city comments?

Our biggest need for comment is on the parking situation. Hoping that it was able to work out with our current site. Thanks

Adrian Oltean

Rock Point Construction LLC

503-969-2518

On Feb 10, 2025, at 10:24 AM, Adrian <adrian@teamrockpoint.com> wrote:

Yes put us down for the 27th thx

Adrian Oltean

Rock Point Construction LLC

503-969-2518

On Feb 10, 2025, at 9:56 AM, Hugo Hamblin-Agosto
<hamblinagostoh@sherwoodoregon.gov> wrote:

Morning Adrian,

Our next availability will be on 2/27/25. Please let me know if that works for your team.

Bests,

<image001.png> Hugo Agosto (He/Him/El)
Associate Planner
<image002.png>
503-625-4271
<image003.png>
Hamblin-Agostoh@SherwoodOregon.gov
<image004.png>
www.sherwoodoregon.gov
22560 SW Pine Street, Sherwood, OR 97140
<image005.png>

Sherwood Community Development Department is open Monday-Friday 8 am – 5 pm. Located on the second floor of City Hall.

From: Adrian <adrian@teamrockpoint.com>
Sent: Saturday, February 8, 2025 3:49 PM
To: Hugo Hamblin-Agosto <hamblinagostoh@sherwoodoregon.gov>
Cc: Sean Conrad <conrads@sherwoodoregon.gov>; Colleen Resch <ReschC@SherwoodOregon.gov>
Subject: RE: Sherwood 27 Apt.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Hi Hugo,
I apologize I'm a couple of days late on getting this packet over to you. If the 20th is not available, please let me know the next available dates. I see the fee schedule online but not sure how to make the payment, please advise. Let me know if you need anything else from me, Thanks again.

Adrian Oltean
Rock Point Construction LLC
DBM Investments LLC

503-969-2518
Teamdbm.com

From: Hugo Hamblin-Agosto <hamblinagostoh@sherwoodoregon.gov>
Sent: Monday, February 3, 2025 4:40 PM
To: Adrian <adrian@teamrockpoint.com>
Cc: Sean Conrad <conrads@sherwoodoregon.gov>; Colleen Resch <ReschC@SherwoodOregon.gov>
Subject: RE: Sherwood 27 Apt.

Afternoon Adrian,

Thank you for reaching out. I can provide feedback on your proposed site plan later this week. Additionally, I have attached a copy of our Pre-Application Conference (PAC) process and forms. We can schedule a PAC meeting on 2/20/25 if that is amicable to your team, assuming we were able to receive a submittal no later than 2/6/25. Let me know if you have additional questions.

Bests,

<image001.png> Hugo Agosto (He/Him/El)
Associate Planner
<image002.png>
503-625-4271
<image003.png>
Hamblin-Agostoh@SherwoodOregon.gov
<image004.png>
www.sherwoodoregon.gov
22560 SW Pine Street, Sherwood, OR 97140
<image005.png>

Sherwood Community Development Department is open Monday-Friday 8 am – 5 pm. Located on the second floor of City Hall.

From: Adrian <adrian@teamrockpoint.com>
Sent: Sunday, February 2, 2025 6:14 PM
To: Hugo Hamblin-Agosto <hamblinagostoh@sherwoodoregon.gov>
Subject: Sherwood 27 Apt.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Hi Hugo,
Thanks for the Teams meeting last Thursday on the new downtown development. You mentioned a possible pre-app meeting around the 20th or potentially sooner. Can you let me know how to set that up? Attached is a site plan of what I'd be proposing, not to different then the one originally

approved. I'm just looking to get a few more units and build just one structure. I appreciate your help.

Adrian Oltean
Rock Point Construction LLC
503-969-2518

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NOTICE OF DECISION

TAX LOT: 2S132BD00400

CASE NO: LU 2021-022 SP / VAR / MLP
Old Town Apartments

**DATE OF
NOTICE:** March 14, 2022

Applicant

Edge Development
2233 NW 23rd Ave
Portland, OR 97210

Owner

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

NOTICE

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

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

APPEAL

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

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

Eric Rutledge, Associate Planner
City of Sherwood Planning Department

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



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

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

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

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

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

Jean Simson, Chair

Jean Simson, Planning Commission Chair

03/11/2022

Date

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

I. BACKGROUND

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

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

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

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

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

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

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

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

- E. Review Criteria: SZCDC Chapter 16.12 Residential Land Use Districts; Chapter 16.50 Accessory Structures, Architectural Features and Decks; Chapter 16.58 Clear Vision and Fence Standards; Chapter 16.60 Yard Requirements; Chapter 16.72 Procedures for Processing Development Permits; Chapter 16.84 Variances; Chapter 16.90 Site Planning; Chapter 16.92 Landscaping; Chapter 16.94 Off-Street Parking and Loading; Chapter 16.96 On-Site Circulation; Chapter 16.98 On-Site Storage; Chapter 16.106 Transportation Facilities; Chapter 16.108 Improvement Plan Review; Chapter 16.110 Sanitary Sewers; Chapter 16.112 Water Supply; Chapter 16.114 Storm Water; Chapter 16.116 Fire Protection; Chapter 16.118 Public and Private Utilities; Chapter 16.122 Land Partitions ; Chapter 16.128 Land Division Design Standards; Chapter 16.142 Parks, Trees, and Open Spaces; Chapter 16.144 Wetland, Habitat, and Natural Areas; Chapter 16.162 Old Town Overlay District; Chapter 16.164 Landmark Review
- F. History and Background: The subject property is located in Old Town Sherwood, within the Old Cannery Sub-Area. The site has been zoned High Density Residential (HDR) since at least 2005. No land use approvals or building permits have been issued for the site. In 2010 the Cannery Square PUD (PUD 09-01) was approved on the adjacent properties to the north, east, and west; however, the development site was not included as part of the PUD. A small portion of the site along SW Columbia St. is zoned Retail Commercial. The split zoning was created when SW Columbia St. was dedicated as part of the Cannery PUD. The remnant RC zoning on the site ranges from 0 ft. wide to 33 ft. wide adjacent to Columbia St. and cannot support new commercial / retail development. The application was submitted prior to adoption of the new residential design standards (Ord. 2021-010) and the new standards do not apply.
- G. Existing Conditions: The approximately 1.14-acre site is currently vacant. The property is covered with trees and shrubs with minimal vegetation management. A 0.48-acre wetland is present on the site, including native and non-native vegetation. The site has frontage on three (3) public streets: SW Columbia St., SW Pine St., and SW Willamette St. No driveways or curb cuts exist on any of the frontages.
- A. Surrounding Land Uses:

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

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

II. AFFECTED AGENCY AND PUBLIC COMMENTS

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

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

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

B. Public Comments

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

III. APPLICABLE CODE PROVISIONS

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

Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 – Generally

A. Classifications

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

2. Type II

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

a. Land Partitions

4. Type IV

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

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

g. Class A Variance

ANALYSIS: The applicant is proposing:

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

- Property Line Adjustment

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

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

B. Hearing and Appeal Authority

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

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

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

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

FINDING: This criterion is met.

C. Approval Criteria

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

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

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

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

FINDING: This criterion is met.

Chapter 16.122 - LAND PARTITIONS

16.122.020 - Approval Criteria: Preliminary Plat Partitions shall not be approved unless:

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

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

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

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

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

FINDING: This criterion is met.

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

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

FINDING: This criterion is met.

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

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

FINDING: This criterion is met.

- E. Future Development Ability**

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

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

FINDING: This criterion does not apply.

16.122.050 - Filing and Recording Requirements

A. Generally

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

B. Time Limit

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

C. Extension

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

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

FINDING: These criteria are met as conditioned below.

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

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

Chapter 16.128 - LAND DIVISION DESIGN STANDARDS

16.128.030 - Lots

A. Size and Shape

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

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

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

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

B. Access

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

ANALYSIS: All proposed lots will abut a public street.

FINDING: This standard is met.

C. Double Frontage

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

ANALYSIS: No double frontage lots are proposed.

FINDING: This standard is met.

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

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

FINDING: This standard is met.

- E. Grading**
Grading of building sites shall conform to the following standards, except when topography of physical conditions warrants special exceptions:
1. Cut slopes shall not exceed one (1) and one-half (1 1/2) feet horizontally to one (1) foot vertically.
 2. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

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

FINDING: This standard is met.

Chapter 16.12 – Residential Land Use Districts

16.12.010 - Purpose and Density Requirements

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

16.12.020 - Allowed Residential Land Uses

- A. Residential Land Uses**

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

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

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

FINDING: This criterion is met.

16.12.030 - Residential Land Use Development Standards

C. Development Standards per Residential Zone

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

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

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

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

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

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

Chapter 16.58 - VISION CLEARANCE AND FENCE STANDARDS

16.58.010 Clear Vision Areas

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

The following requirements shall govern clear vision areas:

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

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

FINDING: This standard is met as conditioned below.

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

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

16.58.020 - Fences, Walls and Hedges.

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

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

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

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

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

FINDING: These standards are met.

Chapter 16.90 – SITE PLANNING

16.90.020 – Site Plan Review

A. Site Plan Review Required

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

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

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

D. Required Findings

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

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

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

FINDING: This criterion is met.

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

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

FINDING: This criterion is met.

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

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

FINDING: This criterion is met as conditioned below.

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

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

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

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

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

FINDING: This criterion is met.

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

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

The applicant's narrative states that based on the International Trip Generation Manual (10th Edition) (ITE) the 24 attached residential units are each capable of generating approximately 5.44 average daily trips (ADT) (ITE Code 221 Multifamily Housing - Mid Rise). The total number of trips which may be generated by the project is therefore not expected to exceed 131 ADT. A full Traffic Impact Analysis was not required by the City Engineer.

FINDING: This criterion is met.

6. **The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards include the following:**
 - a. **Primary, front entrances are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.**
 - b. **Buildings are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.**
 - c. **The architecture of buildings are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding are prohibited. Street facing elevations have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.**

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

located at the 14-foot front yard setback at the north east corner to meet the standards of the HDR zone, and significant glazing exists on all floors of the primary façade. Each unit has vertical windows with internal dividers facing the street to break up the mass and provide architectural variation in addition to belly bands, varying heights, varying building materials, and a cornice around the building.

FINDING: These standards are met.

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

ANALYSIS: This standard applies to industrial developments.

FINDING: This standard does not apply.

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

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

FINDING: This standard is met.

E. Approvals

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

F. Time Limits

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

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

FINDING: This standard is met as conditioned below.

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

Chapter 16.84 – VARIANCES

16.84.030 - Types of Variances

C. Class A Variances

1. Generally

- a. The Class A variance procedure may be used to modify a standard for three (3) or fewer lots, including lots yet to be created through a partition process.
- b. An applicant who proposes to vary a standard for lots yet to be created through a subdivision process may not utilize the Class A variance procedure. Approval of a Planned Unit Development shall be required to vary a standard for lots yet to be created through a subdivision process, where a specific code section does not otherwise permit exceptions.
- c. A Class A Variance shall not be approved that would vary the "permitted, conditional or prohibited uses" of a land use district.

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

FINDING: These criteria are met.

2. Approval Process:

- a. Class A Variances shall be processed using a Type IV procedure, as governed by Chapter 16.84, using the approval criteria in subsection 3, below.
- b. In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.

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

FINDING: These criteria are met.

3. Approval Criteria: The City shall approve, approve with conditions, or deny an application for a Class A Variance based on the following criteria:

- a. The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;

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

First 2 units = 8,000 square feet

22 units at 1,500 square feet per unit = 33,000 square feet

Minimum lot area = 41,000 square feet

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

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

While the loss of the 843 square feet from Parcel 1 will be unlikely to be noticed by residents of the site, surrounding residents, or the general public, the ability to provide a consistent streetscape on SW Willamette Street and additional outdoor yard area to Parcels 2 and 3 will have significant, realized benefits.

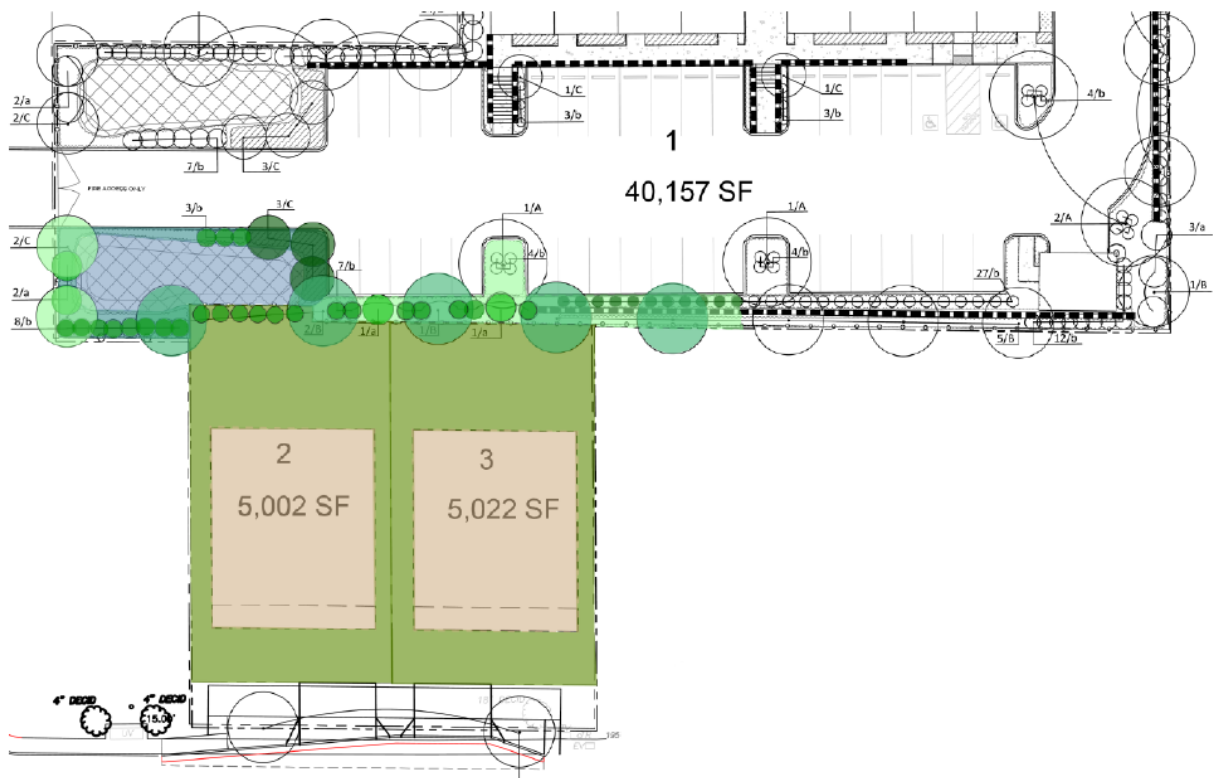


Figure 1: Lot 1 at 40,157 SF with requested variance

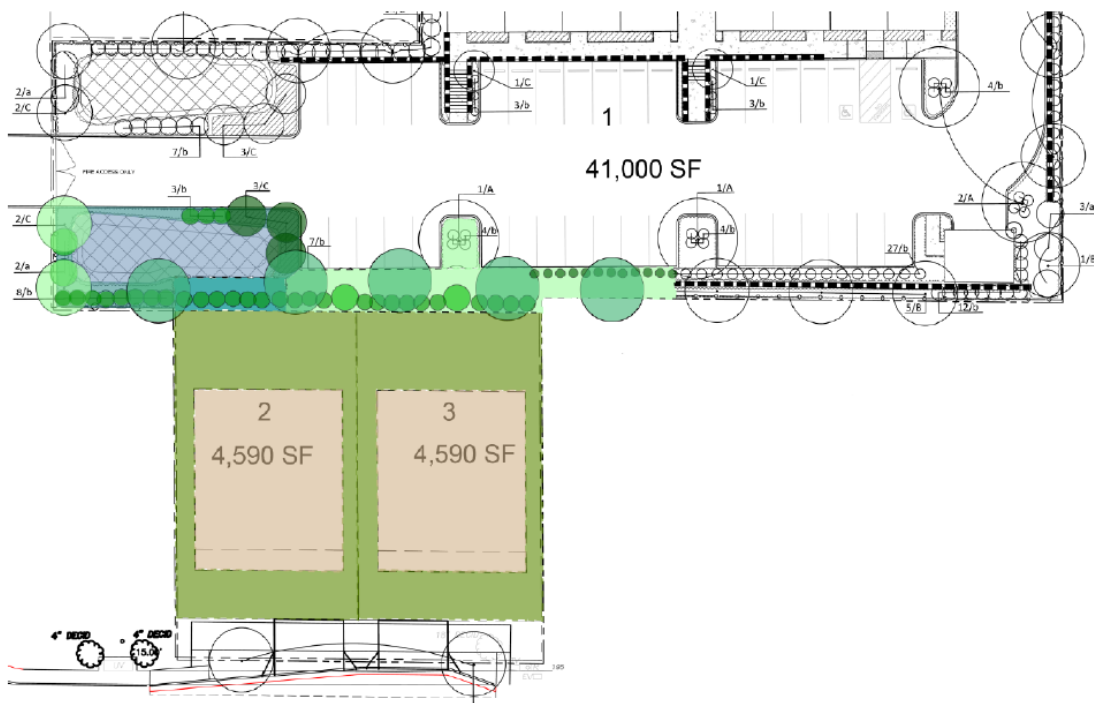


Figure 2: Lot 1 at 41,000 SF without requested variance

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

FINDING: This criterion is satisfied.

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

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

ANALYSIS: Staff concurs with the applicant response.

FINDING: This criterion is met.

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

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

ANALYSIS: Staff concurs with the applicant response.

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

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

FINDING: This criterion is met.

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

APPLICANT RESPONSE: The applicant has elected to apply for the variance for the site in order to maximize the efficient usage of developable land to the benefit of the development, future residents, and surrounding community. The applicant recognizes that there are development options which would eliminate the need for a Variance in this instance. This is generally the case for any residential or mixed-use development which exceeds minimum density, and in particular where elimination of lots may create less demand for developable area. However, neither this section nor the SZCDC require approval of a variance to be determined by the proposed density of the development, or whether any other possible alternatives exist, which would negate the need for the variance regardless of how impracticable or uneconomic they may be. Such a narrow interpretation of the variance criteria would result in inefficient use of land within the City boundaries, which would not be consistent with the intent and purpose of the SZCDC. Primarily, the intent of the Variance Chapter is to provide flexibility while maintaining the purpose and intent of the Code, such that better outcomes can be achieved in those specific instances where the SZCDC and specific site constraints would otherwise create a hardship. Consistent with this, the proposed Variance provides efficient use of the land, usable outdoor area, and a consistent street frontage on SW Willamette Street while resulting in no observable impacts beyond the boundaries of the site.

In terms of alternative options, as an example, it is recognized that the applicant could revise the single-family detached lots to attached units, and increase the area of the multi-family lot. However, we believe the 843 square feet being discussed are more beneficial to residents and the City as outdoor yard area for the single family lots. Adding the area to the multi-family units (approximately 35 SF per unit) would not be noticeable to the multifamily residents due to its location (which is fixed), however would

be usable outdoor area beneficially enjoyed by the single family detached lots. In addition, the detached units are more consistent with the adjacent development, and provide a better buffer between the single family detached on Willamette Street and the higher densities and commercial uses to the north.

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

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

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

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

ANALYSIS: Staff concurs with the applicant response.

FINDING: This criterion is met.

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

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

ANALYSIS: Staff concurs with the applicant response.

FINDING: This criterion is met.

Division IX. - HISTORIC RESOURCES

Chapter 16.162 - OLD TOWN (OT) OVERLAY DISTRICT*

16.162.010 - Purpose

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

The OT zoning district is an overlay district generally applied to property identified on the Old Town Overlay District Map, and applied to the Sherwood Plan and Zone Map in the Smockville Subdivision and surrounding residential and commercial properties, generally known as Old Town. The OT overlay zone recognizes the unique and significant characteristics of Old Town, and is intended to provide development flexibility with respect to uses, site size, setbacks, heights, and site design elements, in order to preserve and enhance the area's commercial viability and historic character. The OT overlay zone is

designated a historic district as per Chapters 16.166 and 16.168. Furthermore, the OT District is divided into two distinct areas, the "Smockville" and the "Old Cannery Area," which have specific criteria or standards related to architectural design, height, and off-street parking.

16.162.020 - Objectives

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

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

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

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

The requirements of this section have been met.

ANALYSIS: Staff concurs with the applicant response.

FINDING: This standard is met.

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

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

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

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

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

ANALYSIS: Staff concurs with the applicant response.

FINDING: This standard is met.

16.162.030 - Permitted Uses

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

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

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

FINDING: This criterion is met.

16.162.060 - Dimensional Standards

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

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

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

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

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

FINDING: These standards are met.

16.162.070 - Community Design

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

A. **Generally**

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

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

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

FINDING: This standard is met.

B. Landscaping for Residential Structures

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

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

FINDING: This standard is met.

C. Off-Street Parking

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

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

FINDING: This standard is met.

D. Off-Street Loading

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

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

FINDING: This standard is met.

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

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

FINDING: This standard is met.

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

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

FINDING: This standard does not apply.

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

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

FINDING: This standard is met.

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

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

FINDING: This standard is met.

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

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

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

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

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

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

Chapter 16.168 - LANDMARK ALTERATION*

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

FINDING: This standard does not apply.

Chapter 16.92 – LANDSCAPING

16.92.010-Landscaping Plan Required

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

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

FINDING: This criterion is met.

16.92.020 Landscaping Materials

A. Type of Landscaping

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

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

1. Ground Cover Plants

- a. All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch is not a substitute for ground cover, but is allowed in addition to the ground cover plants.
- b. Ground cover plants other than grasses must be at least the four-inch pot size and spaced at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three (3) years from the time of planting.

2. Shrubs

- a. All shrubs must be of sufficient size and number to be at full growth within three (3) years of planting.
- b. Shrubs must be at least the one-gallon container size at the time of planting.

3. Trees

- a. Trees at the time of planting must be fully branched and must be a minimum of two (2) caliper inches and at least six (6) feet in height.
- b. Existing trees may be used to meet the standards of this chapter, as described in Section 16.92.020.C.2.

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

FINDING: These standards are met as conditioned below.

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

B. Plant Material Selection and Preparation

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

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

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

FINDING: These standards are met.

C. Existing Vegetation

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

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

FINDING: These standards are met.

D. Non-Vegetative Features

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

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

FINDING: These standards have been met.

16.92.030 Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

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

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

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

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

FINDING: This standard is met as conditioned below.

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

B. Parking Area Landscaping

1. Purpose

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

2. Definitions

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

b. Canopy Factor

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

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

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

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

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

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

FINDING: These standards are met.

5. Individual Landscape Islands Requirements

- a. Individual landscaped areas (islands) shall be at least ninety (90) square feet in area and a minimum width of five (5) feet and shall be curbed to protect the landscaping.
- b. Each landscape island shall be planted with at least one (1) tree.
- c. Landscape islands shall be evenly spaced throughout the parking area.
- d. Landscape islands shall be distributed according to the following:
 - (1) Residential uses in a residential zone: one (1) island for every eight (8) contiguous parking spaces

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

FINDING: This standard is met.

6. Landscaping at Points of Access

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

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

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

6. Exceptions

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

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

ANALYSIS: The applicant's narrative states that no mechanical equipment is currently proposed. Outdoor storage of solid waste is located at the south east corner of the site, is designed to be screened from view of public street by buildings and landscaping, and has been designed in accordance with the requirements of Pride Disposal.

FINDING: This standard is met as conditioned below.

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

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

D. Visual Corridors

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

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

FINDING: This standard does not apply.

16.92.040 Installation and Maintenance Standards

A. Installation

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

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

B. Maintenance and Mitigation of Landscaped Areas

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

C. Irrigation

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

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

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

FINDING: These standards are met as conditioned below.

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

Chapter 16.94 OFF-STREET PARKING AND LOADING

16.94.010 General Requirements

A. Off-Street Parking Required

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

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

FINDING: This standard is met.

B. Deferral of Improvements

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

C. Options for Reducing the Required Parking Spaces

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

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

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

FINDING: These standards do not apply.

D. Prohibited Uses

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

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

FINDING: This standard is met.

E. Location

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

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

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

FINDING: These standards are met.

F. Marking

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

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

FINDING: This standard is met as conditioned below.

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

G. Surface and Drainage

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

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

FINDING: These standards are met.

H. Repairs

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

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

FINDING: This standard is met.

I. Parking and Loading Plan

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

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

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

FINDING: This standard is met.

J. Parking Districts

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

ANALYSIS: No parking districts or structured parking is proposed.

FINDING: This standard is not applicable.

