



Home of the Tualatin River National Wildlife Refuge

NOTICE OF DECISION

TAX LOT: 2S132BD00400

CASE NO: LU 2025-007 SP/VAR
Old Town Multi-Family (Rock Point)

DATE OF NOTICE: November 3, 2025

Applicant

Rock Point Construction
8101 SW Nyberg Street, Suite 202
Tualatin, OR 97062

Owner

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

NOTICE

Because you are the applicant or testified in writing or in person at a Public Hearing on this matter, you are receiving notice that on October 28, 2025, the City of Sherwood Planning Commission approved the Land Use Application LU 2025-007 SP/VAR 'Old Town Multi-Family (Rock Point)'. The approval is for the development of a use categorized as multiple family.

INFORMATION: The full Planning Commission findings report and conditions of approval can be viewed at: <https://www.sherwoodoregon.gov/projects/old-town-multi-family-rock-point/> or can be obtained by contacting Hugo Agosto, Associate Planner, at 503-625-4271 or HamblinAgostoh@sherwoodoregon.gov.

APPEAL

Pursuant to Sherwood Zoning and Community Development Code Section 16.72.010.B.1.e, 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 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 November 17, 2025.**

I, Hugo Agosto, for the Planning Department, City of Sherwood, State of Oregon, in Washington County, declare that the Notice of Decision LU 2025-007 SP/VAR 'Old Town Multi-Family' was placed in a U.S. Postal receptacle, or transmitted via electronic mail, on November 3, 2025.

Hugo Agosto, Associate Planner
City of Sherwood Planning Department

CITY OF SHERWOOD
November 3, 2025
PLANNING COMMISSION FINDINGS



OLD TOWN MULTI-FAMILY (ROCK POINT)
SITE PLAN REVIEW, CLASS A VARIANCE(S)
LU 2025-007 SP/VAR

Pre-App Meeting:	February 27, 2025
App. Submitted:	July 3, 2025
App. Complete:	August 26, 2025
Hearing Date:	October 14, 2025 (cont'd)
	October 28, 2025
120-Day Deadline:	December 24, 2025

The City of Sherwood Planning Commission (Commission) held the initial evidentiary hearing on October 14, 2025. During the hearing, the Commission heard presentations from City staff regarding the proposal, followed by an opportunity for testimony from the public. Three (3) members of the public came forward to provide opposing testimony. Comments were centered towards preservation of existing vegetation, sufficient green space & off-street parking

The applicant provided a presentation, additional testimony, and offered to address concerns from the Commission or public; prior to the hearing, the applicant entered a letter into the record (Attachment N), dated October 14, 2025, related to conditions of approval for SW Pine Street and SW Willamette Street.

The Commission asked questions regarding long-term management and maintenance of the subject property, including associated infrastructure and vegetation preservation, with respect to the safety and health of the community. Furthermore, the Commission inquired about the management of off-street parking and how much absorption existing public infrastructure could take, given various leasing and demand scenarios. The applicant stated that a maintenance agreement between the property owner and future tenants will be addressed with each respective lease agreement, and off-street parking will be sufficient to support future tenants on the site based on current market research.

Due to new information presented by the applicant, staff requested the Commission allow a continuance to further evaluate the applicants' materials. The Commission unanimously approved the request, continuing the hearing to October 28, 2025, and maintaining an open record.

The second evidentiary hearing was held on October 28, 2025. Staff briefly summarized the proposal and presented edits to the staff report based on additional analysis for compliance with Title 16 – Sherwood Zoning and Community Development Code. The

applicant had additional opportunity to provide testimony and answer questions from the Commission.

Two (2) members of the public came forward to provide neutral testimony. The initial testifier iterated that they submitted public comments to staff on October 16, 2025, but wanted to further provide testimony; their written testimony was entered into the record under Attachment P. The second comment was related to the unit bedroom count and unit size of the proposed development; staff conveyed that Title 16 – Sherwood Zoning and Development Code does not directly manage bedroom count or unit size, but rather is specific to only unit quantities, and that staff is working with the applicant to expand viable preservation of vegetation.

The Commission provided non-substantive edits to the staff report dated October 24, 2025, and inquired about revisions to the conditions of approval, particularly around tree preservation, removal, and enforcement.

The applicant agreed to all the conditions of approval in the revised staff report dated October 24, 2025. After considering all the information in the record, the Commission unanimously approved the application based on the amended findings in the staff report dated October 24, 2025. Proposed text alterations by staff and revisions to the conditions of approval have been incorporated into this staff report.

by Jean Simson, Chair

Jean Simson, Planning Commission Chair

11/02/2025
Date

PROPOSAL: A Type IV – Site Plan Review to develop a multi-family structure consisting of thirty-two (32) dwelling units. The applicant is requesting two (2) Class A Variances, pursuant to Senate Bill (SB) 1537 (2024):

- 1) Ten (10) percent reduction to the minimum lot size standards for multi-family dwellings beyond the first two (2) units from 1,500 to 1,350 square feet; and
- 2) A 16.96 percent increase to the maximum density standards under the High Density Residential (HDR) zone district from 24 to 28.07 dwelling units per acre.