16.94.020 Off-Street Parking Standards

A. Generally

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

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

Use	Minimum Parking Standard	Maximum Zone A	Maximum Zone B
Single-family	1 per unit	None	None
Multi-family	1 per unit under 500 SF 1.25 per 1 bdr 1.5 per 2 bdr 1.75 per 3 bdr	None	None

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

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

One-bedroom units	$8 \times 1.25 = 10$
Two-bedroom units	$16 \times 1.5 = 24$
Visitor Parking	$34 \times 0.15 = 5.1$

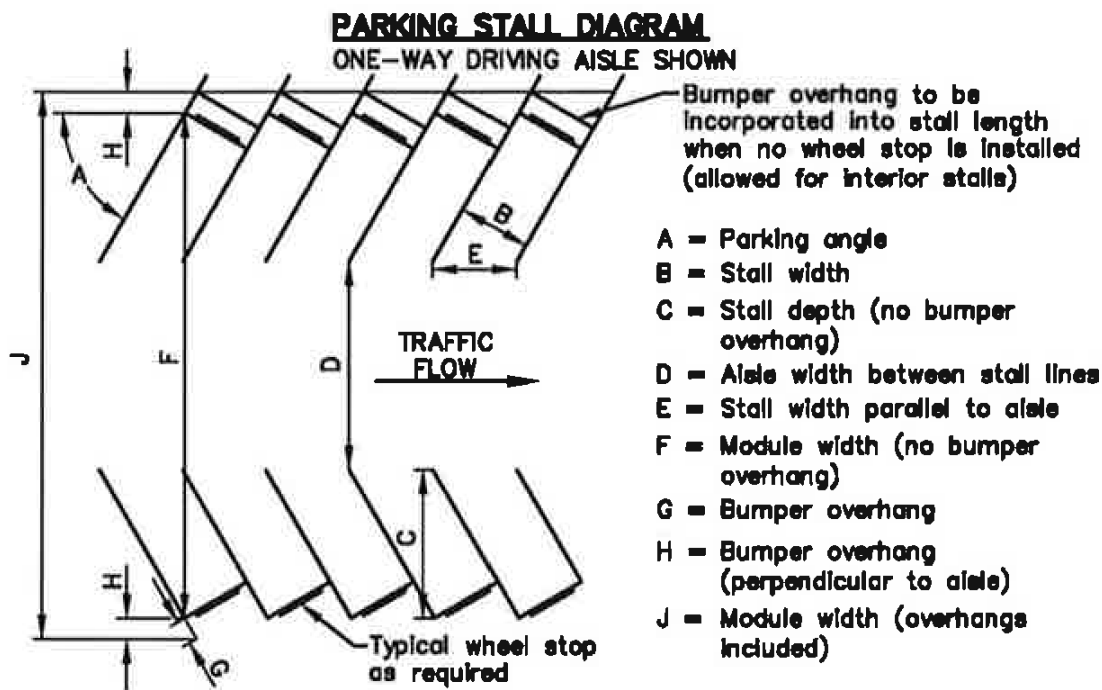
Total = 39.1 or 40

$40 \times 0.65 = 26$ required stalls on Lot 1

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

FINDING: This standard is met as conditioned below.

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



B. Dimensional and General Configuration Standards

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

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

2. Layout

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

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

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

3. Wheel Stops

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

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

FINDING: These standards are met.

C. Bicycle Parking Facilities

1. General Provisions

- a. **Applicability.** Bicycle parking spaces shall be provided for new development, changes of use, and major renovations, defined as construction valued at twenty-

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

- (4) **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- (5) **Bicycle parking in the Old Town Overlay District** can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" or staple design is appropriate. Alternative, creative designs are strongly encouraged.
- (6) **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.
- b. **Short-term Bicycle Parking**
 - (1) Provide lockers or racks that meet the standards of this section.
 - (2) Locate inside or outside the building within thirty (30) feet of the main entrance to the building or at least as close as the nearest vehicle parking space, whichever is closer.

Table 4: Minimum Required Bicycle Parking Spaces

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

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

FINDING: This standard is met as conditioned below.

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

16.94.030 - Off-Street Loading Standards

A. Minimum Standards

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

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

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

FINDING: This standard is met.

Chapter 16.96 - ONSITE CIRCULATION

16.92.010 – On-Site Pedestrian and Bicycle Circulation

A. Purpose

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

B. Maintenance

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

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

C. Joint Access

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

D. Connection to Streets

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

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

FINDING: These standards are met.

E. Maintenance of Required Improvements

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

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

FINDING: This standard is met.

16.96.020 Minimum - Residential standards

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

A. Driveways

1. **Single-Family:** One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.
2. **Two-Family:** One (1) shared driveway improved with hard surface pavement with a minimum width of twenty (20) feet; or two (2) driveways improved with hard surface pavement with a minimum width of ten (10) feet each. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.
3. **Multi-Family:** Improved hard surface driveways are required as follows:

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

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

FINDING: These standards are met.

B. Sidewalks, Pathways and Curbs

1. **Single, Two-Family, and Manufactured Home on Individual Residential Lot:** No on-site sidewalks and curbs are required when not part of a proposed partition or subdivision.
2. **Multi-family:**
 - a. A system of private pedestrian sidewalks/pathways extending throughout the development site shall connect each dwelling unit to vehicular parking areas, common open space, storage areas, recreation facilities, adjacent developments, transit facilities within five hundred (500) feet of the site, and future phases of

development. Main building entrances shall also be connected to one another.

- b. Required private pathways/sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators, on one (1) side of approved driveways connecting to the public sidewalk or curb of the public street that provides required ingress and egress. Curbs shall also be required at a standard approved by the Review Authority.
- c. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick/masonry pavers, or other durable surface, at least five (5) feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump).
- d. Exceptions Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

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

FINDING: This standard is met.

16.96.040 - On-Site Vehicle Circulation

A. Maintenance

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

B. Joint Access [See also Chapter 16.108]

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

C. Connection to Streets

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

D. Maintenance of Required Improvements

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

E. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

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

FINDING: These standards are met.

Chapter 16.98 - ONSITE STORAGE

16.98.020 Solid Waste and Recycling Storage

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

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

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

FINDING: This standard is met as conditioned below.

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

16.98.030 - Material Storage

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

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

FINDING: These standards are met.

Chapter 16.106 - TRANSPORTATION FACILITIES

16.106.010 - Generally

- A. Creation**

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

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

16.106.020 - Required Improvements

A. Generally

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

B. Existing Streets

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

C. Proposed Streets

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

D. Extent of Improvements

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

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

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

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

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

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

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

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

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

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

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

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

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

FINDING: These criteria are met as conditioned below.

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

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

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

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

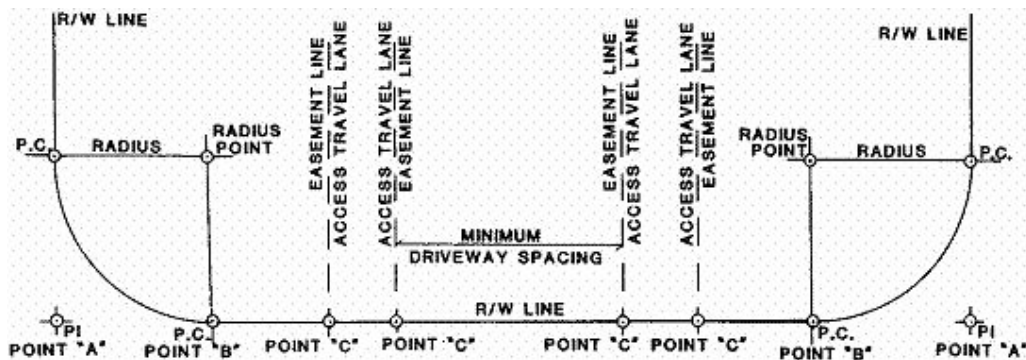
CONDITION OF APPROVAL C4: Prior to final engineering plan approval, the proposed development shall design for a 1-1/2” deep half-street grind and inlay of the existing asphalt along the subject property street frontage of SW Willamette Street.

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

M. Vehicular Access Management

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

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



2. Roadway Access

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

- a. Local Streets:

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

b. Neighborhood Routes:

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

c. Collectors:

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

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

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

FINDING: These standards are met.

16.106.060 - Sidewalks

A. Required Improvements

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

B. Design Standards

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

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

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

FINDING: These standards are met.

16.106.070 - Bike Lanes

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

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

FINDING: These standards are met.

16.106.080 - Traffic Impact Analysis (TIA)

A. Purpose

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

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

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

B. Applicability

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

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

C. Requirements

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

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

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

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

D. Study Area

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

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

E. Analysis Periods

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

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

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

F. Approval Criteria

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

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

G. Conditions of Approval

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

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

ANALYSIS: The applicant's narrative states that based on the ITE 10th Edition the proposed 24 attached residential units are each capable of generating approximately 5.44 average daily trips (ADT) (ITE Code 221 Multifamily Housing - Mid Rise). The total number of trips which may be generated by the project is therefore not expected to exceed 131 ADT. The applicant has been conditioned to dedicate right-of-way and construct or pay a fee-in-lieu for street improvements to City standards.

FINDING: This criterion is met.

16.106.090 - Rough Proportionality

A. Purpose

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

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

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

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

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

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

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

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

FINDING: These criteria are met.

Chapter 16.110 – SANITARY SEWERS

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

16.110.020 - Design Standards

A. Capacity

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

B. Over-Sizing

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

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

FINDING: This standard is met as conditioned below.

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

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

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

Chapter 16.112– WATER SUPPLY

16.112.010 Required Improvements

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

16.112.020 - Design Standards

A. Capacity

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

B. Fire Protection

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

C. Over-Sizing

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

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

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

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

FINDING: This standard is met as conditioned below.

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

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

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

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

Chapter 16.114 – STORM WATER

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

16.114.020 - Design Standards

A. Capacity

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

B. On-Site Source Control

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

C. Conveyance System

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

16.114.030 - Service Availability

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

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

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

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

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

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

FINDING: This standard is met as conditioned below.

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

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

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

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

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

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

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

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

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

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

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

Chapter 16.116 - FIRE PROTECTION

16.116.010 Required Improvements

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

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

A. Capacity

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

B. Fire Flow

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

C. Access to Facilities

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

D. Hydrants

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

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

FINDING: This standard is met as conditioned below.

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

Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES

16.118.010 Purpose

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

16.118.020 Standard

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

16.118.030 - Underground Facilities

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

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

16.118.040 - Exceptions

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

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

FINDING: These standards are as conditioned below.

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

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

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

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

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

Chapter 16.144 - WETLAND, HABITAT AND NATURAL AREAS*

16.144.020 – Standards (Wetlands)

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

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

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

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

FINDING: This standard is met as conditioned below.

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

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

Chapter 16.142 Parks, Trees and Open Space

16.142.020 - Multi-Family Developments

A. Standards

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

1. Open Space

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

2. Recreation Facilities

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

3. Minimum Standards

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

4. Terms of Conveyance

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

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

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

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

In total, 8,031 square feet of open space is required, and 8,403 square feet are being provided. Several of the open space areas provide opportunities for more passive recreation such as seating, including both quiet seating and relaxation areas (between buildings extending from SW Columbia Street to the parking area; 2nd floor elevated areas; planted storm facilities) and more active areas for observing pedestrian and street activities (adjacent to SW Columbia Street).

Active recreation areas equaling 4,340 square feet (52%) are provided running east to west between buildings, and within and adjacent to the emergency vehicle access. Between the buildings, recreational opportunities include walking paths; paved exercise areas; gathering spaces for social activities, and planted areas suitable for small scale gardening. The largest active recreation area is that located within and adjacent to the emergency vehicle access. This area is not available for vehicular use, with the infrequent exception of emergency vehicles, and access will be limited to the extent allowed by the Fire Marshal. The area will be paved to provide an attractive space differentiated from the parking and access areas of the site, and provides a rare

opportunity for a large, active all-weather play space for activities from passing a ball, street hockey, basketball or pickle ball, to yoga, snowman building and other aerobic exercises. Attractive landscaping and seating adjacent to the emergency vehicle access area will complement the activities available, while also providing an opportunity to observe the habitat provided by the planted storm facilities. It is also noted that in addition to the on-site open space, residents will enjoy close proximity to other recreational opportunities in downtown Sherwood including the Library, Sherwood Center for the Arts, and Cannery Square, providing an even greater range of options within a short walking distance.

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

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

FINDING: This standard is met.

16.142.060: STREET TREES

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

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

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

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

FINDING: This standard is met as conditioned below.

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

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

16.142.070 Trees on Property Subject to Certain Land Use Applications

A. Generally

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

B. Applicability

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

C. Inventory

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

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

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

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

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

FINDING: These are met as conditioned below.

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

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

D. Retention requirements

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

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

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

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

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

FINDING: These standards are met.

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

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

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

FINDING: These standards are met.

Chapter 16.156 - Energy Conservation

16.156.020 Standards

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

ANALYSIS: The proposed development has been designed to have the long axis of 50% of the units facing south, with no structures located between the south building wall and the parking area in order to enable unobstructed sunlight to reach the front of these units. The remaining units are also oriented so the maximum wall area is south facing, while still providing an active pedestrian streetscape along the frontage of SW Columbia

Street. The separation between the north and south wings of the building of approximately 20 feet is also anticipated to allow significant sunlight to reach the upper floors of the remaining units.

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

FINDING: This standard is met.

IV. CONDITIONS OF APPROVAL

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

A. General Conditions

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

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

B. Prior to Final Site Plan Approval

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

C. Prior to Approval of the Engineering Public Improvement Plans

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

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

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

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

D. Prior to Issuance of a Grading Permit

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

E. Prior to Issuance of Building Permits

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

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

F. Prior to Acceptance of Public Improvements

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

G. Prior to Receiving Occupancy

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

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

V. EXHIBITS*

A. Applicant Submittal

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

B. Agency Comments

1. City of Sherwood Engineering Department

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

C. Supporting Material

1. Site Map

D. Public Testimony

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

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



Home of the Tualatin River National Wildlife Refuge

Case No. _____
Fee _____
Receipt # _____
Date _____
TYPE _____

City of Sherwood
Application for Land Use Action

Type of Land Use Action Requested: (check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Conditional Use |
| <input type="checkbox"/> Plan Amendment (Proposed Zone _____) | <input type="checkbox"/> Partition (# of lots _____) |
| <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Subdivision (# of lots _____) |
| <input type="checkbox"/> Site Plan (square footage of building and parking area) | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Variance (list standards to be varied in description) | |

By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at www.sherwoodoregon.gov. Click on Government/Finance/Fee Schedule.

Owner/Applicant Information:

Applicant: _____	Phone: _____
Applicant Address: _____	Email: _____
Owner: _____	Phone: _____
Owner Address: _____	Email: _____
Contact for Additional Information: _____	

Property Information:

Street Location: _____
Tax Lot and Map No: _____
Existing Structures/Use: _____
Existing Plan/Zone Designation: _____
Size of Property(ies) _____

Proposed Action:

Purpose and Description of Proposed Action: _____

Proposed Use: _____

Proposed No. of Phases (one year each): _____

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Applicant's Signature

Date

Owner's Signature

Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

- ☐ **3 Copies of Application Form*** completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- ☐ **Copy of Deed** to verify ownership, easements, etc.
- ☐ **At least 3 folded** sets of plans*
- ☐ **At least 3 copies** of narrative addressing application criteria*
- ☐ **Fee** (along with calculations utilized to determine fee if applicable)
- ☐ **Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.



PLANNING DEPARTMENT NEIGHBORHOOD MEETING PACKET

(Required for all Type III, IV or V projects)

Submit the following with land use application materials to the City of Sherwood Planning Department, 22560 SW Pine St., Sherwood, OR 97140: (503) 625-5522.

The purpose of the neighborhood meeting is to solicit input and exchange information about the proposed development per Sherwood Zoning and Community Development Code 16.70.020.

The meeting must be held in a public location **prior** to submitting a land use application.

- ☐ Affidavits of mailing to adjacent property owners that are within 1,000 feet of the subject application.
- ☐ Sign-in sheet(s)
- ☐ Summary of the meeting notes

(Projects requiring a neighborhood meeting in which the City or Urban Renewal District is the property owner or applicant shall also provide published and posted notice of the neighborhood meeting consistent with the notice requirements in 16.72.020.)

Affidavit of Mailing

DATE:

STATE OF OREGON)
)
Washington County)

I, _____, representative for the _____ proposed development project do hereby certify that the attached notice to adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject project, was placed in a U.S. Postal receptacle on _____.

Representatives Name:
Name of the Organization:

NEIGHBORHOOD MEETING SIGN IN SHEET

Proposed Project: _____

Proposed Project Location: _____

Project Contact: _____

Meeting Location: _____

Meeting Date: _____

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other

Continued sign-in sheet for proposed project:_____

Date:_____

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other

NEIGHBORHOOD MEETING LOCATIONS

Neighborhood meetings must be held in the City of Sherwood, preferably near the proposed project location. The following is a list of potential meeting locations but is not all inclusive.

Chamber of Commerce (tentative) – 16065 SW Railroad Street503-625-7800
(Contact the Chamber of Commerce for more information.)

Sherwood School District

Archer Glen Elementary School -16155 SW Sunset Blvd
Edy Ridge Elementary School - 21472 SW Copper Terrace
Hopkins Elementary School - 21920 SW Sherwood Blvd
Laurel Ridge Middle School - 21416 SW Copper Terrace
Middleton Elementary School - 23505 SW Old Hwy 99W
Sherwood Charter School - 23264 SW Main Street
Sherwood Middle School - 21970 SW Sherwood Blvd
Sherwood High School - 16956 SW Meinecke Road

Contact Liz Gally.....503-825-5922
The school district rents their facilities. The fee schedule is available on their website at <http://sherwood.k12.or.us/>

Marjory Stewart Senior Center – 21907 SW Sherwood Blvd.....503-625-5644

Sherwood City Hall - 22560 SW Pine Street.....503-625-5522

Sherwood Police Department - 20495 SW Borchers Drive.....503-625-5523

Tualatin Valley Fire & Rescue - 15440 SW Oregon Street.....503-649-8577
(Contact administrative office and request to set up a meeting at Sherwood fire department.)

YMCA – 23000 SW Pacific Highway503-625-9622
(Contact Lauren O'Halloran)

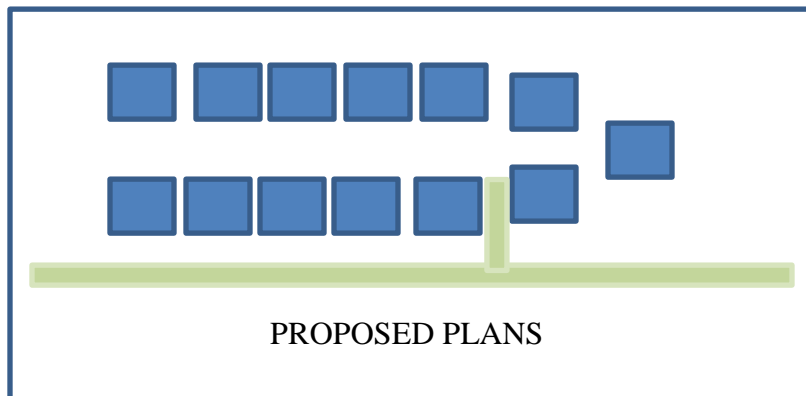
Other locations could include churches, coffee shops, developer's office, onsite, etc.
provided they are open to the public to attend, conveniently located and are within the
City of Sherwood.

EXAMPLE NOTICE A

NOTICE OF NEIGHBORHOOD MEETING

A Neighborhood Meeting will be held on January 1, 2011 at 123 SW Local Street (Subject site) to inform the community about our proposed subdivision. Interested community members are encouraged to attend this meeting. Please contact John Doe at 555-555-5555 for additional information.

PROJECT PROPOSAL: The ABC Group is proposing a thirteen (13) Lot subdivision at 123 Local Street. The subdivision will have single family homes that are all constructed in one phase. We are also proposing a pathway connecting this subdivision to the adjacent neighborhoods.



Agenda

6:30PM – Welcome
7 PM - Project Presentation
8 PM – Question and Answer
9 PM – Meeting Adjourn

Meeting Information

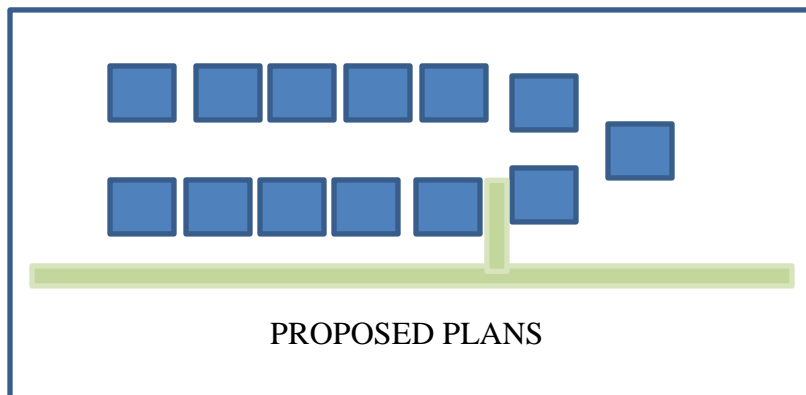
DATE: January 1, 2011
TIME: 7 PM
LOCATION: 123 SW Local Street (Subject site)
CONTACT: John Doe, Project Manager at ABC Group 555-555-5555

EXAMPLE NOTICE B

NOTICE OF NEIGHBORHOOD MEETING

A Neighborhood Meeting will be held on January 1, 2011 at 123 SW Local Street (Subject site) to inform the community about our proposed subdivision. Interested community members are encouraged to attend the open house. Please contact John Doe at 555-555-5555 for additional information.

PROJECT PROPOSAL: The ABC Group is proposing a thirteen (13) Lot subdivision at 123 Local Street. The subdivision will have single family homes that are all constructed in one phase. We are also proposing a pathway connecting this subdivision to the adjacent neighborhoods.



Open House Information

DATE: January 1, 2011

TIME: 7 – 9PM

LOCATION: 123 SW Local Street (Subject site)

CONTACT: John Doe, Project Manager at ABC Group 555-555-555



APPLICATION MATERIALS REQUIRED FOR **SITE PLAN REVIEW**

Submit the following to the City of Sherwood Planning Department, 22560 SW Pine St., Sherwood, OR 97140: (503) 925-2308.

It is strongly suggested that you have a pre-application meeting with the City prior to submitting for Site Plan Review. (See *Pre-application Process* form for information.)

Note: Clean Water Services (CWS) requires a pre-screening to determine if water quality sensitive areas exist on the property. If these sensitive areas exist, a Site Assessment and Service Provider Letter are required prior to submitting for Site Plan Review or undertaking any development. **This application will not be accepted without a completed Pre-Screening Form and if required a Service Provider Letter.** Please contact CWS at (503) 681-3600.

If the proposal is next to a Washington County roadway, the applicant must submit an Access Report (Traffic Study) to Washington County Department of Land Use and Transportation (503) 846-8761. **This application will not be accepted until an Access Report (Traffic Study) is submitted to Washington County and the Access Report is deemed complete by the County; or written verification from Washington County that an Access Report is not required is provided.**

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- I. **FEES** - See City of Sherwood current Fee Schedule, which includes the "Publication/ Distribution of Notice" fee, at <http://www.sherwoodoregon.gov> Click on Government/Planning/Planning Fees.

Note: The above fees are required at the time you submit for site plan review. Additional fees will be charged for building permit, system development charges, impact fees and other fees applicable to the development. These fees will be charged when you make application for building permit. Building permit application will not be accepted until site plan approval is issued.

- II. **BACKGROUND INFORMATION** (All materials to be collated & folded (not rolled) to create *fifteen (15) sets).

*Note that the *final* application must contain fifteen (15) folded sets of the above, however, upon initial submittal of the application and prior to completeness review, the applicant may submit three (3) complete folded sets with the application in lieu of fifteen (15), with the understanding that fifteen (15) complete sets of the application materials will be required before the application is deemed complete and scheduled for review.

- ☐ **Application Form** – One original and fourteen (14) copies of a completed **City of Sherwood Application for Land Use Action** form. Original signatures from all owners must be on the application form.
- ☐ **Documentation of Neighborhood Meeting** (Type III- Type V) - Affidavits of mailing, sign-in sheets and a summary of the meeting notes shall be included with the application.
- ☐ **Tax Map** - Fifteen (15) copies of the latest Tax Map available from the Washington County Assessor's Office showing property within at least 300 feet with scale (1"=100' or 1"= 200') north point, date and legend.
- ☐ **Mailing Labels** – Two (2) sets of mailing labels for property owners within 1,000 feet of the subject site, including a map of the area showing the properties to receive notice. Mailing labels can be obtained from a private title insurance company. Ownership records shall be based on the most current available information from the Tax Assessor's office. *It is the applicant's responsibility to provide mailing labels that accurately reflect all property owners that reside within 1,000 feet of the subject site.*
- ☐ **Vicinity Map** – Fifteen (15) copies of a vicinity map showing the City limits and the Urban Growth Boundary.
- ☐ **Narrative** – Fifteen (15) copies and **an electronic copy** of a narrative explaining the proposal in detail and a response to the Required Findings for Site Plan Review, located in Chapter 16 of the Municipal Code/Zoning & Development, Section 16.90.010. The Municipal Code/Zoning & Development is available online at www.sherwoodoregon.gov, Click on Government/Municipal Code.
- ☐ **Electronic Copy** – An electronic copy of the **entire** application packet. This should include all submittal materials (narrative, vicinity map, mailing labels, site plan, preliminary plat, etc.).

III. **REQUIRED PLANS**

Submit fifteen (15) sets of the following folded full-size plans and **an electronic copy in .PDF format.** Plans must have:

- 1) The proposed name of the development. If a proposed project name is the same as or similar to other existing projects in the City of Sherwood, the applicant may be required to modify the project name.
- 2) The name, address and phone of the owner, developer, applicant and plan producer.
- 3) North arrow,
- 4) Legend,
- 5) Date plans were prepared and date of any revisions
- 6) Scale clearly shown. Other than architectural elevations, all plans must be drawn to an engineer scale.
- 7) All dimensions clearly shown.

- ☐ **Existing Conditions Plan** - Existing conditions plan drawn to scale showing: property lines and dimensions, existing structures and other improvements such as streets and utilities, existing vegetation including trees, any floodplains or wetlands and any easements on the property. The existing conditions plan shall also include the slope of the site at 5-foot contour intervals

- **Preliminary Development Plans-** Plans must be sufficient for the Hearing Authority to determine compliance with applicable standards. The following information is typically needed for adequate review:

1. The subject parcel (s), its dimensions and area.
2. The location and dimensions of proposed development, including the following:

Transportation

- a. Public and private streets with proposed frontage improvements including curb, gutters, sidewalks, planter strip, street lighting, distances to street centerline, pavement width, right-of-way width, bike lanes and driveway drops.
- b. Public and private access easements, width and location.
- c. General circulation plan showing location, widths and direction of existing and proposed streets, bicycle and pedestrian ways, and transit routes and facilities within ½ mile of the subject property.
- d. Show the location and distance to neighboring driveways and the width and locations of driveways located across the street.
- e. The location and size of accesses, sight distance and any fixed objects on collectors or arterial streets.
- f. Emergency accesses.
- g. Indicate the location and size of off-street parking spaces including curbing and wheel stop locations.
- h. Proposed transit facilities.
- i. Indicate loading and maneuvering areas.
- j. Delivery truck and bus circulation patterns.

Grading and Erosion Control

- k. Indicate the proposed grade at two (2)-foot contour intervals.
- l. Indicate the proposed erosion control measures to CWS standards (refer to CWS R&O 07-20).
- m. Show areas of cut and fill with areas of structural fill.
- n. Show the location of all retaining walls, the type of material to be used, the height of the retaining wall from the bottom of the footing to the top of the wall and the exposed height of the wall.

Utilities

- o. Utilities must be shown after proposed grade with 2-foot contour intervals.
- p. Map location, purpose, dimensions and ownership of easements.
- q. Fire hydrant locations and fire flows.
- r. Water, sewer and stormwater line locations, types and sizes.
- s. Clearly indicate the private and public portions of the system.
- t. Above-ground utilities and manhole locations.

Preliminary Stormwater Plan

- u. Show location, size and slope of water quality facility.
- v. Preliminary calculations justifying size of facility.

- w. The total square footage of the new and existing impervious area.
- x. The stormwater facility to CWS standards. (R&O 07-20).

Sensitive Areas

- y. Show any and all streams, ponds, wetlands and drainage ways.
- z. Indicate the vegetative corridor for sensitive areas to CWS standards. (R&O 07-20).
- aa. Indicate measures to avoid environmental degradation that meet CWS, DSL and Army Corp requirements.
- bb. Flood elevation.
- cc. Wetland delineation and buffering proposed.
- dd. Location and size of all trees greater than 5 inches DBH (indicate if trees are proposed for removal).

Land Use

- ee. The square footage of each building and a breakdown of square footage by use. (i.e. retail, office, industrial, residential, etc.).
- ff. Net buildable acres. (The land remaining after unbuildable areas are taken out, such as the floodplain and wetland areas).
- gg. Net density calculation for residential use.
- hh. Landscaping areas including the square footage of the site covered by landscaping and planting types. (refer to Ch. 5 of the Community Development Code).
- ii. Existing trees proposed to remain and trees to be removed and the drip-lines of trees proposed to remain.
- jj. Street tree location, size and type. (refer to Ch. 8, Section 8.304.06 of the Community Development Code).
- kk. Bicycle parking areas. (Refer to Ch 5 of the Community Development Code).
- ll. On-site pathways and sidewalk locations.
- mm. Structures proposed to be built and structures proposed to remain with their dimensions and the distances to property lines.
- nn. Outdoor storage areas and proposed screening.
- oo. Outdoor sales and merchandise display areas and proposed screening.
- pp. Truck loading and maneuvering areas.
- qq. Number of parking spaces and required parking calculations based on Section 5.302 of the Community Development Code.
- rr. The size and location of solid waste and recycle storage areas and screening.
- ss. Location, size and height of proposed free-standing signs.
- tt. Location, height and type of fencing and walls.
- uu. For each lot indicated the building envelope.

- ☐ **Reduced - Proposed Development Plans** – One (1) reduced copies of the Proposed Development Plan on 8 1/2” by 11” sheets and fifteen (15) reduced copies on 11” by 17” sheets.
- ☐ **Lighting Plan** – Photometric lighting plan indicating foot candle power on and along the perimeter of the site. Proposed locations, height and size of lights. (If outdoor lighting is proposed).
- ☐ **Surrounding Land Uses** – Existing land use including nature, size and location of existing structures within 300 feet.

- ☐ **Architectural Exterior** – Scaled architectural sketches and elevations of all proposed structures. Include a description of materials, textures and colors. Show the size, placement and dimensions of proposed wall signs on the elevation drawings. These drawings can be done at an architectural or engineering scale. If color is used, two color copies and eight black and white copies are acceptable.

IV. DOCUMENTS REQUIRED

- ☐ **Title Report** – Two (2) copies of a current preliminary title report available from a private title insurance company.
- ☐ **CWS Service Provider Letter** – Four (4) copies of the CWS service provider letter

V. ADDITIONAL DOCUMENTS THAT MAY BE REQUIRED

- ☐ **Army Corps and DSL wetland applications and/or permits** – Four (4) copies of required Divisions of State Lands and/or Army Corp of Engineers permits and/or permit applications if applicable.
- ☐ **Traffic Study** – Four (4) copies of a traffic study. (If required by the City Engineer).
- ☐ **Soils Analysis and/or Geotechnical Report** – Four (4) copies completed by a registered Soils Engineer or Geologist including measures to protect natural hazards. (If required by the City Engineer).
- ☐ **Tree Report** – Two (2) copies of a tree report prepared by an arborist, forester, landscape architect, botanist or other qualified professional. (If required trees are on-site).
- ☐ **Natural Resource Assessment** – If required by Clean Water Services (CWS). The CWS Pre-Screening indicates as to whether this report is required or not.
- ☐ **Wetland Delineation Study** – if required by Oregon Division of State Lands (DSL) or the Army Corps of Engineers.
- ☐ **Other Special Studies and/or Reports** – if required by the Planning Director or the City Engineer to address issues identified in the pre-application meeting or during project review.
- ☐ Verification of compliance with other agency standards such as CWS, DSL, Army Corps of Engineers, ODOT, PGE, BPA, Washington County.



**APPLICATION MATERIALS
REQUIRED FOR:**

FINAL SITE PLAN

Submit the following to the City of Sherwood Planning Department, 22560 SW Pine St., Sherwood, OR 97140: (503) 625-5522.

- ☐ **Final Site Plan Fee** - See City of Sherwood current Fee Schedule at www.sherwoodoregon.gov. Click on City Departments/Planning/Fee Schedule.
- ☐ **Application Form** – One original and three (3) copies of a completed **City of Sherwood Application for Land Use Action** form. *All owners must sign the application form.*
- ☐ **Paper Final Site Plan (Separate from Building Permit Submittal)** – Three (3) full-sized copies of the final site plan and one (1) 11 by 17 inch reduced copy. **Full-sized copies must be folded.**
- ☐ **CD File Copy** of the final site plan.
- ☐ **Narrative** – Applicant must provide a response to conditions of approval of preliminary site plan approval.

Note: After the information is submitted and complete, the City will redline the paper site plan. Once the corrections are made and all conditions required prior to building permit approval are met, the Planning Department will sign off on the submitted building permit applications.

Once the paper site plan is received by the Planning Department it may take 2 to 3 weeks to review conditions of approval and forward a release of the building permits to the Building Department. Please refer to the Notice of Decision for all conditions required prior to release of building permits.

82nd OREGON LEGISLATIVE ASSEMBLY--2024 Regular Session

Enrolled Senate Bill 1537

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with presession filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Tina Kotek for Office of the Governor)

CHAPTER

AN ACT

Relating to housing; creating new provisions; amending ORS 183.471, 197.015, 197.195, 197.335, 197.843, 215.427, 227.178 and 455.770; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

HOUSING ACCOUNTABILITY AND PRODUCTION OFFICE

SECTION 1. Housing Accountability and Production Office. (1) The Department of Land Conservation and Development and the Department of Consumer and Business Services shall enter into an interagency agreement to establish and administer the Housing Accountability and Production Office.

(2) The Housing Accountability and Production Office shall:

(a) Provide technical assistance, including assistance through grants, to local governments to:

(A) Comply with housing laws;

(B) Reduce permitting and land use barriers to housing production; and

(C) Support reliable and effective implementation of local procedures and standards relating to the approval of residential development projects.

(b) Serve as a resource, which includes providing responses to requests for technical assistance with complying with housing laws, to:

(A) Local governments, as defined in ORS 174.116; and

(B) Applicants for land use and building permits for residential development who are experiencing permitting and land use barriers related to housing production.

(c) Investigate and respond to complaints of violations of housing laws under section 2 of this 2024 Act.

(d) Establish best practices related to model codes, typical drawings and specifications as described in ORS 455.062, procedures and practices by which local governments may comply with housing laws.

(e) Provide optional mediation of active disputes relating to housing laws between a local government and applicants for land use and building permits for residential development, including mediation under ORS 197.860.

(f) Coordinate agencies that are involved in the housing development process, including, but not limited to, the Department of Land Conservation and Development, Department of

Consumer and Business Services, Housing and Community Services Department and Oregon Business Development Department, to enable the agencies to support local governments and applicants for land use and building permits for residential development by identifying state agency technical and financial resources that can address identified housing development and feasibility barriers.

(g) Establish policy and funding priorities for state agency resources and programs for the purpose of addressing barriers to housing production, including, but not limited to, making recommendations for moneys needed for the purposes of section 35 of this 2024 Act.

(3) The Land Conservation and Development Commission and the Department of Consumer and Business Services shall coordinate in adopting, amending or repealing rules for:

(a) Carrying out the respective responsibilities of the departments and the office under sections 1 to 5 of this 2024 Act.

(b) Model codes, development plans, procedures and practices by which local governments may comply with housing laws.

(c) Establishing standards by which complaints are investigated and pursued.

(4) The office shall prioritize assisting local governments in voluntarily undertaking changes to come into compliance with housing laws.

(5) As used in sections 1 to 5 of this 2024 Act:

(a) "Housing law" means ORS chapter 197A and ORS 92.010 to 92.192, 92.830 to 92.845, 197.360 to 197.380, 197.475 to 197.493, 197.505 to 197.540, 197.660 to 197.670, 197.748, 215.402 to 215.438, 227.160 to 227.186, 455.148, 455.150, 455.152, 455.153, 455.156, 455.157, 455.165, 455.170, 455.175, 455.180, 455.185 to 455.198, 455.200, 455.202 to 455.208, 455.210, 455.220, 455.465 and 455.467 and administrative rules implementing those laws, to the extent that the law or rule imposes a mandatory duty on a local government or its officers, employees or agents and the application of the law or rule applies to residential development or pertains to a permit for a residential use or a division of land for residential purposes.

(b) "Residential" includes mixed-use residential development.

SECTION 2. Office responses to violations of housing laws. (1) The Housing Accountability and Production Office shall establish a form or format through which the office receives allegations of local governments' violations of housing laws that impact housing production. For complaints that relate to a specific development project, the office may receive complaints only from the project applicant. For complaints not related to a specific development project, the office may receive complaints from any person within the local government's jurisdiction or the Department of Land Conservation and Development or the Department of Consumer and Business Services.

(2)(a) Except as provided in paragraph (c) of this subsection, the office shall investigate suspected violations of housing laws or violations credibly alleged under subsection (1) of this section.

(b) The office shall develop consistent procedures to evaluate and determine the credibility of alleged violations of housing laws.

(c) If a complainant has filed a notice of appeal with the Land Use Board of Appeals or has initiated private litigation regarding any aspect of the application decision that was alleged to have been the subject of the housing law violation, the office may not further participate in the specific complaint or its appeal, except for:

(A) Providing agency briefs, including briefs under ORS 197.830 (8), to the board or the court;

(B) Providing technical assistance to the local government unrelated to the resolution of the specific complaint; or

(C) Mediation at the request of the local government and complainant, including mediation under ORS 197.860.

(3)(a) If the office has a reasonable basis to conclude that a violation was or is being committed, the office shall deliver written warning notice to the local government specifying

the violation and any authority under this section that the office intends to invoke if the violation continues or is not remedied. The notice must include an invitation to address or remedy the suspected violation through mediation, the execution of a compliance agreement to voluntarily remedy the situation, the adoption of suitable model codes developed by the office under section 1 (3)(b) of this 2024 Act or other remedies suitable to the specific violation.

(b) The office shall prioritize technical assistance funding to local governments that agree to comply with housing laws under this subsection.

(c) A determination by the office is not a legislative, judicial or quasi-judicial decision.

(4) No earlier than 60 days after a warning notice is delivered under subsection (3) of this section, the office may:

(a) Initiate a request for an enforcement order of the Land Conservation and Development Commission by delivering a notice of request under section 3 (3) of this 2024 Act.

(b) Seek a court order against a local government as described under ORS 455.160 (3) without being adversely affected or serving the demand as described in ORS 455.160 (2).

(c) Notwithstanding ORS 197.090 (2)(b) to (e), participate in and seek review of a matter under ORS 197.090 (2)(a) that pertains to housing laws without the notice or consent of the commission. No less than once every two years, the office shall report to the commission on the matters in which the office participated under this paragraph.

(d) Except regarding matters under the exclusive jurisdiction of the Land Use Board of Appeals, apply to a circuit court for an order compelling compliance with any housing law. If the court finds that the defendant is not complying with a housing law, the court may grant an injunction requiring compliance.

(5) The office may not, in the name of the office, exercise the authority of the Department of Land Conservation and Development under ORS 197A.130.

(6) The office shall send notice to each complainant under subsection (1) of this section at the time that the office:

(a) Takes any action under subsection (3) or (4) of this section; or

(b) Has determined that it will not take further actions or make further investigations.

(7) The actions authorized of the office under this section are in addition to and may be exercised in conjunction with any other investigative or enforcement authority that may be exercised by the Department of Land Conservation and Development, the Land Conservation and Development Commission or the Department of Consumer and Business Services.

(8) Nothing in this section:

(a) Amends the jurisdiction of the Land Use Board of Appeals or of a circuit court;

(b) Creates a new cause of action; or

(c) Tolls or extends:

(A) The statute of limitations for any claim; or

(B) The deadline for any appeal or other action.

SECTION 3. Office enforcement orders. (1) The Housing Accountability and Production Office may request an enforcement order under section 2 (4)(a) of this 2024 Act requiring that a local government take action necessary to bring its comprehensive plan, land use regulation, limited land use decisions or other land use decisions or actions into compliance with a housing law, except for a housing law that pertains to the state building code or the administration of the code.

(2) Except as otherwise provided in this section, a request for an enforcement order by the office is subject to the applicable provisions of ORS 197.335 and ORS chapter 183 and is not subject to ORS 197.319, 197.324 or 197.328.

(3) The office shall make a request for an enforcement order under this section by delivering a notice to the local government that states the grounds for initiation and summarizes the procedures for the enforcement order proceeding along with a copy of the notice

to the Land Conservation and Development Commission. A decision of the office to initiate an enforcement order is not subject to appeal.

(4) After receiving notice of an enforcement order request under subsection (3) of this section, the local government shall deliver a notice to an affected applicant, if any, in substantially the following form:

NOTICE: The Housing Accountability and Production Office has found good cause for an enforcement proceeding against _____ (name of local government). An enforcement order may be adopted that could limit, prohibit or require the application of specified criteria to any action authorized by this decision but not applied for until after the adoption of the enforcement order. Future applications for building permits or time extensions may be affected.

(5) Within 14 days after receipt by the commission of the notice under subsection (3) of this section, the Director of the Department of Land Conservation and Development shall assign the enforcement order proceedings to a hearings officer who is:

(a) An administrative law judge assigned under ORS 183.635; or

(b) A hearings officer randomly selected from a pool of officers appointed by the commission to review proceedings initiated under this section.

(6) The hearings officer shall schedule a contested case hearing within 60 days of the delivery of the notice to the commission under subsection (3) of this section.

(7)(a) The hearings officer shall prepare a proposed enforcement order or order of dismissal, including recommended findings and conclusions of law.

(b) A proposed enforcement order may require the local government to take any necessary action to comply with housing laws that is suitable to address the basis for the proposed enforcement order, including requiring the adoption or application of suitable models that have been developed by the office under section 1 (3)(b) of this 2024 Act.

(c) The hearings officer must issue and serve the proposed enforcement order on the office and all parties to the hearing within 30 days of the date the record closed.

(8)(a) The proposed enforcement order becomes a final order of the commission 14 days after service on the office and all parties to the hearing, unless the office or a party to the hearing appeals the proposed enforcement order to the commission prior to the proposed enforcement order becoming final.

(b) If the proposed enforcement order is appealed, the commission shall consider the matter at:

(A) Its next regularly scheduled meeting; or

(B) If the appeal is made 45 or fewer days prior to the next regularly scheduled meeting, at the following regularly scheduled meeting or a special meeting held earlier.

(9) The commission shall affirm, affirm with modifications or reverse the proposed enforcement order. The commission shall issue a final order no later than 30 days after the meeting at which it considered the matter.

(10) The commission may adopt rules administering this section, including rules related to standing, preserving issues for commission review or other provisions concerning the commission's scope and standard for review of proposed enforcement orders under this section.

SECTION 4. Housing Accountability and Production Office Fund. (1) The Housing Accountability and Production Office Fund is established in the State Treasury, separate and distinct from the General Fund.

(2) The Housing Accountability and Production Office Fund consists of moneys appropriated, allocated, deposited or transferred to the fund by the Legislative Assembly or otherwise.

(3) Interest earned by the fund shall be credited to the fund.

(4) Moneys in the fund are continuously appropriated to the Department of Land Conservation and Development to administer the fund, to operate the Housing Accountability and Production Office and to implement sections 1 to 5 of this 2024 Act.

SECTION 5. Reporting. On or before September 15, 2026, the Housing Accountability and Production Office shall:

(1) Contract with one or more organizations possessing relevant expertise to produce a report identifying improvements in the local building plan review approval, design review approval, land use, zoning and permitting processes, including but not limited to plan review approval timelines, process efficiency, local best practices and other ways to accelerate and improve the efficiency of the development process for construction, with a focus on increasing housing production.

(2) Produce a report based on a study by the office of state and local timelines and standards related to public works and building permit application review and develop recommendations for changes to reduce complexity, delay or costs that inhibit housing production, including an evaluation of their effect on the feasibility of varying housing types and affordability levels.

(3) Produce a report summarizing state agency plans, policies and programs related to reducing or eliminating regulatory barriers to the production of housing. The report must also include recommendations on how state agencies may prioritize resources and programs to increase housing production.

(4) Provide the reports under subsections (1) to (3) of this section to one or more appropriate interim committees of the Legislative Assembly in the manner provided in ORS 192.245.

SECTION 6. Sunset. Section 5 of this 2024 Act is repealed on January 2, 2027.

SECTION 7. Operative and applicable dates. (1) Sections 2 and 3 of this 2024 Act become operative on July 1, 2025.

(2) Sections 2 and 3 of this 2024 Act apply only to violations of housing laws occurring on or after July 1, 2025.

(3) The Department of Land Conservation and Development and Department of Consumer and Business Services may take any action before the operative date specified in subsection (1) of this section that is necessary for the departments or the Housing Accountability and Production Office to exercise, on and after the operative date, all of the duties, functions and powers conferred by sections 1 to 5, 35, 39 and 46 of this 2024 Act.

OPTING IN TO AMENDED HOUSING REGULATIONS

SECTION 8. ORS 215.427 is amended to read:

215.427. (1) Except as provided in subsections (3), (5) and (10) of this section, for land within an urban growth boundary and applications for mineral aggregate extraction, the governing body of a county or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 120 days after the application is deemed complete. The governing body of a county or its designee shall take final action on all other applications for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 150 days after the application is deemed complete, except as provided in subsections (3), (5) and (10) of this section.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing

information. The application shall be deemed complete for the purpose of subsection (1) of this section and ORS 197A.470 upon receipt by the governing body or its designee of:

- (a) All of the missing information;
- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits additional information[, *as described in subsection (2) of this section,*] within 180 days of the date the application was first submitted [*and the county has a comprehensive plan and land use regulations acknowledged under ORS 197.251*], approval or denial of the application [*shall be based*] **must be based:**

(A) Upon the standards and criteria that were applicable at the time the application was first submitted[.]; or

(B) **For an application relating to development of housing, upon the request of the applicant, those standards and criteria that are operative at the time of the request.**

(b) **If an applicant requests review under different standards as provided in paragraph (a)(B) of this subsection:**

(A) **For the purposes of this section, any applicable timelines for completeness review and final decisions restart as if a new application were submitted on the date of the request;**

(B) **For the purposes of this section and ORS 197A.470 the application is not deemed complete until:**

(i) **The county determines that additional information is not required under subsection (2) of this section; or**

(ii) **The applicant makes a submission under subsection (2) of this section in response to a county's request;**

(C) **A county may deny a request under paragraph (a)(B) of this subsection if:**

(i) **The county has issued a public notice of the application; or**

(ii) **A request under paragraph (a)(B) of this subsection was previously made; and**

(D) **The county may not require that the applicant:**

(i) **Pay a fee, except to cover additional costs incurred by the county to accommodate the request;**

(ii) **Submit a new application or duplicative information, unless information resubmittal is required because the request affects or changes information in other locations in the application or additional narrative is required to understand the request in context; or**

(iii) **Repeat redundant processes or hearings that are inapplicable to the change in standards or criteria.**

[(b) If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.]

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

- (a) All of the missing information;
- (b) Some of the missing information and written notice that no other information will be provided; or

(c) Written notice that none of the missing information will be provided.

(5) The period set in subsection (1) of this section or the 100-day period set in ORS 197A.470 may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (10) of this section for mediation, may not exceed 215 days.

(6) The period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the county; and

(b) Unless the parties have agreed to mediation as described in subsection (10) of this section or ORS 197.319 (2)(b).

(7) Notwithstanding subsection (6) of this section, the period set in subsection (1) of this section and the 100-day period set in ORS 197A.470 do not apply to:

(a) A decision of the county making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610; or

(b) A decision of a county involving an application for the development of residential structures within an urban growth boundary, where the county has tentatively approved the application and extends these periods by no more than seven days in order to assure the sufficiency of its final order.

(8) Except when an applicant requests an extension under subsection (5) of this section, if the governing body of the county or its designee does not take final action on an application for a permit, limited land use decision or zone change within 120 days or 150 days, as applicable, after the application is deemed complete, the county shall refund to the applicant either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(9) A county may not compel an applicant to waive the period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 197A.470 or 215.429 as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(10) The periods set forth in subsections (1) and (5) of this section and ORS 197A.470 may be extended by up to 90 additional days, if the applicant and the county agree that a dispute concerning the application will be mediated.

SECTION 9. ORS 227.178 is amended to read:

227.178. (1) Except as provided in subsections (3), (5) and (11) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section or ORS 197A.470 upon receipt by the governing body or its designee of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted [*and the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251*], approval or denial of the application [*shall*] **must** be based:

(A) Upon the standards and criteria that were applicable at the time the application was first submitted[.]; or

(B) **For an application relating to development of housing, upon the request of the applicant, those standards and criteria that are operative at the time of the request.**

(b) If an applicant requests review under different standards as provided in paragraph (a)(B) of this subsection:

(A) For the purposes of this section, any applicable timelines for completeness review and final decisions restart as if a new application were submitted on the date of the request;

(B) For the purposes of this section and ORS 197A.470 the application is not deemed complete until:

(i) The city determines that additional information is not required under subsection (2) of this section; or

(ii) The applicant makes a submission under subsection (2) of this section in response to a city's request;

(C) A city may deny a request under paragraph (a)(B) of this subsection if:

(i) The city has issued a public notice of the application; or

(ii) A request under paragraph (a)(B) of this subsection was previously made; and

(D) The city may not require that the applicant:

(i) Pay a fee, except to cover additional costs incurred by the city to accommodate the request;

(ii) Submit a new application or duplicative information, unless information resubmittal is required because the request affects or changes information in other locations in the application or additional narrative is required to understand the request in context; or

(iii) Repeat redundant processes or hearings that are inapplicable to the change in standards or criteria.

[(b) If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.]

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

(a) All of the missing information;

(b) Some of the missing information and written notice that no other information will be provided; or

(c) Written notice that none of the missing information will be provided.

(5) The 120-day period set in subsection (1) of this section or the 100-day period set in ORS 197A.470 may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (11) of this section for mediation, may not exceed 245 days.

(6) The 120-day period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the city; and

(b) Unless the parties have agreed to mediation as described in subsection (11) of this section or ORS 197.319 (2)(b).

(7) Notwithstanding subsection (6) of this section, the 120-day period set in subsection (1) of this section and the 100-day period set in ORS 197A.470 do not apply to:

(a) A decision of the city making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610; or

(b) A decision of a city involving an application for the development of residential structures within an urban growth boundary, where the city has tentatively approved the application and extends these periods by no more than seven days in order to assure the sufficiency of its final order.

(8) Except when an applicant requests an extension under subsection (5) of this section, if the governing body of the city or its designee does not take final action on an application for a permit,

limited land use decision or zone change within 120 days after the application is deemed complete, the city shall refund to the applicant, subject to the provisions of subsection (9) of this section, either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(9)(a) To obtain a refund under subsection (8) of this section, the applicant may either:

(A) Submit a written request for payment, either by mail or in person, to the city or its designee; or

(B) Include the amount claimed in a mandamus petition filed under ORS 227.179. The court shall award an amount owed under this section in its final order on the petition.

(b) Within seven calendar days of receiving a request for a refund, the city or its designee shall determine the amount of any refund owed. Payment, or notice that no payment is due, shall be made to the applicant within 30 calendar days of receiving the request. Any amount due and not paid within 30 calendar days of receipt of the request shall be subject to interest charges at the rate of one percent per month, or a portion thereof.

(c) If payment due under paragraph (b) of this subsection is not paid within 120 days after the city or its designee receives the refund request, the applicant may file an action for recovery of the unpaid refund. In an action brought by a person under this paragraph, the court shall award to a prevailing applicant, in addition to the relief provided in this section, reasonable attorney fees and costs at trial and on appeal. If the city or its designee prevails, the court shall award reasonable attorney fees and costs at trial and on appeal if the court finds the petition to be frivolous.

(10) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 197A.470 or 227.179 as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(11) The periods set forth in subsections (1) and (5) of this section and ORS 197A.470 may be extended by up to 90 additional days, if the applicant and the city agree that a dispute concerning the application will be mediated.

ATTORNEY FEES FOR NEEDED HOUSING CHALLENGES

SECTION 10. ORS 197.843 is amended to read:

197.843. (1) The Land Use Board of Appeals shall award attorney fees to:

(a) An applicant whose application is only for the development of affordable housing[, *as defined in ORS 197A.445, or publicly supported housing, as defined in ORS 456.250*], if the board [*affirms a quasi-judicial land use decision approving the application or*] reverses a quasi-judicial land use decision denying the application[.];

(b) **An applicant whose application is only for the development of housing and was approved by the local government, if the board affirms the decision; and**

(c) **The local government that approved a quasi-judicial land use decision described in paragraph (b) of this subsection.**

(2) For housing other than affordable housing, the attorney fees specified in subsection (1)(b) and (c) of this section apply only within urban growth boundaries.

[2)] (3) A party who was awarded attorney fees under this section or ORS 197.850 shall repay the fees plus any interest from the time of the judgment if the property upon which the fees are based is developed for a use other than [*affordable*] **the proposed** housing.

[3)] (4) As used in this section:

[a) "*Applicant*" includes:]

[(A) An applicant with a funding reservation agreement with a public funder for the purpose of developing publicly supported housing;]

[(B) A housing authority, as defined in ORS 456.005;]

[(C) A qualified housing sponsor, as defined in ORS 456.548;]

[(D) A religious nonprofit corporation;]

[(E) A public benefit nonprofit corporation whose primary purpose is the development of affordable housing; and]

[(F) A local government that approved the application of an applicant described in this paragraph.]

(a) “Affordable housing” means affordable housing, as defined in ORS 197A.445, or publicly supported housing, as defined in ORS 456.250.

(b) “Attorney fees” includes prelitigation legal expenses, including preparing and processing the application and supporting the application in local land use hearings or proceedings.

SECTION 11. Operative and applicable dates. (1) The amendments to ORS 197.843 by section 10 of this 2024 Act become operative on January 1, 2025.

(2) The amendments to ORS 197.843 by section 10 of this 2024 Act apply to decisions for which a notice of intent to appeal under ORS 197.830 is filed on or after January 1, 2025.

INFRASTRUCTURE SUPPORTING HOUSING PRODUCTION

SECTION 12. Sections 13 and 14 of this 2024 Act are added to and made a part of ORS chapter 285A.

SECTION 13. Capacity and support for infrastructure planning. The Oregon Business Development Department shall provide capacity and support for infrastructure planning to municipalities to enable them to plan and finance infrastructure for water, sewers and sanitation, stormwater and transportation consistent with opportunities to produce housing units at densities defined in section 55 (3)(a)(C) of this 2024 Act. “Capacity and support” includes assistance with local financing opportunities, state and federal grant navigation, writing, review and administration, resource sharing, regional collaboration support and technical support, including engineering and design assistance and other capacity or support as the department may designate by rule.

SECTION 14. Housing Infrastructure Support Fund. (1) The Housing Infrastructure Support Fund is established in the State Treasury, separate and distinct from the General Fund.

(2) The Housing Infrastructure Support Fund consists of moneys appropriated, allocated, deposited or transferred to the fund by the Legislative Assembly or otherwise.

(3) Interest earned by the fund shall be credited to the fund.

(4) Moneys in the fund are continuously appropriated to the Oregon Business Development Department to administer the fund and to implement section 13 of this 2024 Act.

SECTION 15. Sunset. (1) Sections 13 and 14 of this 2024 Act are repealed on January 2, 2030.

(2) Any unobligated moneys in the Housing Infrastructure Support Fund on January 2, 2030, must be transferred to the General Fund for general governmental purposes.

SECTION 16. Infrastructure recommendation and reporting. (1) On or before December 31, 2024, the Department of Land Conservation and Development, in consultation with the Housing and Community Services Department, the Oregon Business Development Department and other agencies that fund and support local infrastructure projects, shall submit a report to an appropriate interim committee of the Legislative Assembly in the manner provided in ORS 192.245 that includes a list of key considerations and metrics the Legislative Assembly could use to evaluate, screen and prioritize proposed local infrastructure projects that facilitate and support housing within an urban growth boundary.

(2) The Department of Land Conservation and Development shall facilitate an engagement process with local governments, tribal nations, the development community, housing advocates, conservation groups, property owners, community partners and other interested parties to inform the list of key considerations and metrics.

NOTE: Sections 17 through 23 were deleted by amendment. Subsequent sections were not re-numbered.

HOUSING PROJECT REVOLVING LOANS

SECTION 24. As used in sections 24 to 35 of this 2024 Act:

(1) “Assessor,” “tax collector” and “treasurer” mean the individual filling that county office so named or any county officer performing the functions of the office under another name.

(2) “County tax officers” and “tax officers” mean the assessor, tax collector and treasurer of a county.

(3) “Eligible costs” means the following costs associated with an eligible housing project:

- (a) Infrastructure costs, including, but not limited to, system development charges;
- (b) Predevelopment costs;
- (c) Construction costs; and
- (d) Land write-downs.

(4) “Eligible housing project” means a project to construct housing, or to convert a building from a nonresidential use to housing, that is:

(a) Affordable to households with low income or moderate income as those terms are defined in ORS 458.610;

(b) If for-sale property, a single-family dwelling, middle housing as defined in ORS 197A.420 or a multifamily dwelling that is affordable as described in paragraph (a) of this subsection continuously from initial sale for a period, to be established by the Housing and Community Services Department and the sponsoring jurisdiction, of not less than the term of the loan related to the for-sale property; or

(c) If rental property:

(A)(i) Middle housing as defined in ORS 197A.420;

(ii) A multifamily dwelling;

(iii) An accessory dwelling unit as defined in ORS 215.501; or

(iv) Any other form of affordable housing or moderate income housing; and

(B) Rented at a monthly rate that is affordable to households with an annual income not greater than 120 percent of the area median income, such affordability to be maintained for a period, to be established by the department and the sponsoring jurisdiction, of not less than the term of the loan related to the rental property.

(5) “Eligible housing project property” means the taxable real and personal property constituting the improvements of an eligible housing project.

(6) “Fee payer” means, for any property tax year, the person responsible for paying ad valorem property taxes on eligible housing project property to which a grant awarded under section 29 of this 2024 Act relates.

(7) “Fire district taxes” means property taxes levied by fire districts within whose territory all or a portion of eligible housing project property is located.

(8) “Nonexempt property” means property other than eligible housing project property in the tax account that includes eligible housing project property.

(9) “Nonexempt taxes” means the ad valorem property taxes assessed on nonexempt property.

(10) “Sponsoring jurisdiction” means:

(a)(A) A city with respect to eligible housing projects located within the city boundaries;
or

(B) A county with respect to eligible housing projects located in urban unincorporated areas of the county; or

(b) The governing body of a city or county described in paragraph (a) of this subsection.

SECTION 25. (1)(a) A sponsoring jurisdiction may adopt by ordinance or resolution a program under which the sponsoring jurisdiction awards grants to developers for eligible costs.

(b) Before adopting the program, the sponsoring jurisdiction shall consult with the governing body of any city or county with territory inside the boundaries of the sponsoring jurisdiction.

(2) The ordinance or resolution shall set forth:

(a) The kinds of eligible housing projects for which a developer may seek a grant under the program; and

(b) Any eligibility requirements to be imposed on projects and developers in addition to those required under sections 24 to 35 of this 2024 Act.

(3) A grant award:

(a) Shall be in the amount determined under section 26 (3) of this 2024 Act; and

(b) May include reimbursement for eligible costs incurred for up to 12 months preceding the date on which the eligible housing project received local site approval.

(4) Eligible housing project property for which a developer receives a grant for eligible costs may not be granted any exemption, partial exemption or special assessment of ad valorem property taxes other than the exemption granted under section 30 of this 2024 Act.

(5) A sponsoring jurisdiction may amend an ordinance or resolution adopted pursuant to this section at any time. The amendments shall apply only to applications submitted under section 26 of this 2024 Act on or after the effective date of the ordinance or resolution.

SECTION 26. (1)(a) A sponsoring jurisdiction that adopts a grant program pursuant to section 25 of this 2024 Act shall prescribe an application process, including forms and deadlines, by which a developer may apply for a grant with respect to an eligible housing project.

(b) An application for a grant must include, at a minimum:

(A) A description of the eligible housing project;

(B) A detailed explanation of the affordability of the eligible housing project;

(C) An itemized description of the eligible costs for which the grant is sought;

(D) The proposed schedule for completion of the eligible housing project;

(E) A project pro forma demonstrating that the project would not be economically feasible but for receipt of the grant moneys; and

(F) Any other information, documentation or attestation that the sponsoring jurisdiction considers necessary or convenient for the application review process.

(c)(A) The project pro forma under paragraph (b)(E) of this subsection shall be on a form provided to the sponsoring jurisdiction by the Housing and Community Services Department and made available to grant applicants.

(B) The department may enter into an agreement with a third party to develop the project pro forma template.

(2)(a) The review of an application under this section shall be completed within 90 days following the receipt of the application by the sponsoring jurisdiction.

(b) Notwithstanding paragraph (a) of this subsection:

(A) The sponsoring jurisdiction may in its sole discretion extend the review process beyond 90 days if the volume of applications would make timely completion of the review process unlikely.

(B) The sponsoring jurisdiction may consult with a developer about the developer's application, and the developer, after the consultation, may amend the application on or before a deadline set by the sponsoring jurisdiction.

(3) The sponsoring jurisdiction shall:

(a) Review each application;

(b) Request that the county tax officers provide to the sponsoring jurisdiction the amounts determined under section 27 of this 2024 Act;

(c) Set the term of the loan that will fund the grant award for a period not to exceed the greater of:

(A) Ten years following July 1 of the first property tax year for which the completed eligible housing project property is estimated to be taken into account; or

(B) If agreed upon by the sponsoring jurisdiction and the department, the period required for the loan principal and fees to be repaid in full;

(d) Set the amount of the grant that may be awarded to the developer under section 29 (2) of this 2024 Act by multiplying the increment determined under section 27 (1)(c) of this 2024 Act by the term of the loan; and

(e)(A) Provisionally approve the application as submitted;

(B) Provisionally approve the application on terms other than those requested in the application; or

(C) Reject the application.

(4)(a) The sponsoring jurisdiction shall forward provisionally approved applications to the Housing and Community Services Department.

(b) The department shall review the provisionally approved applications for completeness, including, but not limited to, the completeness of the project pro forma submitted with the application under subsection (1)(b)(E) of this section and the amounts computed under section 27 (1) of this 2024 Act and notify the sponsoring jurisdiction of its determination.

(5)(a) If the department has determined that a provisionally approved application is incomplete, the sponsoring jurisdiction may:

(A) Consult with the applicant developer and reconsider the provisionally approved application after the applicant revises it; or

(B) Reject the provisionally approved application.

(b) If the department has determined that a provisionally approved application is complete, the approval shall be final.

(c) The sponsoring jurisdiction shall notify each applicant and the department of the final approval or rejection of an application and the amount of the grant award.

(d) The rejection of an application and the amount of a grant award may not be appealed, but a developer may reapply for a grant at any time within the applicable deadlines of the grant program for the same or another eligible housing project.

(6) Upon request by a sponsoring jurisdiction, the department may assist the sponsoring jurisdiction with, or perform on behalf of the sponsoring jurisdiction, any duty required under this section.

SECTION 27. (1) Upon request of the sponsoring jurisdiction under section 26 (3)(b) of this 2024 Act, the assessor of the county in which is located the eligible housing project to which an application being reviewed under section 26 of this 2024 Act relates shall:

(a) Using the last certified assessment roll for the property tax year in which the application is received under section 26 of this 2024 Act:

(A) Determine the amount of property taxes assessed against all tax accounts that include the eligible housing project property; and

(B) Subtract the amount of operating taxes as defined in ORS 310.055 and local option taxes as defined in ORS 310.202 levied by fire districts from the amount determined under subparagraph (A) of this paragraph.

(b) For the first property tax year for which the completed eligible housing project property is estimated to be taken into account:

(A) Determine the estimated amount of property taxes that will be assessed against all tax accounts that include the eligible housing project property; and

(B) Subtract the estimated amount of operating taxes and local option taxes levied by fire districts from the amount determined under subparagraph (A) of this paragraph.

(c) Determine the amount of the increment that results from subtracting the amount determined under subsection (1)(a) of this section from the amount determined under subsection (1)(b) of this section.

(2) As soon as practicable after determining amounts under this section, the county tax officers shall provide written notice to the sponsoring jurisdiction of the amounts.

SECTION 28. (1)(a) The Housing and Community Services Department shall develop a program to make loans to sponsoring jurisdictions to fund grants awarded under the sponsoring jurisdiction's grant program adopted pursuant to section 25 of this 2024 Act.

(b) The loans shall be interest free for the term set by the sponsoring jurisdiction under section 26 (3)(c) of this 2024 Act.

(2) For each application approved under section 26 (5)(b) of this 2024 Act, the Housing and Community Services Department shall:

(a) Enter into a loan agreement with the sponsoring jurisdiction for a payment in an amount equal to the total of:

(A) Loan proceeds in an amount equal to the grant award for the application set under section 26 (3)(d) of this 2024 Act; and

(B) The administrative costs set forth in subsection (3) of this section; and

(b) Pay to the sponsoring jurisdiction the total amount set forth in paragraph (a) of this subsection out of the Housing Project Revolving Loan Fund established under section 35 of this 2024 Act.

(3) The administrative costs referred to in subsection (2)(a)(B) of this section are:

(a) An amount not greater than five percent of the loan proceeds to reimburse the sponsoring jurisdiction for the costs of administering the grant program, other than the costs of tax administration; and

(b) An amount equal to one percent of the loan proceeds to be transferred to the county in which the sponsoring jurisdiction is situated to reimburse the county for the costs of the tax administration of the grant program by the county tax officers.

(4) The Housing and Community Services Department may assign any and all loan amounts made under this section to the Department of Revenue for collection as provided in ORS 293.250.

(5) The Housing and Community Services Department may:

(a) Consult with the Oregon Business Development Department about any of the powers and duties conferred on the Housing and Community Services Department by sections 24 to 35 of this 2024 Act; and

(b) Adopt any rule it considers necessary or convenient for the administration of sections 24 to 35 of this 2024 Act by the Housing and Community Services Department.

SECTION 29. (1) Upon entering into a loan agreement with the Housing and Community Services Department under section 28 of this 2024 Act, a sponsoring jurisdiction shall offer a grant agreement to each developer whose application was approved under section 26 (5)(b) of this 2024 Act.

(2) The grant agreement shall:

(a) Include a grant award in the amount set under section 26 (3)(d) of this 2024 Act; and

(b) Contain terms that:

(A) Are required under sections 24 to 35 of this 2024 Act or the ordinance or resolution adopted by the sponsoring jurisdiction pursuant to section 25 of this 2024 Act.

(B) Do not conflict with sections 24 to 35 of this 2024 Act or the ordinance or resolution adopted by the sponsoring jurisdiction pursuant to section 25 of this 2024 Act.

(3) Upon entering into a grant agreement with a developer, a sponsoring jurisdiction shall adopt an ordinance or resolution setting forth the details of the eligible housing project that is the subject of the agreement, including but not limited to:

(a) A description of the eligible housing project;

(b) An itemized description of the eligible costs;

- (c) The amount and terms of the grant award;
 - (d) Written notice that the eligible housing project property is exempt from property taxation in accordance with section 30 of this 2024 Act; and
 - (e) A statement declaring that the grant has been awarded in response to the housing needs of communities within the sponsoring jurisdiction.
- (4) Unless otherwise specified in the grant agreement, as soon as practicable after the ordinance or resolution required under subsection (3) of this section becomes effective, the sponsoring jurisdiction shall distribute the loan proceeds received from the department under section 28 (2)(a)(A) of this 2024 Act to the developer as the grant moneys awarded under this section.
- (5) The sponsoring jurisdiction shall forward to the tax officers of the county in which the eligible housing project is located a copy of the grant agreement, the ordinance or resolution and any other material the sponsoring jurisdiction considers necessary for the tax officers to perform their duties under sections 24 to 35 of this 2024 Act or the ordinance or resolution.
- (6) Upon request, the department may assist the sponsoring jurisdiction with, or perform on behalf of the sponsoring jurisdiction, any duty required under this section.
- SECTION 30.** (1) Upon receipt of the copy of a grant agreement and ordinance or resolution from the sponsoring jurisdiction under section 29 (5) of this 2024 Act, the assessor of the county in which eligible housing project property is located shall:
- (a) Exempt the eligible housing project property in accordance with this section;
 - (b) Assess and tax the nonexempt property in the tax account as other similar property is assessed and taxed; and
 - (c) Submit a written report to the sponsoring jurisdiction setting forth the assessor's estimate of the amount of:
 - (A) The real market value of the exempt eligible housing project property; and
 - (B) The property taxes on the exempt eligible housing project property that would have been collected if the property were not exempt.
- (2)(a) The exemption shall first apply to the first property tax year that begins after completion of the eligible housing project to which the grant relates.
- (b) The eligible housing project property shall be disqualified from the exemption on the earliest of:
- (A) July 1 of the property tax year immediately succeeding the date on which the fee payment obligation under section 32 of this 2024 Act that relates to the eligible housing project is repaid in full;
 - (B) The date on which the annual fee imposed on the fee payer under section 32 of this 2024 Act becomes delinquent;
 - (C) The date on which foreclosure proceedings are commenced as provided by law for delinquent nonexempt taxes assessed with respect to the tax account that includes the eligible housing project; or
 - (D) The date on which a condition specified in section 33 (1) of this 2024 Act occurs.
- (c) After the eligible housing project property has been disqualified from the exemption under this subsection, the property shall be assessed and taxed as other similar property is assessed and taxed.
- (3) For each tax year that the eligible housing project property is exempt from taxation, the assessor shall enter a notation on the assessment roll stating:
- (a) That the property is exempt under this section; and
 - (b) The presumptive number of property tax years for which the exemption is granted, which shall be the term of the loan agreement relating to the eligible housing project set under section 26 (3)(c) of this 2024 Act.

SECTION 31. (1) Repayment of loans made under section 28 of this 2024 Act shall begin, in accordance with section 32 of this 2024 Act, after completion of the eligible housing project funded by the grant to which the loan relates.

(2)(a) The sponsoring jurisdiction shall determine the date of completion of an eligible housing project.

(b)(A) If an eligible housing project is completed before July 1 of the assessment year, repayment shall begin with the property tax year that begins on July 1 of the assessment year.

(B) If an eligible housing project is completed on or after July 1 of the assessment year, repayment shall begin with the property tax year that begins on July 1 of the succeeding assessment year.

(c) After determining the date of completion under paragraph (a) of this subsection, the sponsoring jurisdiction shall notify the Housing and Community Services Department and the county tax officers of the determination.

(3) A loan shall remain outstanding until repaid in full.

SECTION 32. (1) The fee payer for eligible housing project property that has been granted exemption under section 30 of this 2024 Act shall pay an annual fee for the term that shall be the presumptive number of years for which the property is granted exemption under section 30 (3)(b) of this 2024 Act.

(2)(a) The amount of the fee for the first property tax year in which repayment of the loan is due under section 31 (1) of this 2024 Act shall equal the total of:

(A) The portion of the increment determined under section 27 (1)(c) of this 2024 Act that is attributable to the eligible housing project property to which the fee relates; and

(B) The administrative costs described in section 28 (3) of this 2024 Act divided by the term of the grant agreement entered into under section 29 of this 2024 Act.

(b) For each subsequent property tax year, the amount of the fee shall be 103 percent of the amount of the fee for the preceding property tax year.

(3)(a) Not later than July 15 of each property tax year during the term of the fee obligation, the sponsoring jurisdiction shall certify to the assessor each fee amount that became due under this section on or after July 16 of the previous property tax year from fee payers with respect to eligible housing projects located in the sponsoring jurisdiction.

(b) The assessor shall place each fee amount on the assessment and tax rolls of the county and notify:

(A) The sponsoring jurisdiction of each fee amount and the aggregate of all fee amounts imposed with respect to eligible housing project property located in the sponsoring jurisdiction.

(B) The Housing and Community Services Department of each fee amount and the aggregate of all fee amounts with respect to all eligible housing project property located in the county.

(4)(a) The assessor shall include on the tax statement of each tax account that includes exempt eligible housing project property the amount of the fee imposed on the fee payer with respect to the eligible housing project property.

(b) The fee shall be collected and enforced in the same manner as ad valorem property taxes, including nonexempt taxes, are collected and enforced.

(5)(a) For each property tax year in which a fee is payable under this section, the treasurer shall:

(A) Estimate the amount of operating taxes as defined in ORS 310.055 and local option taxes as defined in ORS 310.202 levied by fire districts that would have been collected on eligible housing project property if the property were not exempt;

(B) Distribute out of the fee moneys the amounts determined under subparagraph (A) of this paragraph to the respective fire districts when other ad valorem property taxes are distributed under ORS 311.395; and

(C) Transfer the net fee moneys to the Housing and Community Services Department for deposit in the Housing Project Revolving Loan Fund established under section 35 of this 2024 Act in repayment of the loans to which the fees relate.

(b) Nonexempt taxes shall be distributed in the same manner as other ad valorem property taxes are distributed.

(6) Any person with an interest in the eligible housing project property on the date on which any fee amount becomes due shall be jointly and severally liable for payment of the fee amount.

(7) Any loan amounts that have not been repaid when the fee payer has discharged its obligations in full under this section remain the obligation of the sponsoring jurisdiction that obtained the loan from the department under section 28 of this 2024 Act.

(8) Any fee amounts collected in excess of the loan amount shall be distributed in the same manner as other ad valorem property taxes are distributed.

SECTION 33. (1)(a) A developer that received a grant award under section 29 of this 2024 Act shall become liable for immediate payment of any outstanding annual fee payments imposed under section 32 of this 2024 Act for the entire term of the fee if:

(A) The developer has not completed the eligible housing project within three years following the date on which the grant moneys were distributed to the developer;

(B) The eligible housing project changes substantially from the project for which the developer's application was approved such that the project would not have been eligible for the grant; or

(C) The developer has not complied with a requirement specified in the grant agreement.

(b) The sponsoring jurisdiction may, in its sole discretion, extend the date on which the eligible housing project must be completed.

(2) If the sponsoring jurisdiction discovers that a developer willfully made a false statement or misrepresentation or willfully failed to report a material fact to obtain a grant with respect to an eligible housing project, the sponsoring jurisdiction may impose on the developer a penalty not to exceed 20 percent of the amount of the grant so obtained, plus any applicable interest and fees associated with the costs of collection.

(3) Any amounts imposed under subsection (1) or (2) of this section shall be a lien on the eligible housing project property and the nonexempt property in the tax account.

(4) The sponsoring jurisdiction shall provide written notice of any amounts that become due under subsections (1) and (2) of this section to the county tax officers and the Housing and Community Services Department.

(5)(a) Any and all amounts required to be paid under this section shall be considered to be liquidated and delinquent, and the Housing and Community Services Department shall assign such amounts to the Department of Revenue for collection as provided in ORS 293.250.

(b) Amounts collected under this subsection shall be deposited, net of any collection charges, in the Housing Project Revolving Loan Fund established under section 35 of this 2024 Act.

SECTION 34. (1) Not later than June 30 of each year in which a grant agreement entered into under section 29 of this 2024 Act is in effect, a developer that is party to the agreement shall submit a report to the sponsoring jurisdiction in which the eligible housing project is located that contains:

(a) The status of the construction or conversion of the eligible housing project property, including an estimate of the date of completion;

(b) An itemized description of the uses of the grant moneys; and

(c) Any information the sponsoring jurisdiction considers important for evaluating the eligible housing project and the developer's performance under the terms of the grant agreement.

(2) Not later than August 15 of each year, each sponsoring jurisdiction shall submit to the Housing and Community Services Department a report containing such information re-

lating to eligible housing projects within the sponsoring jurisdiction as the department requires.

(3)(a) Not later than November 15 of each year, the department shall submit, in the manner required under ORS 192.245, a report to the interim committees of the Legislative Assembly related to housing.

(b) The report shall set forth in detail:

(A) The information received from sponsoring jurisdictions under subsection (2) of this section;

(B) The status of the repayment of all outstanding loans made under section 28 of this 2024 Act and of the payment of all fees imposed under section 32 of this 2024 Act and all amounts imposed under section 33 of this 2024 Act; and

(C) The cumulative experience of the program developed and implemented under sections 24 to 35 of this 2024 Act.

(c) The report may include recommendations for legislation.

SECTION 35. (1) The Housing Project Revolving Loan Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Housing Project Revolving Loan Fund shall be credited to the fund.

(2) Moneys in the fund may be invested as provided by ORS 293.701 to 293.857, and the earnings from the investments shall be credited to the fund.

(3) Moneys in the Housing Project Revolving Loan Fund shall consist of:

(a) Amounts appropriated or otherwise transferred or credited to the fund by the Legislative Assembly;

(b) Net fee moneys transferred under section 32 of this 2024 Act;

(c) Amounts deposited in the fund under section 33 of this 2024 Act;

(d) Interest and other earnings received on moneys in the fund; and

(e) Other moneys or proceeds of property from any public or private source that are transferred, donated or otherwise credited to the fund.

(4) Moneys in the Housing Project Revolving Loan Fund are continuously appropriated to the Housing and Community Services Department for the purpose of paying amounts determined under section 28 of this 2024 Act.

(5) Moneys in the Housing Project Revolving Loan Fund at the end of a biennium shall be retained in the fund and used for the purposes set forth in subsection (4) of this section.

SECTION 36. (1) The Housing and Community Services Department shall have developed and begun operating the loan program that the department is required to develop under section 28 of this 2024 Act, including regional trainings and outreach for jurisdictional partners, no later than June 30, 2025.

(2) In the first two years in which the loan program is operating, the department may not expend an amount in excess of two-thirds of the moneys appropriated to the department for the purpose under section 62 of this 2024 Act.

HOUSING LAND USE ADJUSTMENTS

SECTION 37. Sections 38 to 41 of this 2024 Act are added to and made a part of ORS chapter 197A.

SECTION 38. Mandatory adjustment to housing development standards. (1) As used in sections 38 to 41 of this 2024 Act:

(a) "Adjustment" means a deviation from an existing land use regulation.

(b) "Adjustment" does not include:

(A) A request to allow a use of property not otherwise permissible under applicable zoning requirements;

(B) Deviations from land use regulations or requirements related to accessibility, affordability, fire ingress or egress, safety, local tree codes, hazardous or contaminated site

clean-up, wildlife protection, or statewide land use planning goals relating to natural resources, natural hazards, the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes or ocean resources;

(C) A complete waiver of land use regulations or any changes beyond the explicitly requested and allowed adjustments; or

(D) Deviations to requirements related to the implementation of fire or building codes, federal or state air, water quality or surface, ground or stormwater requirements, or requirements of any federal, state or local law other than a land use regulation.

(2) Except as provided in section 39 of this 2024 Act, a local government shall grant a request for an adjustment in an application to develop housing as provided in this section. An application qualifies for an adjustment under this section only if the following conditions are met:

(a) The application is for a building permit or a quasi-judicial, limited or ministerial land use decision;

(b) The development is on lands zoned to allow for residential uses, including mixed-use residential;

(c) The residential development is for densities not less than those required under section 55 (3)(a)(C) of this 2024 Act;

(d) The development is within an urban growth boundary, not including lands that have not been annexed by a city;

(e) The development is of net new housing units in new construction projects, including:

(A) Single-family or multifamily;

(B) Mixed-use residential where at least 75 percent of the developed floor area will be used for residential uses;

(C) Manufactured dwelling parks;

(D) Accessory dwelling units; or

(E) Middle housing as defined in ORS 197A.420;

(f) The application requests not more than 10 distinct adjustments to development standards as provided in this section. A “distinct adjustment” means:

(A) An adjustment to one of the development standards listed in subsection (4) of this section where each discrete adjustment to a listed development standard that includes multiple component standards must be counted as an individual adjustment; or

(B) An adjustment to one of the development standards listed in subsection (5) of this section where each discrete adjustment to a listed development standard that includes multiple component standards must be counted as an individual adjustment; and

(g) The application states how at least one of the following criteria apply:

(A) The adjustments will enable development of housing that is not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations;

(B) The adjustments will enable development of housing that reduces the sale or rental prices per residential unit;

(C) The adjustments will increase the number of housing units within the application;

(D) All of the units in the application are subject to an affordable housing covenant as described in ORS 456.270 to 456.295, making them affordable to moderate income households as defined in ORS 456.270 for a minimum of 30 years;

(E) At least 20 percent of the units in the application are subject to an affordable housing covenant as described in ORS 456.270 to 456.295, making them affordable to low income households as defined in ORS 456.270 for a minimum of 60 years;

(F) The adjustments will enable the provision of accessibility or visitability features in housing units that are not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations; or

(G) All of the units in the application are subject to a zero equity, limited equity, or shared equity ownership model including resident-owned cooperatives and community land

trusts making them affordable to moderate income households as described in ORS 456.270 to 456.295 for a period of 90 years.

(3) A decision on an application for an adjustment made under this section is a limited land use decision. Only the applicant may appeal the decision. No notice of the decision is required if the application is denied, other than notice to the applicant. In implementing this subsection, a local government may:

(a) Use an existing process, or develop and apply a new process, that complies with the requirements of this subsection; or

(b) Directly apply the process set forth in this subsection.

(4) A local government shall grant an adjustment to the following development standards:

(a) Side or rear setbacks, for an adjustment of not more than 10 percent.

(b) For an individual development project, the common area, open space or area that must be landscaped on the same lot or parcel as the proposed housing, for a reduction of not more than 25 percent.

(c) Parking minimums.

(d) Minimum lot sizes, not more than a 10 percent adjustment, and including not more than a 10 percent adjustment to lot widths or depths.

(e) Maximum lot sizes, not more than a 10 percent adjustment, including not more than a 10 percent adjustment to lot width or depths and only if the adjustment results in:

(A) More dwelling units than would be allowed without the adjustment; and

(B) No reduction in density below the minimum applicable density.

(f) Building lot coverage requirements for up to a 10 percent adjustment.

(g) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multi-family housing and mixed-use residential housing:

(A) Requirements for bicycle parking that establish:

(i) The minimum number of spaces for use by the residents of the project, provided the application includes at least one-half space per residential unit; or

(ii) The location of the spaces, provided that lockable, covered bicycle parking spaces are within or adjacent to the residential development;

(B) For uses other than cottage clusters, as defined in ORS 197A.420 (1)(c)(D), building height maximums that:

(i) Are in addition to existing applicable height bonuses, if any; and

(ii) Are not more than an increase of the greater of:

(I) One story; or

(II) A 20 percent increase to base zone height with rounding consistent with methodology outlined in city code, if any;

(C) Unit density maximums, not more than an amount necessary to account for other adjustments under this section; and

(D) Prohibitions, for the ground floor of a mixed-use building, against:

(i) Residential uses except for one face of the building that faces the street and is within 20 feet of the street; and

(ii) Nonresidential active uses that support the residential uses of the building, including lobbies, day care, passenger loading, community rooms, exercise facilities, offices, activity spaces or live-work spaces, except for active uses in specifically and clearly defined mixed use areas or commercial corridors designated by local governments.

(5) A local government shall grant an adjustment to design standards that regulate:

(a) Facade materials, color or pattern.

(b) Facade articulation.

(c) Roof forms and materials.

(d) Entry and garage door materials.

(e) Garage door orientation, unless the building is adjacent to or across from a school or public park.

- (f) Window materials, except for bird-safe glazing requirements.
- (g) Total window area, for up to a 30 percent adjustment, provided the application includes at least 12 percent of the total facade as window area.
- (h) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multi-family housing and mixed-use residential:
 - (A) Building orientation requirements, not including transit street orientation requirements.
 - (B) Building height transition requirements, not more than a 50 percent adjustment from the base zone.
 - (C) Requirements for balconies and porches.
 - (D) Requirements for recesses and offsets.

SECTION 39. Mandatory adjustments exemption process. (1) A local government may apply to the Housing Accountability and Production Office for an exemption to section 38 of this 2024 Act only as provided in this section. After the application is made, section 38 of this 2024 Act does not apply to the applicant until the office denies the application or revokes the exemption.

(2) To qualify for an exemption under this section, the local government must demonstrate that:

- (a) The local government reviews requested design and development adjustments for all applications for the development of housing that are under the jurisdiction of that local government;
- (b) All listed development and design adjustments under section 38 (4) and (5) of this 2024 Act are eligible for an adjustment under the local government's process; and
- (c)(A) Within the previous 5 years the city has approved 90 percent of received adjustment requests; or
- (B) The adjustment process is flexible and accommodates project needs as demonstrated by testimonials of housing developers who have utilized the adjustment process within the previous five years.

(3) Upon receipt of an application under this section, the office shall allow for public comment on the application for a period of no less than 45 days. The office shall enter a final order on the adjustment exemption within 120 days of receiving the application. The approval of an application may not be appealed.

(4) In approving an exemption, the office may establish conditions of approval requiring that the city demonstrate that it continues to meet the criteria under subsection (2) of this section.

(5) Local governments with an approved or pending exemption under this section shall clearly and consistently notify applicants, including prospective applicants seeking to request an adjustment, that are engaged in housing development:

- (a) That the local government is employing a local process in lieu of section 38 of this 2024 Act;
- (b) Of the development and design standards for which an applicant may request an adjustment in a housing development application; and
- (c) Of the applicable criteria for the adjustment application.

(6) In response to a complaint and following an investigation, the office may issue an order revoking an exemption issued under this section if the office determines that the local government is:

- (a) Not approving adjustments as required by the local process or the terms of the exemption;
- (b) Engaging in a pattern or practice of violating housing-related statutes or implementing policies that create unreasonable cost or delays to housing production under ORS 197.320 (13)(a); or

(c) Failing to comply with conditions of approval adopted under subsection (4) of this section.

SECTION 40. Temporary exemption authority. Before January 1, 2025, notwithstanding section 39 of this 2024 Act:

(1) Cities may deliver applications for exemption under section 39 of this 2024 Act to the Department of Land Conservation and Development; and

(2) The Department of Land Conservation and Development may perform any action that the Housing Accountability and Production Office may take under section 39 of this 2024 Act. Decisions and actions of the department under this section are binding on the office.

SECTION 41. Reporting. (1) A city required to provide a report under ORS 197A.110 shall include as part of that report information reasonably requested from the Department of Land Conservation and Development on residential development produced through approvals of adjustments granted under section 38 of this 2024 Act. The department may not develop a separate process for collecting this data or otherwise place an undue burden on local governments.

(2) On or before September 15 of each even-numbered year, the department shall provide a report to an interim committee of the Legislative Assembly related to housing in the manner provided in ORS 192.245 on the data collected under subsection (1) of this section. The committee shall invite the League of Oregon Cities to provide feedback on the report and the efficacy of section 38 of this 2024 Act.

SECTION 42. Operative date. Sections 38 to 41 of this 2024 Act become operative on January 1, 2025.

SECTION 43. Sunset. Sections 38 to 41 of this 2024 Act are repealed on January 2, 2032.

LIMITED LAND USE DECISIONS

SECTION 44. ORS 197.015 is amended to read:

197.015. As used in ORS chapters 195, 196, 197 and 197A, unless the context requires otherwise:

(1) “Acknowledgment” means a commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro regional framework plan, amendments to Metro planning goals and objectives or amendments to the Metro regional framework plan comply with the goals.

(2) “Board” means the Land Use Board of Appeals.

(3) “Carport” means a stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

(4) “Commission” means the Land Conservation and Development Commission.

(5) “Comprehensive plan” means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. “Comprehensive” means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. “General nature” means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is “coordinated” when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. “Land” includes water, both surface and subsurface, and the air.

(6) “Department” means the Department of Land Conservation and Development.

(7) “Director” means the Director of the Department of Land Conservation and Development.

(8) “Goals” means the mandatory statewide land use planning standards adopted by the commission pursuant to ORS chapters 195, 196, 197 and 197A.

(9) "Guidelines" means suggested approaches designed to aid cities and counties in preparation, adoption and implementation of comprehensive plans in compliance with goals and to aid state agencies and special districts in the preparation, adoption and implementation of plans, programs and regulations in compliance with goals. Guidelines are advisory and do not limit state agencies, cities, counties and special districts to a single approach.

(10) "Land use decision":

(a) Includes:

(A) A final decision or determination made by a local government or special district that concerns the adoption, amendment or application of:

(i) The goals;

(ii) A comprehensive plan provision;

(iii) A land use regulation; or

(iv) A new land use regulation;

(B) A final decision or determination of a state agency other than the commission with respect to which the agency is required to apply the goals; or

(C) A decision of a county planning commission made under ORS 433.763;

(b) Does not include a decision of a local government:

(A) That is made under land use standards that do not require interpretation or the exercise of policy or legal judgment;

(B) That approves or denies a building permit issued under clear and objective land use standards;

(C) That is a limited land use decision;

(D) That determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility that is otherwise authorized by and consistent with the comprehensive plan and land use regulations;

(E) That is an expedited land division as described in ORS 197.360;

(F) That approves, pursuant to ORS 480.450 (7), the siting, installation, maintenance or removal of a liquefied petroleum gas container or receptacle regulated exclusively by the State Fire Marshal under ORS 480.410 to 480.460;

(G) That approves or denies approval of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan; or

(H) That a proposed state agency action subject to ORS 197.180 (1) is compatible with the acknowledged comprehensive plan and land use regulations implementing the plan, if:

(i) The local government has already made a land use decision authorizing a use or activity that encompasses the proposed state agency action;

(ii) The use or activity that would be authorized, funded or undertaken by the proposed state agency action is allowed without review under the acknowledged comprehensive plan and land use regulations implementing the plan; or

(iii) The use or activity that would be authorized, funded or undertaken by the proposed state agency action requires a future land use review under the acknowledged comprehensive plan and land use regulations implementing the plan;

(c) Does not include a decision by a school district to close a school;

(d) Does not include, except as provided in ORS 215.213 (13)(c) or 215.283 (6)(c), authorization of an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period; and

(e) Does not include:

(A) A writ of mandamus issued by a circuit court in accordance with ORS 215.429 or 227.179;

(B) Any local decision or action taken on an application subject to ORS 215.427 or 227.178 after a petition for a writ of mandamus has been filed under ORS 215.429 or 227.179; or

(C) A state agency action subject to ORS 197.180 (1), if:

(i) The local government with land use jurisdiction over a use or activity that would be authorized, funded or undertaken by the state agency as a result of the state agency action has already made a land use decision approving the use or activity; or

(ii) A use or activity that would be authorized, funded or undertaken by the state agency as a result of the state agency action is allowed without review under the acknowledged comprehensive plan and land use regulations implementing the plan.

(11) "Land use regulation" means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan.

(12)(a) "Limited land use decision"[:]

[(a)] means a final decision or determination made by a local government pertaining to a site within an urban growth boundary that concerns:

(A) The approval or denial of a tentative subdivision or partition plan, as described in ORS 92.040 (1).

(B) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

(C) The approval or denial of an application for a replat.

(D) The approval or denial of an application for a property line adjustment.

(E) The approval or denial of an application for an extension, alteration or expansion of a nonconforming use.

(b) "**Limited land use decision**" does not mean a final decision made by a local government pertaining to a site within an urban growth boundary that concerns approval or denial of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.

(13) "Local government" means any city, county or Metro or an association of local governments performing land use planning functions under ORS 195.025.

(14) "Metro" means a metropolitan service district organized under ORS chapter 268.

(15) "Metro planning goals and objectives" means the land use goals and objectives that Metro may adopt under ORS 268.380 (1)(a). The goals and objectives do not constitute a comprehensive plan.

(16) "Metro regional framework plan" means the regional framework plan required by the 1992 Metro Charter or its separate components. Neither the regional framework plan nor its individual components constitute a comprehensive plan.

(17) "New land use regulation" means a land use regulation other than an amendment to an acknowledged land use regulation adopted by a local government that already has a comprehensive plan and land regulations acknowledged under ORS 197.251.

(18) "Person" means any individual, partnership, corporation, association, governmental subdivision or agency or public or private organization of any kind. The Land Conservation and Development Commission or its designee is considered a person for purposes of appeal under ORS chapters 195, 197 and 197A.

(19) "Special district" means any unit of local government, other than a city, county, Metro or an association of local governments performing land use planning functions under ORS 195.025, authorized and regulated by statute and includes but is not limited to water control districts, domestic water associations and water cooperatives, irrigation districts, port districts, regional air quality control authorities, fire districts, school districts, hospital districts, mass transit districts and sanitary districts.

(20) "Urban growth boundary" means an acknowledged urban growth boundary contained in a city or county comprehensive plan or adopted by Metro under ORS 268.390 (3).

(21) "Urban unincorporated community" means an area designated in a county's acknowledged comprehensive plan as an urban unincorporated community after December 5, 1994.

(22) "Voluntary association of local governments" means a regional planning agency in this state officially designated by the Governor pursuant to the federal Office of Management and Budget Circular A-95 as a regional clearinghouse.

(23) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

SECTION 45. ORS 197.195 is amended to read:

197.195. (1) A limited land use decision shall be consistent with applicable provisions of city or county comprehensive plans and land use regulations. Such a decision may include conditions authorized by law. Within two years of September 29, 1991, cities and counties shall incorporate all comprehensive plan standards applicable to limited land use decisions into their land use regulations. A decision to incorporate all, some, or none of the applicable comprehensive plan standards into land use regulations shall be undertaken as a post-acknowledgment amendment under ORS 197.610 to 197.625. If a city or county does not incorporate its comprehensive plan provisions into its land use regulations, the comprehensive plan provisions may not be used as a basis for a decision by the city or county or on appeal from that decision.

(2) A limited land use decision is not subject to the requirements of ORS 197.797.

(3) A limited land use decision is subject to the requirements of paragraphs (a) to (c) of this subsection.

(a) In making a limited land use decision, the local government shall follow the applicable procedures contained within its acknowledged comprehensive plan and land use regulations and other applicable legal requirements.

(b) For limited land use decisions, the local government shall provide written notice to owners of property within 100 feet of the entire contiguous site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(c) The notice and procedures used by local government shall:

(A) Provide a 14-day period for submission of written comments prior to the decision;

(B) State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;

(C) List, by commonly used citation, the applicable criteria for the decision;

(D) Set forth the street address or other easily understood geographical reference to the subject property;

(E) State the place, date and time that comments are due;

(F) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;

(G) Include the name and phone number of a local government contact person;

(H) Provide notice of the decision to the applicant and any person who submits comments under subparagraph (A) of this paragraph. The notice of decision must include an explanation of appeal rights; and

(I) Briefly summarize the local decision making process for the limited land use decision being made.

(4) Approval or denial of a limited land use decision shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

(5) A local government may provide for a hearing before the local government on appeal of a limited land use decision under this section. The hearing may be limited to the record developed pursuant to the initial hearing under subsection (3) of this section or may allow for the introduction

of additional testimony or evidence. A hearing on appeal that allows the introduction of additional testimony or evidence shall comply with the requirements of ORS 197.797. Written notice of the decision rendered on appeal shall be given to all parties who appeared, either orally or in writing, before the hearing. The notice of decision shall include an explanation of the rights of each party to appeal the decision.

(6) A city shall apply the procedures in this section, and only the procedures in this section, to a limited land use decision, even if the city has not incorporated limited land use decisions into land use regulations, as required by ORS 197.646 (3), except that a limited land use decision that is made under land use standards that do not require interpretation or the exercise of policy or legal judgment may be made by city staff using a ministerial process.

SECTION 45a. Section 46 of this 2024 Act is added to and made a part of ORS chapter 197.

SECTION 46. Applicability of limited land use decision to housing development. (1) The Housing Accountability and Production Office may approve a hardship exemption or time extension to ORS 197.195 (6), during which time ORS 197.195 (6) does not apply to decisions by a local government.

(2) The office may grant an exemption or time extension only if the local government demonstrates that a substantial hardship would result from the increased costs or staff capacity needed to implement procedures as required under ORS 197.195 (6).

(3) The office shall review exemption or time extension requests under the deadlines provided in section 39 (3) of this 2024 Act.

SECTION 47. Sunset. Section 46 of this 2024 Act is repealed on January 2, 2032.

SECTION 47a. Operative date. Section 46 of this 2024 Act and the amendments to ORS 197.015 and 197.195 by sections 44 and 45 of this 2024 Act become operative on January 1, 2025.

ONE-TIME SITE ADDITIONS TO URBAN GROWTH BOUNDARIES

SECTION 48. Sections 49 to 59 of this 2024 Act are added to and made a part of ORS chapter 197A.

SECTION 49. Definitions. As used in sections 49 to 59 of this 2024 Act:

(1) “Net residential acre” means an acre of residentially designated buildable land, not including rights of way for streets, roads or utilities or areas not designated for development due to natural resource protections or environmental constraints.

(2) “Site” means a lot or parcel or contiguous lots or parcels, or both, with or without common ownership.

SECTION 50. City addition of sites outside of Metro. (1) Notwithstanding any other provision of ORS chapter 197A, a city outside of Metro may add a site to the city’s urban growth boundary under sections 49 to 59 of this 2024 Act, if:

(a) The site is adjacent to the existing urban growth boundary of the city or is separated from the existing urban growth boundary by only a street or road;

(b) The site is:

(A) Designated as an urban reserve under ORS 197A.230 to 197A.250, including a site whose designation is adopted under ORS 197.652 to 197.658;

(B) Designated as nonresource land; or

(C) Subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland;

(c) The city has not previously adopted an urban growth boundary amendment or exchange under sections 49 to 59 of this 2024 Act;

(d) The city has demonstrated a need for the addition under section 52 of this 2024 Act;

(e) The city has requested and received an application as required under sections 53 and 54 of this 2024 Act;

(f) The total acreage of the site:

(A) For a city with a population of 25,000 or greater, does not exceed 100 net residential acres; or

(B) For a city with a population of less than 25,000, does not exceed 50 net residential acres; and

(g)(A) The city has adopted a binding conceptual plan for the site that satisfies the requirements of section 55 of this 2024 Act; or

(B) The added site does not exceed 15 net residential acres and satisfies the requirements of section 56 of this 2024 Act.

(2) A county shall approve an amendment to an urban growth boundary made under this section that complies with sections 49 to 59 of this 2024 Act and shall cooperate with a city to facilitate the coordination of functions under ORS 195.020 to facilitate the city's annexation and the development of the site. The county's decision is not a land use decision.

(3) Notwithstanding ORS 197.626, an action by a local government under sections 49 to 59 of this 2024 Act is not a land use decision as defined in ORS 197.015.

SECTION 51. Petition for additions of sites to Metro urban growth boundary. (1) A city within Metro may petition Metro to add a site within the Metro urban growth boundary if the site:

(a) Satisfies the requirements of section 50 (1) of this 2024 Act; and

(b) Is designated as an urban reserve.

(2)(a) Within 120 days of receiving a petition under this section, Metro shall determine whether the site would substantially comply with the applicable provisions of sections 49 to 59 of this 2024 Act.

(b) If Metro determines that a petition does not substantially comply, Metro shall:

(A) Notify the city of deficiencies in the petition, specifying sufficient detail to allow the city to remedy any deficiency in a subsequent resubmittal; and

(B) Allow the city to amend its conceptual plan and resubmit it as a petition to Metro under this section.

(c) If Metro determines that a petition does comply, notwithstanding any other provision of ORS chapter 197A, Metro shall adopt amendments to its urban growth boundary to include the site in the petition, unless the amendment would result in more than 300 total net residential acres added under this subsection.

(3) If the net residential acres included in petitions that Metro determines are in compliance on or before July 1, 2025, total less than 300 net residential acres, Metro shall adopt amendments to its urban growth boundary under subsection (2)(c) of this section:

(a) On or before November 1, 2025, for all petitions deemed compliant on or before July 1, 2025; or

(b) Within 120 days after a petition is deemed compliant after July 1, 2025, in the order in which the petitions are received.

(4) If the net residential acres included in petitions that Metro determines are in compliance on or before July 1, 2025, total 300 or more net residential acres, on or before January 1, 2027, Metro shall adopt amendments to its urban growth boundary under subsection (2)(c) of this section to include the sites in those petitions that Metro determines will:

(a) Best comply with the provisions of section 55 of this 2024 Act; and

(b) Maximize the development of needed housing.

(5) Metro may not conduct a hearing to review or select petitions or adopt amendments to its urban growth boundary under this section.

SECTION 52. City demonstration of need. A city may not add, or petition to add, a site under sections 49 to 59 of this 2024 Act, unless:

(1) The city has demonstrated a need for additional land based on the following factors:

(a)(A) In the previous 20 years there have been no urban growth boundary expansions for residential use adopted by a city or by Metro in a location adjacent to the city; and

(B) The city does not have within the existing urban growth boundary an undeveloped, contiguous tract that is zoned for residential use that is larger than 20 net residential acres; or

(b) Within urban growth boundary expansion areas for residential use adopted by the city over the previous 20 years, or by Metro in locations adjacent to the city, 75 percent of the lands either:

(A) Are developed; or

(B) Have an acknowledged comprehensive plan with land use designations in preparation for annexation and have a public facilities plan and associated financing plan.

(2) The city has demonstrated a need for affordable housing, based on:

(a) Having a greater percentage of severely cost-burdened households than the average for this state based on the Comprehensive Housing Affordability Strategy data from the United States Department of Housing and Urban Development; or

(b) At least 25 percent of the renter households in the city being severely rent burdened as indicated under the most recent housing equity indicator data under ORS 456.602 (2)(g).

SECTION 53. City solicitation of site applications. (1) Before a city may select a site for inclusion within the city's or Metro's urban growth boundary under sections 49 to 59 of this 2024 Act, a city must provide public notice that includes:

(a) The city's intention to select a site for inclusion within the city's urban growth boundary.

(b) Each basis under which the city has determined that it qualifies to include a site under section 52 of this section.

(c) A deadline for submission of applications under this section that is at least 45 days following the date of the notice.

(d) A description of the information, form and format required of an application, including the requirements of section 55 (2) of this 2024 Act.

(2) A copy of the notice of intent under this section must be provided to:

(a) Each county in which the city resides;

(b) Each special district providing urban services within the city's urban growth boundary;

(c) The Department of Land Conservation and Development; and

(d) Metro, if the city is within Metro.

SECTION 54. City review of site applications. (1) After the deadline for submission of applications established under section 55 of this 2024 Act, the city shall:

(a) Review applications filed for compliance with sections 49 to 59 of this 2024 Act.

(b) For each completed application that complies with sections 49 to 59 of this 2024 Act, provide notice to the residents of the proposed site area who were not signatories to the application.

(c) Provide opportunities for public participation in selecting a site, including, at least:

(A) One public comment period;

(B)(i) One meeting of the city's planning commission at which public testimony is considered;

(ii) One meeting of the city's council at which public testimony is considered; or

(iii) One public open house; and

(C) Notice on the city's website or published in a paper of record at least 14 days before:

(i) A meeting under subparagraph (B) of this paragraph; and

(ii) The beginning of a comment period under subparagraph (A) of this paragraph.

(d) Consult with, request necessary information from and provide the opportunity for written comment from:

(A) The owners of each lot or parcel within the site;

(B) If the city does not currently exercise land use jurisdiction over the entire site, the governing body of each county with land use jurisdiction over the site;

- (C) Any special district that provides urban services to the site; and
- (D) Any public or private utility that provides utilities to the site.
- (2) An application filed under this section must:
 - (a) Be completed for each property owner or group of property owners that are proposing an urban growth boundary amendment under sections 49 to 59 of this 2024 Act;
 - (b) Be in writing in a form and format as required by the city;
 - (c) Specify the lots or parcels that are the subject of the application;
 - (d) Be signed by all owners of lots or parcels included within the application; and
 - (e) Include each owner's signed consent to annexation of the properties if the site is added to the urban growth boundary.
- (3) If the city has received approval from all property owners of such lands, in writing in a form and format specified by the city, the governing body of the city may select an application and the city shall adopt a conceptual plan as described in section 55 of this 2024 Act for all or a portion of the lands contained within the application.
- (4) A conceptual plan adopted under subsection (3) of this section must include findings identifying reasons for inclusion of lands within the conceptual plan and reasons why lands, if any, submitted as part of an application that was partially approved were not included within the conceptual plan.

SECTION 55. Conceptual plan for added sites. (1) As used in this section:

- (a) "Affordable units" means residential units described in subsection (3)(f)(A) or (4) of this section.
- (b) "Market rate units" means residential units other than affordable units.
- (2) Before adopting an urban growth boundary amendment under section 50 of this 2024 Act or petitioning Metro under section 51 of this 2024 Act, for a site larger than 15 net residential acres, a city shall adopt a binding conceptual plan as an amendment to its comprehensive plan.
- (3) The conceptual plan must:
 - (a) Establish the total net residential acres within the site and must require for those residential areas:
 - (A) A diversity of housing types and sizes, including middle housing, accessible housing and other needed housing;
 - (B) That the development will be on lands zoned for residential or mixed-use residential uses; and
 - (C) The development will be built at net residential densities not less than:
 - (i) Seventeen dwelling units per net residential acre if sited within the Metro urban growth boundary;
 - (ii) Ten units per net residential acre if sited in a city with a population of 30,000 or greater;
 - (iii) Six units per net residential acre if sited in a city with a population of 2,500 or greater and less than 30,000; or
 - (iv) Five units per net residential acre if sited in a city with a population less than 2,500;
 - (b) Designate within the site:
 - (A) Recreation and open space lands; and
 - (B) Lands for commercial uses, either separate or as a mixed use, that:
 - (i) Primarily serve the immediate surrounding housing;
 - (ii) Provide goods and services at a smaller scale than provided on typical lands zoned for commercial use; and
 - (iii) Are provided at the minimum amount necessary to support and integrate viable commercial and residential uses;
 - (c) If the city has a population of 5,000 or greater, include a transportation network for the site that provides diverse transportation options, including walking, bicycling and transit use if public transit services are available, as well as sufficient connectivity to existing and

planned transportation network facilities as shown in the local government's transportation system plan as defined in Land Conservation and Development Commission rules;

(d) Demonstrate that protective measures will be applied to the site consistent with the statewide land use planning goals for:

- (A) Open spaces, scenic and historic areas or natural resources;
- (B) Air, water and land resources quality;
- (C) Areas subject to natural hazards;
- (D) The Willamette River Greenway;
- (E) Estuarine resources;
- (F) Coast shorelands; or
- (G) Beaches and dunes;

(e) Include a binding agreement among the city, each owner within the site and any other necessary public or private utility provider, local government or district, as defined in ORS 195.060, or combination of local governments and districts that the site will be served with all necessary urban services as defined in ORS 195.065, or an equivalent assurance; and

(f) Include requirements that ensure that:

(A) At least 30 percent of the residential units are subject to affordability restrictions, including but not limited to affordable housing covenants, as described in ORS 456.270 to 456.295, that require for a period of not less than 60 years that the units be:

(i) Available for rent, with or without government assistance, by households with an income of 80 percent or less of the area median income as defined in ORS 456.270; or

(ii) Available for purchase, with or without government assistance, by households with an income of 130 percent or less of the area median income;

(B) The construction of all affordable units has commenced before the city issues certificates of occupancy to the last 15 percent of market rate units;

(C) All common areas and amenities are equally available to residents of affordable units and of market rate units and properties designated for affordable units are dispersed throughout the site; and

(D) The requirement for affordable housing units is recorded before the building permits are issued for any property within the site, and the requirements contain financial penalties for noncompliance.

(4) A city may require greater affordability requirements for residential units than are required under subsection (3)(f)(A) of this section, provided that the city significantly and proportionally offsets development costs related to:

- (a) Permits or fees;
- (b) System development charges;
- (c) Property taxes; or
- (d) Land acquisition and predevelopment costs.

SECTION 56. Alternative for small additions. (1) A city that intends to add 15 net residential acres or less is not required to adopt a conceptual plan under section 55 of this 2024 Act if the city has entered into:

(a) Enforceable and recordable agreements with each landowner of a property within the site to ensure that the site will comply with the affordability requirements described in section 55 (3)(f) of this 2024 Act; and

(b) A binding agreement with each owner within the site and any other necessary public or private utility provider, local government or district, as defined in ORS 195.060, or combination of local governments and districts to ensure that the site will be served with all necessary urban services as defined in ORS 195.065.

(2) This section does not apply to a city within Metro.

SECTION 57. Department approval of site additions. (1) Within 21 days after the adoption of an amendment to an urban growth boundary or the adoption or amendment of a conceptual plan under sections 49 to 59 of this 2024 Act, and the approval by a county if required

under section 50 (2) of this 2024 Act, the conceptual plan or amendment must be submitted to the Department of Land Conservation and Development for review. The submission must be made by:

- (a) The city, for an amendment under section 50 or 58 of this 2024 Act; or
- (b) Metro, for an amendment under section 51 or 58 of this 2024 Act.

(2) Within 60 days after receiving a submittal under subsection (1) of this section, the department shall:

(a) Review the submittal for compliance with the provisions of sections 49 to 59 of this 2024 Act.

(b)(A) If the submittal substantially complies with the provisions of sections 49 to 59 of this 2024 Act, issue an order approving the submittal; or

(B) If the submittal does not substantially comply with the provisions of sections 49 to 59 of this 2024 Act, issue an order remanding the submittal to the city or to Metro with a specific determination of deficiencies in the submittal and with sufficient detail to identify a specific remedy for any deficiency in a subsequent resubmittal.

(3) If a conceptual plan is remanded to Metro under subsection (2)(b) of this section:

(a) The department shall notify the city; and

(b) The city may amend its conceptual plan and resubmit a petition to Metro under section 51 of this 2024 Act.

(4) Judicial review of the department's order:

(a) Must be as a review of orders other than a contested case under ORS 183.484; and

(b) May be initiated only by the city or an owner of a proposed site.

(5) Following the approval of a submittal under this section, a local government must include the added lands in any future inventory of buildable lands or determination of housing capacity under ORS 197A.270, 197A.280, 197A.335 or 197A.350.

SECTION 58. Alternative urban growth boundary land exchange. (1) In lieu of amending its urban growth boundary under any other process provided by sections 49 to 59 of this 2024 Act, Metro or a city outside of Metro may amend its urban growth boundary to add one or more sites described in section 51 (1)(a) and (b) of this 2024 Act to the urban growth boundary and to remove one or more tracts of land from the urban growth boundary as provided in this section.

(2) The acreage of the added site and removed lands must be roughly equivalent.

(3) The removed lands must have been zoned for residential uses.

(4) The added site must be zoned for residential uses at the same or greater density than the removed lands.

(5)(a) Except as provided in paragraph (b) of this subsection, land may be removed from an urban growth boundary under this section without landowner consent.

(b) A landowner may not appeal the removal of the landowner's land from an urban growth boundary under this section unless the landowner agrees to enter into a recorded agreement with Metro or the city in which the landowner would consent to annexation and development of the land within 20 years if the land remains in the urban growth boundary.

(6) Review of an exchange of lands made under this section may only be made by:

(a) For cities outside of Metro, the county as provided in section 50 (2) of this 2024 Act and by the Department of Land Conservation and Development, subject to judicial review, as provided in section 57 of this 2024 Act; or

(b) For Metro, the Department of Land Conservation and Development, subject to judicial review, as provided in section 57 of this 2024 Act.

(7) Sections 50 (1)(d) to (g), 52, 53, 54, 55 and 56 of this 2024 Act do not apply to a site addition made under this section.

SECTION 59. Reporting on added sites. A city for which an amendment was made to an urban growth boundary and approved under sections 49 to 59 of this 2024 Act shall submit a

report describing the status of development within the included area to the Department of Land Conservation and Development every two years until:

- (1) January 2, 2033; or
- (2) The city determines that development consistent with the acknowledged conceptual plan is deemed complete.

SECTION 60. Sunset. Sections 49 to 59 of this 2024 Act are repealed on January 2, 2033.

APPROPRIATIONS

SECTION 61. Appropriation and expenditure limitation to Department of Land Conservation and Development. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium ending June 30, 2025, out of the General Fund, the amount of \$5,629,017, for deposit into the Housing Accountability and Production Office Fund, established under section 4 of this 2024 Act, to take any action to implement sections 1 to 5, 16, 38 to 41, 46 and 49 to 59 of this 2024 Act and the amendments to ORS 183.471, 197.015, 197.195, 197.335, 215.427 and 227.178 by sections 8, 9, 44, 45, 64 and 65 of this 2024 Act.

(2) In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium ending June 30, 2025, out of the General Fund, the amount of \$5,000,000, for deposit into the Housing Accountability and Production Office Fund, established under section 4 of this 2024 Act, for the Housing Accountability and Production Office, established under section 1 of this 2024 Act, to provide technical assistance, including grants, under section 1 (2) of this 2024 Act and to provide required studies under section 5 of this 2024 Act.

(3) Notwithstanding any other law limiting expenditures, the amount of \$10,629,017 is established for the biennium ending June 30, 2025, as the maximum amount for payment of expenses by the Department of Land Conservation and Development from the Housing Accountability and Production Office Fund established under section 4 of this 2024 Act.

SECTION 62. Appropriation and expenditure limitation to Housing and Community Services Department. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Housing and Community Services Department, for the biennium ending June 30, 2025, out of the General Fund, the amount of \$75,000,000, for deposit into the Housing Project Revolving Loan Fund established under section 35 of this 2024 Act.

(2) Notwithstanding any other provision of law, the General Fund appropriation made to the Housing and Community Services Department by section 1, chapter 390, Oregon Laws 2023, for the biennium ending June 30, 2025, is increased by \$878,071 for administrative expenses related to the Housing Project Revolving Loan Fund established under section 35 of this 2024 Act.

(3) Notwithstanding any other law limiting expenditures, the amount of \$24,750,000 is established for the biennium ending June 30, 2025, as the maximum amount for payment of expenses by the Housing and Community Services Department from the Housing Project Revolving Loan Fund established under section 35 of this 2024 Act.

SECTION 63. Appropriation and expenditure limitation to Oregon Business Development Department. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Business Development Department, for the biennium ending June 30, 2025, out of the General Fund, the amount of \$3,000,000, for deposit into the Housing Infrastructure Support Fund established under section 14 of this 2024 Act.

(2) Notwithstanding any other law limiting expenditures, the amount of \$3,000,000 is established for the biennium ending June 30, 2025, as the maximum amount for payment of expenses by the Oregon Business Development Department from the Housing Infrastructure Support Fund established under section 14 of this 2024 Act.

SECTION 63a. Expenditure limitation to Department of Consumer and Business Services. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 1 (6), chapter 354, Oregon Laws 2023, for the biennium ending June 30, 2025, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of Consumer and Business Services, for Building Codes Division, is increased by \$296,944, to support operations of the Housing Accountability and Production Office established under section 1 of this 2024 Act.

CONFORMING AMENDMENTS

SECTION 64. ORS 197.335, as amended by section 17, chapter 13, Oregon Laws 2023, is amended to read:

197.335. (1) *[An order issued under ORS 197.328 and the copy of the order mailed]* **The Land Conservation and Development Commission shall mail a copy of an enforcement order** to the local government, state agency or special district. **An order** must set forth:

(a) The nature of the noncompliance, including, but not limited to, the contents of the comprehensive plan or land use regulation, if any, of a local government that do not comply with the goals or the contents of a plan, program or regulation affecting land use adopted by a state agency or special district that do not comply with the goals. In the case of a pattern or practice of decision-making, the order must specify the decision-making that constitutes the pattern or practice, including specific provisions the *[Land Conservation and Development]* commission believes are being misapplied.

(b) The specific lands, if any, within a local government for which the existing plan or land use regulation, if any, does not comply with the goals.

(c) The corrective action decided upon by the commission, including the specific requirements, with which the local government, state agency or special district must comply. In the case of a pattern or practice of decision-making, the commission may require revisions to the comprehensive plan, land use regulations or local procedures which the commission believes are necessary to correct the pattern or practice. Notwithstanding the provisions of this section, except as provided in subsection (3)(c) of this section, an enforcement order does not affect:

(A) Land use applications filed with a local government prior to the date of adoption of the enforcement order unless specifically identified by the order;

(B) Land use approvals issued by a local government prior to the date of adoption of the enforcement order; or

(C) The time limit for exercising land use approvals issued by a local government prior to the date of adoption of the enforcement order.

(2) Judicial review of a final order of the commission is governed by the provisions of ORS chapter 183 applicable to contested cases except as otherwise stated in this section. The commission's final order must include a clear statement of findings which set forth the basis for the order. Where a petition to review the order has been filed in the Court of Appeals, the commission shall transmit to the court the entire administrative record of the proceeding under review. Notwithstanding ORS 183.482 (3) relating to a stay of enforcement of an agency order, an appellate court, before it may stay an order of the commission, shall give due consideration to the public interest in the continued enforcement of the commission's order and may consider testimony or affidavits thereon. Upon review, an appellate court may affirm, reverse, modify or remand the order. The court shall reverse, modify or remand the order only if it finds:

(a) The order to be unlawful in substance or procedure, but an error in procedure is not cause for reversal, modification or remand unless the court finds that substantial rights of any party were prejudiced thereby;

(b) The order to be unconstitutional;

(c) The order is invalid because it exceeds the statutory authority of the agency; or

(d) The order is not supported by substantial evidence in the whole record.

(3)(a) If the commission finds that in the interim period during which a local government, state agency or special district would be bringing itself into compliance with the commission's order [under ORS 197.320 or subsection (2) of this section] it would be contrary to the public interest in the conservation or sound development of land to allow the continuation of some or all categories of land use decisions or limited land use decisions, it shall, as part of its order, limit, prohibit or require the approval by the local government of applications for subdivisions, partitions, building permits, limited land use decisions or land use decisions until the plan, land use regulation or subsequent land use decisions and limited land use decisions are brought into compliance. The commission may issue an order that requires review of local decisions by a hearings officer or the Department of Land Conservation and Development before the local decision becomes final.

(b) Any requirement under this subsection may be imposed only if the commission finds that the activity, if continued, aggravates the goal, comprehensive plan or land use regulation violation and that the requirement is necessary to correct the violation.

(c) The limitations on enforcement orders under subsection (1)(c)(B) of this section do not affect the commission's authority to limit, prohibit or require application of specified criteria to subsequent land use decisions involving land use approvals issued by a local government prior to the date of adoption of the enforcement order.

(4) As part of its order [under ORS 197.320 or subsection (2) of this section], the commission may withhold grant funds from the local government to which the order is directed. As part of an order issued under this section, the commission may notify the officer responsible for disbursing state-shared revenues to withhold that portion of state-shared revenues to which the local government is entitled under ORS 221.770, 323.455, 366.762 and 366.800 and ORS chapter 471 which represents the amount of state planning grant moneys previously provided the local government by the commission. The officer responsible for disbursing state-shared revenues shall withhold state-shared revenues as outlined in this section and shall release funds to the local government or department when notified to do so by the commission or its designee. The commission may retain a portion of the withheld revenues to cover costs of providing services incurred under the order, including use of a hearings officer or staff resources to monitor land use decisions and limited land use decisions or conduct hearings. The remainder of the funds withheld under this provision shall be released to the local government upon completion of requirements of the [commission] **enforcement** order.

(5)(a) As part of its order under this section, the commission may notify the officer responsible for disbursing funds from any grant or loan made by a state agency to withhold such funds from a special district to which the order is directed. The officer responsible for disbursing funds shall withhold funds as outlined in this section and shall release funds to the special district or department when notified to do so by the commission.

(b) The commission may retain a portion of the funds withheld to cover costs of providing services incurred under the order, including use of a hearings officer or staff resources to monitor land use decisions and limited land use decisions or conduct hearings. The remainder of the funds withheld under this provision shall be released to the special district upon completion of the requirements of the commission order.

(6) As part of its order under this section, upon finding a city failed to comply with ORS 197.320 (13), the commission may, consistent with the principles in ORS 197A.130 (1), require the city to:

(a) Comply with the housing acceleration agreement under ORS 197A.130 (6).

(b) Take specific actions that are part of the city's housing production strategy under ORS 197A.100.

(c) Impose appropriate models that have been developed by department, including model ordinances, procedures, actions or anti-displacement measures.

(d) Reduce maximum timelines for review of needed housing or specific types of housing or affordability levels, [including] through ministerial approval or any other expedited existing approval process.

(e) Take specific actions to waive or amend local ordinances.

(f) Forfeit grant funds under subsection (4) of this section.

(7) The commission may institute actions or proceedings for legal or equitable remedies in the Circuit Court for Marion County or in the circuit court for the county to which the [commission's] order is directed or within which all or a portion of the applicable city is located to enforce compliance with the provisions of any order issued under this section or to restrain violations thereof. Such actions or proceedings may be instituted without the necessity of prior agency notice, hearing [and] or order on an alleged violation.

(8) As used in this section, "enforcement order" or "order" means an order issued under ORS 197.320 or section 3 of this 2024 Act as may be modified on appeal under subsection (2) of this section.

SECTION 65. ORS 183.471 is amended to read:

183.471. (1) When an agency issues a final order in a contested case, the agency shall maintain the final order in a digital format that:

(a) Identifies the final order by the date it was issued;

(b) Is suitable for indexing and searching; and

(c) Preserves the textual attributes of the document, including the manner in which the document is paginated and any boldfaced, italicized or underlined writing in the document.

(2) The Oregon State Bar may request that an agency provide the Oregon State Bar, or its designee, with electronic copies of final orders issued by the agency in contested cases. The request must be in writing. No later than 30 days after receiving the request, the agency, subject to ORS 192.338, 192.345 and 192.355, shall provide the Oregon State Bar, or its designee, with an electronic copy of all final orders identified in the request.

(3) Notwithstanding ORS 192.324, an agency may not charge a fee for the first two requests submitted under this section in a calendar year. For any subsequent request, an agency may impose a fee in accordance with ORS 192.324 to reimburse the agency for the actual costs of complying with the request.

(4) For purposes of this section, a final order entered in a contested case by an administrative law judge under ORS 183.625 (3) is a final order issued by the agency that authorized the administrative law judge to conduct the hearing.

(5) This section does not apply to final orders by default issued under ORS 183.417 (3) or to final orders issued in contested cases by:

(a) The Department of Revenue;

(b) The State Board of Parole and Post-Prison Supervision;

(c) The Department of Corrections;

(d) The Employment Relations Board;

(e) The Public Utility Commission of Oregon;

(f) The Oregon Health Authority;

(g) The Land Conservation and Development Commission, **except for enforcement orders under section 3 of this 2024 Act;**

(h) The Land Use Board of Appeals;

(i) The Division of Child Support of the Department of Justice;

(j) The Department of Transportation, if the final order relates to the suspension, revocation or cancellation of identification cards, vehicle registrations, vehicle titles or driving privileges or to the assessment of taxes or stipulated settlements in the regulation of vehicle related businesses;

(k) The Employment Department or the Employment Appeals Board, if the final order relates to benefits as defined in ORS 657.010;

(L) The Employment Department, if the final order relates to an assessment of unemployment tax for which a hearing was not held;

(m) The Employment Department, if the final order relates to:

(A) Benefits, as defined in ORS 657B.010;

(B) Employer and employee contributions under ORS 657B.150 for which a hearing was not held;

(C) Employer-offered benefit plans approved under ORS 657B.210 or terminated under ORS 657B.220; or

(D) Employer assistance grants under ORS 657B.200; or

(n) The Department of Human Services, if the final order was not related to licensing or certification.

SECTION 66. ORS 455.770 is amended to read:

455.770. (1) In addition to any other authority and power granted to the Director of the Department of Consumer and Business Services under ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.995 and 480.510 to 480.670 and this chapter and ORS chapters 447, 460 and 693 **and sections 1 to 5 of this 2024 Act**, with respect to municipalities, building officials and inspectors, if the director has reason to believe that there is a failure to enforce or a violation of any provision of the state building code or ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.995 or 480.510 to 480.670 or this chapter or ORS chapter 447, 460 or 693 or any rule adopted under those statutes, the director may:

(a) Examine building code activities of the municipality;

(b) Take sworn testimony; and

(c) With the authorization of the Office of the Attorney General, subpoena persons and records to obtain testimony on official actions that were taken or omitted or to obtain documents otherwise subject to public inspection under ORS 192.311 to 192.478.

(2) The investigative authority authorized in subsection (1) of this section covers the violation or omission by a municipality related to enforcement of codes or administrative rules, certification of inspectors or financial transactions dealing with permit fees and surcharges under any of the following circumstances when:

(a) The duties are clearly established by law, rule or agreement;

(b) The duty involves procedures for which the means and methods are clearly established by law, rule or agreement; or

(c) The duty is described by clear performance standards.

(3) Prior to starting an investigation under subsection (1) of this section, the director shall notify the municipality in writing setting forth the allegation and the rules or statutes pertaining to the allegation and give the municipality 30 days to respond to the allegation. If the municipality does not satisfy the director's concerns, the director may then commence an investigation.

(4) If the Department of Consumer and Business Services or the director directs corrective action[, *the following shall be done*]:

(a) The corrective action [*shall*] **must** be in writing and served on the building official and the chief executive officers of all municipalities affected;

(b) The corrective action [*shall*] **must** identify the facts and law relied upon for the required action; and

(c) A reasonable time [*shall*] **must** be provided to the municipality for compliance.

(5) The director may revoke any authority of the municipality to administer any part of the state building code or ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.995 or 480.510 to 480.670 or this chapter or ORS chapter 447, 460 or 693 or any rule adopted under those statutes if the director determines after a hearing conducted under ORS 183.413 to 183.497 that:

(a) All of the requirements of this section and ORS 455.775 and 455.895 were met; and

(b) The municipality did not comply with the corrective action required.

CAPTIONS

SECTION 67. The unit and section captions used in this 2024 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2024 Act.

EFFECTIVE DATE

SECTION 68. This 2024 Act takes effect on the 91st day after the date on which the 2024 regular session of the Eighty-second Legislative Assembly adjourns sine die.

Passed by Senate February 29, 2024

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Obadiah Rutledge, Secretary of Senate

.....
Rob Wagner, President of Senate

Passed by House March 4, 2024

.....
Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2024

Approved:

.....M.,....., 2024

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2024

.....
LaVonne Griffin-Valade, Secretary of State



Senate Bill 1537 Guidance

(Updated August 25, 2025)

Senate Bill 1537 Background

Senate Bill 1537 (SB 1537 or the bill) was adopted by the Oregon State Legislature in 2024 and signed into law on May 6, 2024. The bill offers a menu of tools that will provide the support needed to ease Oregon's housing and homelessness crisis and help communities thrive. In conjunction with other bills (the package) and investments made during the 2024 legislative session, the bill will make meaningful progress in addressing the current housing shortage while preserving Oregon's land use system and ensuring strong environmental protections. The package establishes the Housing Accountability and Production Office (HAPO or the office), which will be run by the Department of Land Conservation and Development (DLCD) and Department of Consumer and Business Services (DCBS) Building Codes Division (BCD). The office will facilitate and support housing production by assisting local governments and housing developers in understanding and applying state housing laws related to land use, the state building code, and related permitting. Additionally, the office will coordinate state agencies involved in housing development to overcome housing production barriers. This office must be operational by July 1, 2025.

In addition to the HAPO, the bill includes policies and investments to boost housing production statewide, including:

1. Reducing regulatory and procedural barriers to housing production through a mix of limited duration and permanent measures.
2. Providing qualifying local governments a one-time option to add or exchange land to an urban growth boundary through an expedited process to build affordable and market-rate housing.
3. Allocating funding and loans to support housing focused infrastructure development, land acquisition for housing development, and low- and moderate-income housing development.

Guidance

DLCD and HAPO staff have received a significant number of questions regarding SB 1537, such as how cities can best prepare to comply with the law and take advantage of options available. Below are answers to commonly asked questions that fall under the purview of DLCD.

If you find that you have a question that has not been addressed in this document, please reach out to DLCD staff at housing.dlcd@dlcd.oregon.gov or HAPO staff at HAPO.DLCD@dlcd.oregon.gov. To stay apprised of updates pertaining to HAPO or funding availability, please sign up to [DLCD's Housing GovDelivery](#).

Additionally, the guidance provided in this document represents DLCD and HAPO staff's best understanding of statute and is not intended to provide definitive legal interpretation, advice, or guidance. For such questions, DLCD and the HAPO advise consulting legal counsel.



Sections 1 – 7, Housing Accountability and Production Office (HAPO)

Effective date: June 7, 2024 | Operative date: July 1, 2025 | Sunset date: N/A

Question 1: What is the Housing Accountability and Production Office?

Answer: *The Housing Accountability and Production Office is a joint office between the Department of Land Conservation and Development and the Building Codes Division of the Department of Consumer and Business Services. SB 1537 directs DLCD and BCD to establish a joint office that is operational by July 1, 2025. More information on HAPO is available for review on DLCD's [website](#).*

Question 2: What is HAPO's function and duties?

Answer: *HAPO's specific duties are outlined in Section 1 (2) of SB 1537, which breaks down to three primary functions. The office:*

- 1. Serves as a resource for local governments and housing developers in complying with state housing laws and reducing barriers to the development of housing. This includes technical and financial assistance, guidance, mediation, and investigation of complaints submitted to the office. The office may pursue an enforcement action on a found violation of state housing law where voluntary remedies to identified violations are not taken.*
- 2. Coordinates various state agency policies, programs, and funding related to housing production.*
- 3. Produces studies, research, guidance, and best practices to reduce barriers to housing production. This includes studies on relevant state and local barriers to production, the provision of model codes, and the development of 'ready-build' plans.*

Question 3: What are "housing laws"?

Answer: *SB 1537 defines specific statutes as "housing laws" under the authority of HAPO in Section 1 (5)(a). In short, 'housing laws' are a subset of land use and building code statutes and associated administrative rules that apply to local governments and relate to housing development or the permitting or division of land for housing. The HAPO will prepare a more comprehensive overview of "housing laws" related to land use planning (not including state building code) in the coming months.*

"Housing laws" do not comprehensively include all laws related to housing. As an example, long-range planning responsibilities under Goal 10 and Goal 14, including the Oregon Housing Needs Analysis, are not encompassed under the definition of "housing law" but remain a local statutory obligation. Other examples of laws related to housing that are not encompassed in this definition include landlord/tenant law, fair housing law, condominium law, or affordable housing financing.

"(a) 'Housing law' means ORS chapter 197A and ORS 92.010 to 92.192, 92.830 to 92.845, 197.360 to 197.380, 197.475 to 197.493, 197.505 to 197.540, 197.660 to 197.670, 197.748, 215.402 to 215.438, 227.160 to 227.186, 455.148, 455.150, 455.152, 455.153, 455.156, 455.157, 455.165, 455.170, 455.175, 455.180, 455.185 to 455.198, 455.200, 455.202 to 455.208, 455.210, 455.220, 455.465, 455.467, and administrative rules implementing those laws, to the extent that the law or rule imposes a mandatory duty on a local government or its officers, employees or agents and the application of the law or rule applies to residential development or pertains to a permit for a residential use or a division of land for residential purposes."



Question 4: Will HAPO take enforcement actions against cities that violate state housing laws?

Answer: HAPO is directed to prioritize providing technical assistance, mediation, and remedies to support and incentivize voluntary local compliance with state housing laws. The office is also authorized and directed to utilize certain enforcement tools where a violation is identified and after a local government does not take action to remedy the violation. The HAPO is committed to developing consistent internal procedures in coordination with local governments to ensure the use of enforcement tools are clear and consistent.

Where HAPO is authorized to pursue an enforcement-related action, the office may:

1. Initiate a request for an enforcement order of the Land Conservation and Development Commission.
2. Seek a court order against a local government under [ORS 455.160 \(3\)](#) related to timely building code inspections and plan reviews.
3. Participate in and seek review of a land use decision that pertains to housing laws
4. Apply to a circuit court for an order compelling compliance with any housing law, except for matters under the exclusive jurisdiction of the Land Use Board of Appeals.

Question 5: When will HAPO be operational and reviewing local development ordinances?

Answer: HAPO is required to be operative and ready to review complaints of potential violations on July 1, 2025. BCD and DLCD are allowed under the bill to take actions before the operative date necessary to set up the office, such as hiring staff, procurement of services, convening implementing partners, internal and operational work, or distributing technical assistance funding to local governments.

Question 6: What types of resources will HAPO provide?

Answer: The office is directed to provide a range of financial and technical assistance to local governments and housing developers, including:

1. Financial and consultant support to support local compliance with state housing laws.
2. Guidance to local staff on the applicability of housing laws to the development process.
3. Technical and best practices resources to reduce barriers to housing production, such as model land use codes, ready-build plans, and research.
4. Coordination with other state agencies to identify and direct policies, programs, and funding to reduce barriers to housing production.

Question 7: If a local government identifies a housing-related code issue, are there funding resources available to help fix it?

Answer: Yes. The HAPO – through DLCD – was appropriated \$4 million in local planning assistance funding to support any needed land use or zoning code work. This money is appropriated to a distinct fund that extends beyond the current biennium, past June 30, 2025, if necessary. The department will be requesting additional resources to recapitalize this fund for the 2025-2027 biennium. The HAPO is currently working with its procurement team to establish a process where local governments can formally request funding for code work. To stay apprised of future updates on funding availability, please keep in touch with your DLCD [Regional Representative](#).



Question 8: Will HAPO develop and distribute resources other than technical and funding assistance, such as model codes?

Answer: Yes, HAPO has general direction to develop model land use codes and “ready-build” plans to support local implementation of housing laws. Additionally, DLCD has direction and appropriation to develop specific model ordinances under a separate bill – which must be complete by January 1, 2026.

Question 9: What is the role of the Building Codes Division (BCD) in the HAPO office?

Answer: BCD will staff the office by providing expertise and customer service in the administration of building code as it relates to housing development. Additionally, BCD will coordinate with DLCD via HAPO on issues where land use and building codes intersect, such as in the development of “ready-build” housing plans.

Question 10: Does HAPO review local Goal 10 requirements, including Housing Capacity Analyses (HCAs) and Housing Production Strategies (HPS)?

Answer: No. HAPO’s directed focus is on the application of housing laws to the development of housing. In relationship to land use planning, the office will primarily focus on local development review and its relationship with statute and administrative rule. The Land Conservation and Development Commission (LCDC) and the DLCD Housing Division maintain authority over Goal 10 implementation, including Housing Capacity Analyses and Housing Production Strategies

Question 11: Will HAPO refer or audit cities that are referred into the housing acceleration program¹ under the Oregon Housing Needs Analysis policy ([HB 2001/2889](#); 2023 Session)?

Answer: No. The HAPO is statutorily prohibited from utilizing the authority of DLCD in implementing the Housing Acceleration Program. While HAPO may be able to provide code support and expertise where warranted, the responsibility for conducting audits under the Housing Acceleration Program will remain the responsibility of the DLCD Housing Division.

¹ To learn more about the housing acceleration program, please visit DLCD’s [House Bill 2001 Rulemaking](#) webpage.



Sections 8 – 9, Opting into Amended Housing Regulations – the “Goal-Post Rule”

Operative date: June 7, 2024 | Sunset date: N/A

Question 12: What is the “goal-post rule”?

Answer: State law sets parameters and timelines on the local review of housing. ORS 227.178 for cities and ORS 215.427 for counties outline the requirements and timelines that cities and counties must follow when reviewing applications for permits, limited land use decisions, or zone changes. One component of this statute is the goal-post rule, which clarifies that the city or county must apply the standards and criteria that were applicable when an application was first submitted.

Question 13: How does SB 1537 change the goal-post rule?

Answer: SB 1537 amends the goal-post rule to enable an applicant for the development of housing to “opt in” to new standards adopted by a city or county that were adopted after the applicant submitted an application. This enables an applicant to apply a city or county’s new development standards and criteria if they choose to, without having to withdraw and resubmit their application.

The goal-post rule is otherwise unchanged by SB 1537.

Question 14: What types of applications does this change apply to? Does it apply to building permits?

Answer: This change applies to all permits and zone changes under ORS 227.175 and 215.427. It does not apply to building permits or other types of applications that are unaffected by the goal-post and 120-day rules set forth by these statutes.

Question 15: How does this change affect statutory timelines for reviewing land use applications?

Answer: An applicant may submit a request to apply newly adopted standards to a land use application any time after application submittal up to the issuance of public notice of the application. If an applicant requests to opt into newly adopted standards, the application would be deemed automatically incomplete and the timelines for completeness review and final decisions restart as if a new application were submitted.

Question 16: What additional information would an applicant need to provide for completeness under the new criteria?

Answer: The city or county determines what additional information, if any, is necessary to review the application under the newly applicable criteria. This process follows the typical completeness process, in which a city or county either deems an application complete or notifies the applicant in writing what information is missing and needed to render a decision.

Question 17: Can a city or county deny this request?

Answer: A city or county may deny this request if the city has issued public notice of the application or if the applicant had previously requested to opt into newly applicable standards for a given application. Otherwise, a city or county is required to accommodate the request.

Question 18: Can the city or county charge the applicant a second fee if they make a request?

Answer: The city or county may not require the applicant to pay a fee, except to cover additional costs incurred by the city to accommodate the request. This means a city or county can charge for additional



staff time or resources spent reviewing the application under the new standards but would not be permitted to simply charge the same fee twice if that did not reflect the cost incurred for review.

Question 19: Can the city or county require the applicant submit new application submittal materials?

Answer: *The city or county may require the applicant to provide additional information needed to render a decision under the new standards. This could include information resubmittal if the change affects the entire application, or the information is needed to understand the change in context. However, the city may not otherwise require the applicant submit an entirely new application or duplicative information.*

Question 20: If the city or county requires certain processes or hearings for a given application, can they require these to be repeated by the applicant?

Answer: *The city or county may not require an applicant to repeat processes or hearings that are inapplicable to the change in standards or criteria.*

Question 21: Does a city or county need to notify an applicant of a change in regulations applied during the pendency of their application?

Answer: *There is nothing in the statute requiring nor prohibiting notification to the applicant. The only notification requirements that would apply are those that apply to land use regulations generally (e.g., [Measure 56](#)).*



Section 10, Attorney Fees

Operative date: June 7, 2024 | Sunset date: N/A

Question 22: What are attorney fees under SB 1537?

Answer: *Attorney fees are costs awarded to a prevailing party or parties on appeal. Attorney fees include legal costs incurred by the party or parties. This includes prelitigation legal expenses incurred by the prevailing party or parties, including land use application preparation and processing expenses as well as costs to support the application in local land use hearings or proceedings.*

Prior to SB 1537, state law required the Land Use Board of Appeals (LUBA) to award attorney fees to applicants of affordable housing development, if that applicant appealed a denial by a local government and LUBA reversed the decision. SB 1537 expands this to award attorney fees to both applicants of housing development and to local governments in certain circumstances.

Question 23: Who awards, who is awarded, and who pays attorney fees under SB 1537?

Answer: *SB 1537 requires LUBA to award attorney fees to the following parties:*

1. (Existing policy) – Applicants for the development of affordable or publicly-supported housing, if LUBA reverses a local quasi-judicial land use decision denying the application. The local government would pay the attorney fees to the applicant.
2. (New under SB 1537) – Applicants for the development of housing that was approved by a local government if LUBA affirms the decision. The petitioner would pay the attorney fees to the applicant.
3. (New under SB 1537) – The local government that approves a quasi-judicial land use decision for the development of housing if LUBA affirms the decision. The petitioner would pay the attorney fees to the local government.

Note: LUBA is directed to award attorney fees for both affordable and non-affordable housing within urban growth boundaries (UGBs). Only affordable housing is eligible for attorney fees outside of a UGB. LUBA would not award attorney fees for other kinds of housing outside of a UGB.

LUBA procedure for appeals ([OAR 661-010-0075](#)) outlines the process and parameters for awarding attorney fees.

Question 24: Would a local government be required to pay attorney fees to an applicant for housing under SB 1537?

Answer: *SB 1537 does not introduce new requirements for local governments to pay attorney fees to an applicant for housing. Under existing state law prior to SB 1537, local governments can be required to pay attorney fees to an applicant for the development of affordable or publicly-supported housing if the local government denies the application and the applicant prevails on appeal.*

Local governments would not be required to pay attorney fees to applicants for non-affordable housing if the local government denies the application and the applicant prevails on appeal. Attorney fees would only be awarded to both the applicant and local government if the local government approves the application, the decision is appealed, and LUBA affirms the decision.



Sections 37 – 43, Housing Land Use Adjustments

Operative date: January 1, 2025 | Sunset date: January 2, 2032

Question 25: What is an adjustment?

Answer: *An adjustment is a deviation from an existing land use regulation.*

An adjustment does not include:

1. *Use of a property that is otherwise not allowed in a zone.*
2. *Deviations to standards related to:*
 - Accessibility*
 - Affordability*
 - Fire ingress/egress*
 - Safety*
 - Local tree codes*
 - Hazardous/contaminated site clean-up*
 - Wildlife protection*
 - Statewide land use planning goals related to natural resources, natural hazards, the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes, or ocean resources*
3. *A complete waiver of land use regulations or changes beyond explicitly requested and allowed adjustments.*
4. *Deviations to requirements related to fire or building codes, federal or state air, water quality or surface, ground or stormwater requirements, or requirements of any federal, state or local law other than a land use regulation.*

Question 26: What does SB 1537 require related to adjustments?

Answer: *SB 1537 requires local governments grant adjustments to specific development and design standards applied to the development of housing if the application meets certain conditions.*

Question 27: What types of housing applications are eligible for adjustments?

Answer: *Section 38 (2) (a) through (g) outline all of the conditions that must be met to be eligible for an adjustment:*

- (a) The application is for a building permit or quasi-judicial, limited, or ministerial land use decision*
- (b) The development is on lands zoned to allow for residential or mixed-use residential uses*
- (c) The development meets minimum net densities articulated in Section 55 (3)(a)(C):*
 - (A) 17 du/ac in the Metro UGB*
 - (B) 10 du/ac in cities of 30,000 population or more (not in the Metro UGB)*
 - (C) 6 du/ac in cities of 2,500 population or more (not in the Metro UGB)*
 - (D) 5 du/ac in cities less than 2,500 population (not in the Metro UGB)*
- (d) The development is within an urban growth boundary, not including unincorporated lands*
- (e) The development is of net new housing units, including single-family, multifamily, mixed-use, manufactured home parks, accessory dwellings, or middle housing*
- (f) The application requests no more than 10 distinct adjustments, and*
- (g) The application states how at least one of the following criteria applies:*
 - (A) The adjustment makes housing development feasible when it otherwise would not be*
 - (B) The adjustment reduces the sale/rental price per unit*
 - (C) The adjustment will increase the number of units in the application*
 - (D) All units are subject to an affordable housing covenant to be affordable to moderate income (80-120% Median Family Income) households for at least 30 years*



- (E) 20% of units are subject to an affordable housing covenant to be affordable to low-income households (80% Median Family Income) for at least 60 years
- (F) The adjustment enables the provision of accessibility or visitability features that would not otherwise be feasible
- (G) The units are subject to a zero equity, limited equity, or shared equity ownership model making them affordable to moderate income households for 90 years.

Question 28: Are counties required to grant adjustments on unincorporated lands?

Answer: No. Applications are only eligible for adjustments on lands within a UGB and annexed to a city.

Question 29: What procedure must a local government use to process adjustment requests?

Answer: Adjustments made under this statute are limited land use decisions (see [Limited Land Use Decision section](#) below on page 16 for more detail). A city may use an existing process or develop and apply a new process that complies with the requirements of statute.

Question 30: What counts as a distinct adjustment?

Answer: A distinct adjustment is an adjustment to one of the development or design standards listed in Section 58 (4) or (5) where each discrete adjustment to a listed development or design standard that includes multiple component standards must be counted as an individual adjustment.

For example, if an applicant requested an adjustment to “roof forms and materials” (Section 38 (5)(c)), including an adjustment to both the form and the material the roof, that adjustment would count as one distinct adjustment.

As another illustrating example, if an applicant requested an adjustment to “Side or rear setbacks, for an adjustment of not more than 10 percent” (Section 38 (4)(a)) for multiple lots in a subdivision, this would count as one distinct adjustment.

Question 31: Is “net residential density” defined?

Answer: Yes. The bill requires a specific number of “units per net residential acre” to qualify for an adjustment based on city population size. A “net residential acre” means an acre of residentially designated buildable land, not including rights of way for streets, roads or utilities or areas not designated for development due to natural resource protections or environmental constraints.

Question 32: What evidence must be submitted to demonstrate Section (2) (a) through (g) are met? How would a local government verify the conditions in the statute sufficient for an approval or denial?

Answer: The applicant must submit information demonstrating that the criteria in Section (2) (a) through (g) are met. If the applicant fails to include this information, a local government may deny the request for adjustment, with findings related to how the criteria are or are not met. For the following standards, this includes:

- (a) A narrative confirmation that the application is for a building permit or a quasi-judicial, limited or ministerial land use decision.
- (b) A narrative confirmation that the development is on lands zoned to allow for residential uses, including mixed-use residential uses.



(c) A narrative and corroborating site information demonstrating that the development proposal, in total on the site, meets the minimum net residential densities of Section 55 (3)(a)(C).

(d) A narrative confirming that the development is both within an urban growth boundary and annexed to a city.

(e) A narrative and corroborating site information confirming that the development will create net new housing units that include:

(A) Single-family or multifamily

(B) Mixed-use residential where at least 75 percent of the developed floor area will be used for residential uses

(C) Manufactured dwelling parks

(D) Accessory dwelling units, or

(E) Middle housing as defined in ORS 197A.420

(f) A narrative confirming that the total requested adjustments do not exceed 10 distinct adjustments (see question above for what counts as a 'distinct adjustment')

(g) A narrative that states how one of the following criteria apply:

(A) The adjustment makes housing development feasible when it otherwise would not be

(B) The adjustment reduces the sale/rental price per unit

(C) The adjustment will increase the number of units in the application

(D) All units are subject to an affordable housing covenant to be affordable to moderate income (80-120% Median Family Income) households for at least 30 years

(E) 20% of units are subject to an affordable housing covenant to be affordable to low-income households (\leq 80% Median Family Income) for at least 60 years

(F) The adjustment enables the provision of accessibility or visitability features that would not otherwise be feasible, or

(G) The units are subject to a zero equity, limited equity, or shared equity ownership model making them affordable to moderate income households for 90 years.

Question 33: Can a local government apply a condition(s) of approval to ensure that the requirements of Section 38 (a) through (g) (outlined in question 27) are met?

Answer: *There is nothing in statute prohibiting a local government from applying conditions of approval under the mandatory adjustment section necessary to ensure the development proposal complies with the conditions outlined in Section 38 (a) through (g) that qualify an application for adjustments.*

With that said, a local government is limited in requiring anything beyond what is authorized in statute. Additionally, any condition of approval must be clear and objective, similar to any other condition of approval applied to the development of housing.

Question 34: Does a local government need to amend their development codes to incorporate these provisions? Is adoption by reference sufficient?

Answer: *A local government may adopt conforming amendments to implement Section 38 by reference or apply the statute directly for adjustment requests. THE HAPO does not recommend updating codes implementing this section, given that the provision will sunset in 2032.*



Question 35: Will HAPO prepare a model code or set of standards local governments can apply to implement Section 38?

Answer: *There are no specific plans yet for HAPO to produce a model set of standards. This may change once HAPO staff are onboarded.*

Question 36: Is there a process for requesting an exemption to Section 38?

Answer: *Yes, the statute enables HAPO to grant an exemption to this section if a local government meets certain requirements. The local government must demonstrate:*

- 1. The local government has a process or processes by which all of the listed development and design adjustments may be granted, and*
- 2. The local government either:*
 - a. Has granted 90% of all requested adjustments in the last 5 years, or*
 - b. Has a flexible development process that can accommodate specific project needs, as demonstrated by housing developer testimonials*

HAPO must open a public comment period for at least 45 days and provide a final decision on an exemption within 120 days of receiving the application from a local government. This decision may not be appealed. This decision may include specific conditions of approval necessary to conform with the statutory requirements and may be revoked if HAPO finds that the local government is violating the terms of the exemption or otherwise engaging in a pattern or practice of creating unreasonable cost or delay to housing production.

Question 37: How would a local government prepare & submit an application? Is there a guidance document available for this?

Answer (updated response): *The HAPO published a [guidance document](#) with instructions for local governments seeking to apply for exemptions or time extensions for both limited land use decisions and housing land use adjustments. Additionally, the Office published a [dashboard](#) that tracks the status of mandatory adjustments, including submitted exemption requests.*

To stay apprised of submitted exemption requests, please sign up to [DLCD's Housing GovDelivery](#).

Question 38: When can a local government submit an application for an exemption?

Answer (updated response): *Exemption requests may be submitted to the HAPO at any time until the sunset date of the bill. Once submitted, the HAPO will have a 120-day period to prepare a final order. Additionally, the office must open a 45-day public comment period for a submitted request.*

Question 39: Will a local government be required to grant adjustments through the state process until the exemption decision is made?

Answer (updated response): *During the pendency of an exemption application submitted to HAPO, the adjustment requirements under section 38, SB 1537 do not apply to a local government. The local government must apply the local adjustment process or processes in lieu of section 38.*



Questions about specific adjustments in Section 38 (4) and (5)

Question 40: What specific development and design standards can an applicant request an adjustment to?

***Answer:** Section 58 (4) & (5) outline the specific development and design standards that local governments must grant adjustments to. For convenience, they are copied below in **bold text**. Questions about specific development & design standards are included with the standards.*

Development Standards – Section 38 (4)

(4) A local government shall grant an adjustment to the following development standards:

(a) Side or rear setbacks, for an adjustment of not more than 10 percent.

Question 41: How are adjustments reconciled with middle housing dimensional standards, set forth in Chapter 660, Division 046?

***Answer:** Local governments are required to grant adjustments to the dimensional standard adjustments included in Sections (4) and (5) to middle housing. The statute supersedes administrative rule parameters related to dimensional standards for middle housing.*

(b) For an individual development project, the common area, open space or area that must be landscaped on the same lot or parcel as the proposed housing, for a reduction of not more than 25 percent.

Question 42: Our city applies multiple types of common/landscape/open space standards. Can an applicant ask for a 25% adjustment for each? Does this count as one or multiple 'distinct adjustments'?

***Answer:** Yes, an applicant may request a 25% adjustment for each standard that falls under this category. It counts as one 'distinct adjustment'*

(c) Parking minimums.

Question 43: Does the parking adjustment have a specified level of adjustment?

***Answer:** The statute enables a request for a full adjustment to minimum parking requirements.*

Question 44: Do parking minimums as a by-right adjustment also include the provisions for EV charging spaces?

***Answer:** While this provision enables an adjustment to minimum required parking spaces, it does not enable an adjustment to a standard that requires a proportion of provided parking spaces to include EV charging capabilities.*

(d) Minimum lot sizes, not more than a 10 percent adjustment, and including not more than a 10 percent adjustment to lot widths or depths.

(e) Maximum lot sizes, not more than a 10 percent adjustment, including not more than a 10 percent adjustment to lot width or depths and only if the adjustment results in:

(A) More dwelling units than would be allowed without the adjustment; and

(B) No reduction in density below the minimum applicable density.

(f) Building lot coverage requirements for up to a 10 percent adjustment.



(g) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multifamily housing and mixed-use residential housing:

(A) Requirements for bicycle parking that establish:

- (i) The minimum number of spaces for use by the residents of the project, provided the application includes at least one-half space per residential unit; or
- (ii) The location of the spaces, provided that lockable, covered bicycle parking spaces are within or adjacent to the residential development;

(B) For uses other than cottage clusters, as defined in ORS 197A.420 (1)(c)(D), building height maximums that:

- (i) Are in addition to existing applicable height bonuses, if any; and
- (ii) Are not more than an increase of the greater of:
 - (I) One story; or
 - (II) A 20 percent increase to base zone height with rounding consistent with methodology outlined in city code, if any;

Question 45: If a local government applies a height bonus, an applicant requests a height adjustment in addition to this bonus, and the combined results in an increase greater than one story, is that acceptable?

Answer: *It can be if the height does not result in more than a 20% increase to the base zone height. If the request results in a height that exceeds 20% the base zone height, it would not be eligible for an adjustment.*

[Clarification after initial publication]: *Nothing in this provision prevents an applicant from requesting one story in addition to an existing height bonus, which is not contingent on the base zone height.*

(C) Unit density maximums, not more than an amount necessary to account for other adjustments under this section; and

Question 46: What does 'not more than an amount necessary to account for other adjustments' mean? Provide an example.

Answer: *This means that maximum densities cannot be fully waived, but they can be adjusted to accommodate other adjustments herein that increase density. For example, if an applicant requests an adjustment to minimum lot size that increase the density of the proposal, the applicant may also request an adjustment to unit density maximums to accommodate that change, if the unit density would otherwise prohibit the adjusted lot sizes.*

(D) Prohibitions, for the ground floor of a mixed-use building, against:

- (i) Residential uses except for one face of the building that faces the street and is within 20 feet of the street; and
- (ii) Nonresidential active uses that support the residential uses of the building, including lobbies, day care, passenger loading, community rooms, exercise facilities, offices, activity spaces or live-work spaces, except for active uses in



specifically and clearly defined mixed use areas or commercial corridors designated by local governments.

Question 47: Our mixed-use zone requires that X% of the ground floor of a mixed-use building must be commercial. Does this provision enable an adjustment to this standard?

Answer: Yes. These provisions enable an adjustment to allow either residential uses or nonresidential active uses on the ground floor instead of commercial uses, with limitations outlined in the statutory language above.

Question 48: What areas are included in "specifically and clearly defined mixed use areas or commercial corridors designated by local governments"?

Answer: These include mixed use main streets, centers, and corridors designated by local governments in a comprehensive plan, zoning district, or overlay zone. Examples include Centers and Corridors in Metro's Regional Framework Plan, Climate-Friendly Areas, or 'Main Streets'/'Downtown'-type zones and areas included in a local government's comprehensive plan.

Question 49: Does (D)(ii) exempt Metro Regional Centers from adjustments to prohibitions on residential or nonresidential active uses?

Answer: Local governments do not need to grant adjustments to restrictions on nonresidential active uses supporting residential uses in Metro Regional Centers and Corridors. They would still need to grant adjustments to prohibitions for ground floor residential uses, except for one face of a mixed use building that faces the street and is within 20 feet of the street, within these areas, as described in (D)(i).

Design Standards – Section 38 (5)

(5) A local government shall grant an adjustment to design standards that regulate:

- (a) Facade materials, color or pattern.**
- (b) Facade articulation.**
- (c) Roof forms and materials.**
- (d) Entry and garage door materials.**
- (e) Garage door orientation, unless the building is adjacent to or across from a school or public park.**

Question 50: What does "orientation" include? Does it distinguish between the direction a garage faces or the proportion of facade that comprises a garage?

Answer: Garage door orientation includes any standard related to the physical position or direction of the garage. This includes directional requirements (e.g. street- or alley-facing requirements) and positional requirements (e.g. primary structure requirements). It would not encompass standards related to the proportion of a façade containing a garage.

- (f) Window materials, except for bird-safe glazing requirements.**



(g) Total window area, for up to a 30 percent adjustment, provided the application includes at least 12 percent of the total facade as window area.

(h) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multifamily housing and mixed-use residential:

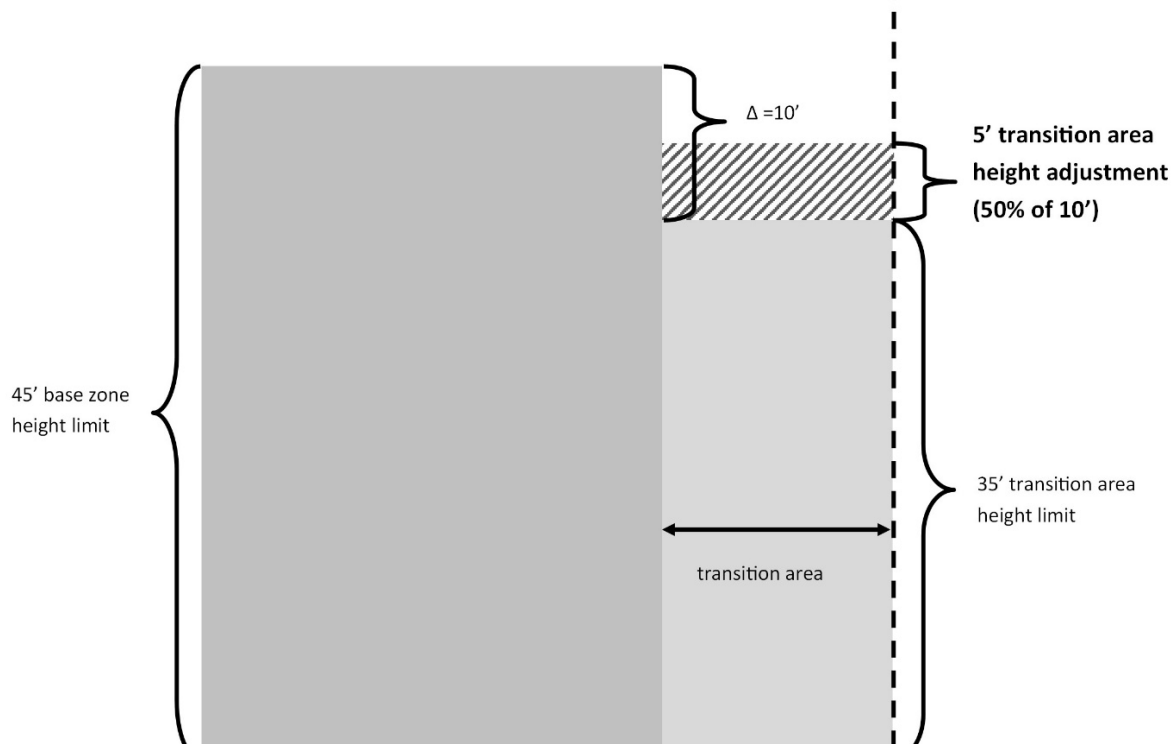
(A) Building orientation requirements, not including transit street orientation requirements.

(B) Building height transition requirements, not more than a 50 percent adjustment from the base zone.

Question (raised after initial publication): What does a “50 percent adjustment from the base zone” mean in context of a building height transition requirement? What should the 50 percent calculation be based on?

Answer: For the purposes of calculating a 50 percent adjustment, the adjustment would be the delta between the height maximum and the lowest point of the height transition.

For example, if a base zone required a reduction from a height maximum of 45 feet to 35 feet within a specified distance from a property line (i.e. a 10-foot delta between the highest and lowest point), the applicant may request this step down be adjusted from 35 feet to no greater than 40 feet (i.e. a 5-foot delta). See the diagram below illustrating the adjustment.

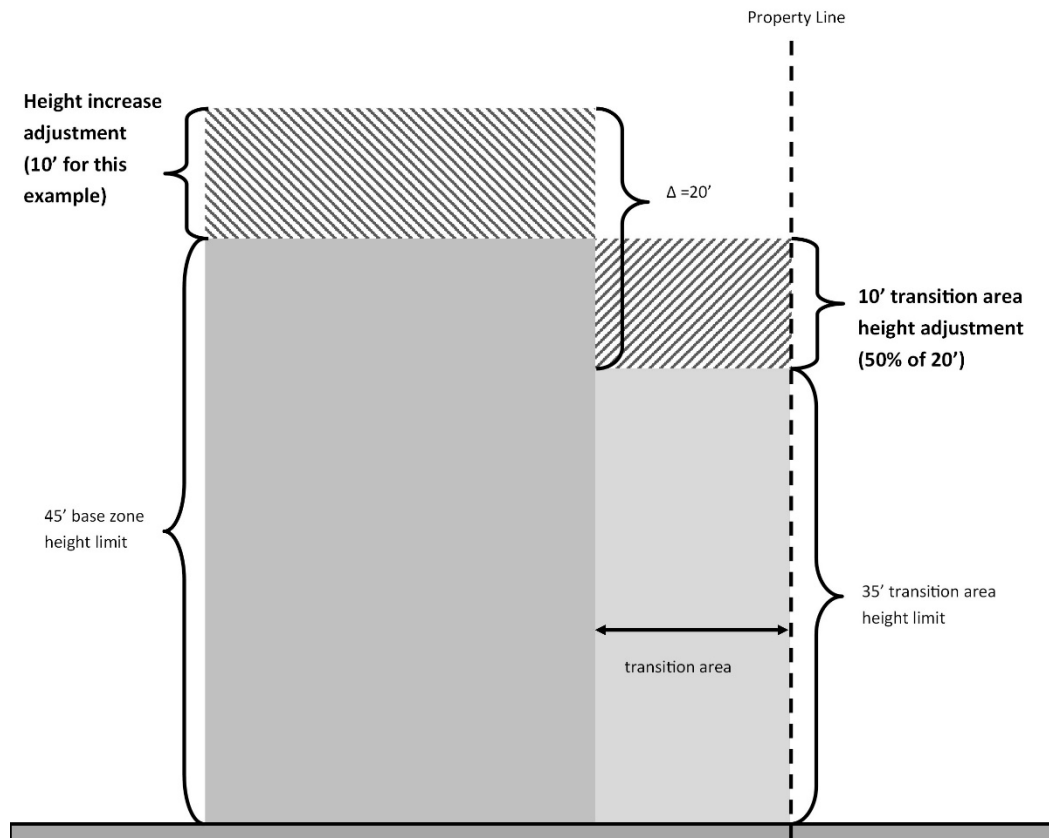


In a similar example, if a city applied a requirement for a building to fit within an 45-degree plane from a height maximum of 35 feet down to a terminus of 15 feet at the property line (i.e. a 20-foot delta between the highest and lowest point), the city must allow an adjustment to adjust the terminus from 15 feet to no greater than 25 feet (i.e. a 10-foot delta between the highest and lowest point).



Question (raised after initial publication): How does this interact with the height bonus in section 38 (4)(g)(B)?

Answer: *The height bonus increases the height maximum, which therefore increases the delta between the highest and lowest point of the height transition and should be incorporated in the adjustment. For example, if a base zone required a reduction from a height maximum of 45 feet to 35 feet within a specified distance from a property line (i.e. a 20-foot delta between the highest and lowest point), and the applicant requested a height bonus bringing the maximum to 55 feet, the applicant may request the step down be adjusted from 35 feet to 45 feet (i.e. a 10-foot delta). See the diagram below illustrating the adjustment.*



Question (raised after initial publication): Does this apply to building height transition requirements applied through an overlay zone, even if the base zone does not contain a height transition requirement?

Answer: *This requirement does not apply to height transition requirements established through an overlay zone. It only applies to height transition requirements applied via the base zone.*

(C) Requirements for balconies and porches.

Question 51: Our city's code requirements for balconies and porches relate to open space requirement (a balcony can satisfy a private open space requirement). How would adjustments work in this instance?



Answer: *An applicant could request a distinct adjustment to either the open space standard, the balcony/porch requirement, or both if the request does not exceed ten distinct adjustments.*

(D) Requirements for recesses and offsets.



Sections 44 – 47, Limited Land Use Decisions

Operative date: January 1, 2025 | Sunset date: N/A

Question 52: What are limited land use decisions?

Answer: *Limited land use decisions are a kind of land use decision that utilizes an administrative review process outlined by a local government within certain parameters outlined in [ORS 197.195](#). Limited land use decisions provide notice and opportunity for written comments, and final decisions are accompanied with staff findings explaining the criteria or standards related to the decision. Local governments may provide for a local hearing on appeal of a limited land use decision. Often, local governments conform with limited land use decision statute by applying a “Type II” or “administrative” process where the final decision is rendered at the staff level, with an opportunity to appeal to a hearings officer or planning commission.*

Question 53: How does SB 1537 change limited land use decisions?

Answer: *SB 1537 makes two substantive changes to the limited land use statute:*

- 1. It adds three new types of applications to the statute: replats, property line adjustments, and extensions, alterations, or expansions of a nonconforming use.
Note: Tentative subdivision or partition plans and site/design review for outright permitted uses are already included as types of limited land use decisions.*
- 2. It requires cities to apply limited land use procedures to all of these application types, except a city may instead alternatively apply a ministerial process (e.g. Type I or plan check).*

Question 54: What review processes are allowed for review of limited land use decisions?

Answer [updated as of August 2025]: *HAPO staff understands the amendments to allow cities to continue to use the existing procedures in their land use ordinances. The amended ORS 197.195(6) directs a city to use only the procedures in this section to review of limited land use decisions. The reference to “this section” includes ORS 197.195(3)(a), which directs cities and counties to use the review procedures in its acknowledged comprehensive plan. It was understood that the legislative intent of this provision was to require administrative review of limited land use decisions. However, the amendments do not appear to preclude a city from applying its existing review procedures.*

The amendments in ORS 197.195(6) mention only cities. County government procedures are not affected.

Question 55: *[deleted]*

Question 56: Our city already applies an administrative process to these application types. Do we need to change anything?

Answer: *A city may continue applying either a process that conforms with the limited land use decision statute or a ministerial process. ORS 197.195(6) now specifically allows a city to use a ministerial process for review of a limited land use decision where the decision is made under land use standards that do not require interpretation or the exercise of policy or legal judgment.*

Question (raised after initial publication; updated August 2025): Will there be future legislative changes to the limited land use decision statute?



Answer: The subject of land use review procedures for residential development may be revisited by the legislature. HAPO understood the legislative intent of amendments to ORS 197.195(6) to require administrative review for applications to reduce barriers to housing production. There may be future legislative efforts to amend these statutes consistent with that intent.

Notwithstanding future legislation, there are good reasons why a local government should evaluate its land use review procedures. Amending review procedures helps address housing affordability and production goals in the near term. For residential development, ORS 197A.400 requires a local government adopt and apply only clear and objective standards, conditions and procedures. A quasi-judicial review involving a hearing would be superfluous since public comment and deliberation aren't needed to determine if the approval standards are met. It's suggested that residential development, including land division and design review, not involve more than a Type II review, and reviews that don't involve interpretation or the exercise of policy or legal judgment can be a Type I or ministerial permit review.

Question 57 and 58: [deleted]

Question 59: Is there a process for requesting an exemption to this change?

Answer: Yes, the statute enables HAPO to grant a limited exemption or time extension if a local government demonstrates a substantial hardship resulting from increased costs or staff capacity needed to implement the limited land use procedures in SB 1537.

Question 60: How would a local government prepare and submit an application? Is there a guidance document available for this?

Answer: The HAPO published a [guidance document](#) with instructions for local governments seeking to apply for exemptions or time extensions for both limited land use decisions and housing land use adjustments.

To stay apprised of submitted exemption requests, please sign up to [DLCD's Housing GovDelivery](#)

[Update for questions 59 and 60]: The exemption process of SB 1537 Section 46 remains in effect. However, since the amendments to ORS 197.195(6) do not appear to restrict a local government's review procedures for limited land use decisions, there is currently little practical purpose for a city to request this exemption.



Sections 48 – 60, One-time Site Additions to UGBs

Operative date: June 7, 2024 | Sunset date: January 2, 2033

Question 61: Which cities are eligible to utilize the option for a one-time expansion to a UGB? And how is eligibility determined?

Answer: *Cities are required to demonstrate a need for the addition in two distinct ways; 1) a need for additional land, and 2) a need for affordable housing. Both criteria must be met to determine eligibility based on the following:*

1a) Those cities that have not adopted any UGB expansions for residential use in the previous 20 years, or expansions by Metro in a location adjacent to the city, and do not have within the existing UGB an undeveloped contiguous tract that is zoned for residential use larger than 20 net acres are eligible; or

1b) Those cities that have adopted an UGB expansion over the previous 20 years, or expansions by Metro in a location adjacent to the city, must demonstrate that 75 percent of these lands are developed or have an acknowledged comprehensive plan with land use designations in preparation for annexation, and public facilities plan and associated financing plan.

AND

2a) Cities with a greater percentage of severely cost-burdened households than the average for Oregon based on the Comprehensive Housing Affordability Strategy data from the US Department of Housing and Urban Development are eligible; or

2b) Cities with at least 25 percent of renter households being severely rent burdened based on the most recent housing equity indicator data under ORS 456.602 (2)(g) are eligible.

Metro will review applications for substantial compliance with the applicable provisions of sections 49-59 of the SB 1537.

Question 62: What sites are eligible for addition to a UGB?

Answer: *Sites must be adjacent to the existing UGB or separated by only a street or road. In addition, sites must be:*

- 1. Designated as an urban reserve under ORS 197A.230 to 197A.250, including a site whose designation is adopted under ORS 197.652 to 197.658*
- 2. Designated as non-resource land, or*
- 3. Subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland*

A city may only amend its UGB once under the options included in SB 1537. Cities within Metro may only petition to add a site within the Metro UGB if it is designated as an urban reserve.

Question 63: What is required of cities for soliciting potential sites to be included in the UGB?

Answer: *A city must provide public notice of their intention to expand the UGB, including the following information:*

- 1. The city's intention to select a site for inclusion within the UGB*



2. *Each basis under which the city has determined its eligibility.*
3. *A deadline for submissions of applications that is at least 45 days following the date of notice, and*
4. *A description of the information, form and format required of an application, including the requirements for a binding conceptual plan per Section 55 of the bill.*

A copy of this notice must be provided to each county in which the city resides, and each special district providing urban services within the city's UGB, and Metro, if the city is within the Metro UGB.

Question 64: What must be included in the conceptual plan for added sites?

Answer: *Before a city amends a UGB, or petitions Metro for a UGB amendment, a city shall adopt a binding conceptual plan as an amendment to its comprehensive plan. The conceptual plan must:*

- (a) Establish the total net residential acres within the site and must require for those residential areas:*
 - (A) A diversity of housing types and sizes, including middle housing, accessible housing and other needed housing.*
 - (B) That the development will be on lands zoned for residential or mixed-use residential uses.*
 - (C) The development will be built at net residential densities specified depending on the city's population.*
- (b) Designate within the site:*
 - (A) Recreation and open space lands, and*
 - (B) Lands for commercial uses, either separate or as a mixed use, that meet the specified provisions of the bill.*
- (c) If the city has a population of 5,000 or greater, include a transportation network for the site that provides diverse transportation options, including walking, bicycling and transit use if public transit services are available, as well as sufficient connectivity to existing and planned transportation network facilities as shown in the local government's transportation system plan as defined in Land Conservation and Development Commission rules.*
- (d) Demonstrate that protective measures will be applied to the site consistent with the specified statewide land use planning goals.*
- (e) Include a binding agreement among the city, each owner within the site and any other necessary public or private utility provider, local government or district, as defined in ORS 195.060, or combination of local governments and districts that the site will be served with all necessary urban services as defined in ORS 195.065, or an equivalent assurance, and*
- (f) At least 30 percent of the residential units are subject to affordability restrictions as specified under Section 55 (f) of the bill.*

Question 65: What is required for each completed application submitted to a city?

Answer: *Each application filed for a city's review must:*

- (a) Be completed for each property owner or group of property owners that are proposing an urban growth boundary amendment.*
- (b) Be in writing in a form and format as required by the city*
- (c) Specify the lots or parcels that are the subject of the application*
- (d) Be signed by all owners of lots or parcels included within the application, and*
- (e) Include each owner's signed consent to annexation of the properties if the site is added to the urban growth boundary.*



Question 66: What requirements are specified for cities reviewing applications submitted for addition to a UGB?

Answer: *After the deadline for submission, the city shall review all applications for compliance with the applicable sections of the bill. In addition:*

- (b) For each completed application that complies with the applicable sections of the bill, the city shall provide notice to the residents of the proposed site area who were not signatories to the application.*
- (c) Provide opportunities for public participation in selecting a site, including, at least:*
 - (A) One public comment period, and*
 - (B) One meeting of the city's planning commission at which public testimony is considered, one meeting of the city's council at which public testimony is considered, or one public open house*
 - (C) Notice on the city's website or published paper of record at least 14 days before:*
 - (i) A meeting from the list above, and*
 - (ii) The beginning of the comment period specified above.*
- (d) Consult with, request necessary information from, and provide the opportunity for written comment from:*
 - (A) The owners of each lot or parcel within the site.*
 - (B) If the city does not currently exercise land use jurisdiction over the entire site, the governing body of each county with land use jurisdiction over the site*
 - (C) Any special district that provides urban service to the site, and*
 - (D) Any public or private utility that provides utilities to the site.*

Question 67: What limitations are specified for additions to a UGB?

Answer: *The total acreage of the site cannot exceed:*

- 1. 100 net residential acres for a city with a population of 25,000 or greater.*
- 2. 50 net residential acres for a city with a population of less than 25,000.*
- 3. Within Metro, the total net residential acres included in site petitions cannot exceed 300 net residential acres added to the UGB.*

A city within Metro may petition Metro to add a site within the Metro UGB if the site satisfies requirements of section 50 (1) of the bill and is designated as an urban reserve. Metro will review applications for substantial compliance with the applicable provisions of sections 49-59 of the bill.

Question 68: What alternative UGB amendment options does the bill provide?

Answer: *The following two alternatives are provided within the bill:*

- 1. Section 56: An alternative for a small addition of 15 net residential acres or less with the following requirements:*
 - Enforceable and recordable agreements with each landowner of a property within the site to ensure that the site will comply with the affordability requirements described in the bill*
 - A binding agreement with each owner within the site and any other necessary public or private utility provider, local government or district, as defined in ORS 195.060, or combination of local governments and districts to ensure that the site will be served with all necessary urban services as defined in ORS 195.065*
 - This alternative does not apply to a city within Metro.*



2. *Section 58: An alternative to add one or more sites and remove one or more tracts of land from the UGB, provided:*

- *The acreage of the added site and removed lands must be roughly equivalent.*
- *The removed lands must have been zoned for residential uses.*
- *The added site must be zoned for residential uses at the same or greater density than the removed lands.*

Under the first alternative, cities are required to demonstrate a need for the UGB amendment but are not required to prepare a concept plan. Under the second alternative, cities are not required to demonstrate a need for the UGB amendment, nor is concept planning required.

Question 69: What coordinating role does the county have for an amendment to a UGB under the options in this bill?

Answer: *For cities outside of Metro, the county shall approve an amendment to a UGB made under the options provided by the bill and shall cooperate with a city to facilitate the coordination of functions under ORS 195.020 to facilitate the city's annexation and the development of the site.*