The subject parcel is approximately ± 1.14 acres in size, 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. BACKGROUND

- A. Applicant:
Rock Point Construction
Attn: Adrian Oltean
8101 SW Nyberg Street, Suite 202

LU 2025-007 SP/VAR 'Old Town Multi-Family (Rock Point)'

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

- B. Location: 15665 SW Willamette Street (Washington County Assessors and Tax Lot Number: 2S132BD/400)
- C. Parcel Size: ±1.14 acres in size
- D. Review Type: Type IV – Site Plan Review & Class A Variances, subject to the mandatory adjustments under Senate Bill (SB) 1537 (2024).
- E. Public Notice: Notice of the application was provided in accordance with § 16.72.020 of the Sherwood Zoning and Development Code (SZDC) as follows: notice was distributed in five locations throughout the City, posted on the subject property, and mailed notice of the proposal was sent to property owners within 1,000 feet of the site on or before September 24, 2025. Notice of the application was also published in a local newspaper (The Times) general circulation on September 26, 2025, and October 3, 2025.
- F. Review Criteria: 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 – 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.
- G. History and Background:
 - **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. This proposal was not developed and the application expired March 14, 2024.

- H. 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.
- I. Surrounding Zoning Districts:
- West: Across SW Pine Street, High Density Residential – HDR (Old Town Overlay)
 - South: Across SW Willamette, Medium Density Residential Low-MDRL
 - East: High Density Residential – HDR (Old Town Overlay)
 - North: Across SW Columbia Street, Retail Commercial – RC (Old Town Overlay)
- J. Current Zoning: High Density Residential – HDR

II. AFFECTED AGENCY AND PUBLIC COMMENTS

- A. Notice of the application was sent to affected agencies via email on August 27, 2025. A full list of the agencies / staff receiving the routing email is included as **Attachment G**. The following responses were received:

1. City of Sherwood Engineering Department: Provided comments dated August 29, 2025. Comments are included in the Division VI - Public Infrastructure section of this report and are included as **Attachment B**. Comments are regarding Sanitary Sewer, Water, Storm Water, Transportation, Grading and Erosion Control, and Other Engineering Issues.
2. Clean Water Services (CWS): Provided comments dated September 11, 2025. Comments are included in the Division VI - Public Infrastructure section of this report and are included as **Attachment C**.
3. PRIDE Disposal & Recycling Company: Provided emailed correspondence dated September 9, 2025. Comments are included in the Division VI - Public Infrastructure section of this report and are included as **Attachment D**.
4. Oregon Department of Transportation (ODOT) Commerce and Compliance Division: Provided emailed correspondence dated August 27, 2025. Comments are included in the Division VI - Public Infrastructure section of this report and are included as **Attachment E**.
5. Oregon Department of Transportation (ODOT) Outdoor Advertising Sign Program: Provided emailed correspondence dated August 28, 2025. Comments are included in the Division VI - Public Infrastructure section of this report and are included as **Attachment F**.

B. Public Comments

LU 2025-007 SP/VAR 'Old Town Multi-Family (Rock Point)'

No public comments were received at the time of writing this staff report. Comments from the community are welcome up to the close of the public hearing.

III. APPLICABLE CODE PROVISIONS

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

Chapter 16.70 - GENERAL PROVISIONS

16.70.030 - Application Requirements

C. Content

3. In addition to the required application form, all applications for Type II-V land use approval must include the following:

- k. Other special studies or reports that may be identified by the City Manager or his or her designee to address unique issues identified in the pre-application meeting or during project review including but not limited to:

- 4) Verification of compliance with other agency standards such as CWS, DSL, Army Corps of Engineers, ODOT, PGE, BPA, Washington County.

FINDING: Clean Water Services (CWS) (Attachment C) provided a memorandum dated September 11, 2025, which included comments and recommended conditions of approval. As stated under “prior to any work on the site,” the memorandum included the following language regarding an existing Service Provider Letter (SPL):

“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.”

During the ongoing comment period, the applicant applied for a Service Provider Letter (SPL) (CWS File No. 25-002127), which was approved by CWS, issued on September 23, 2025, and is conditioned below to comply with all applicable conditions under their

respective agency (Attachment A, Appendix Q). In combination of the information provided, staff believe the proposed development can achieve the requirements by CWS; the approval letter indicated that 21,040 square feet of vegetative corridor impact was mitigated through a wetland mitigation bank purchase.

Condition A.1: The applicant shall comply with all requirements and conditions set forth in the Clean Water Services (CWS) memorandum dated September 11, 2025, as applicable.

Condition A.2: The applicant shall comply with all requirements and conditions set forth in the Clean Water Services (CWS) Service Provider Letter File No. 25-002127.

As presented, the above criteria is met.

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 ministerial, administrative, and quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

5. 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.

B. Hearing and Appeal Authority

1. The Hearing and Appeal Authorities shall be as follows:

- e. 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.**

FINDING: The proposal includes the development of a multi-family structure consisting of thirty-two (32) units within the Old Town Overlay District – Old Canary Area.

Consistent with Sherwood’s Zoning and Community Development Code, the subject proposal is categorized under a Type IV – Site Plan Review & includes two (2) Class A Variance requests, pursuant to Senate Bill (SB) 1537 (2024). A full discussion of the mandatory adjustments process pursuant SB 1537 is provided under the variances section of this report.

An initial hearing before the Planning Commission is scheduled for October 14, 2025, following public notice in accordance with Sections 16.72.020 through 16.72.080.

Under the mandatory adjustments Section 38(3) of SB 1537, only the applicant may appeal the decision of the adjustments.

The Site Plan Review appeal procedures follow the Sherwood Zoning and Community Development Code procedures described in this section above. Anybody who testifies orally or in writing before the close of the record may appeal the Site Plan decision.

As presented, this criteria is met.

16.72.020 - Public Notice and Hearing

A. Newspaper Notice

Notices of all public hearings for Type III, IV and V land use actions required by this Code shall be published in a newspaper of general circulation available within the City two (2) calendar weeks prior to the initial scheduled hearing before the Hearing Authority and shall be published one additional time in the Sherwood Archer, Sherwood Gazette or similarly local publication, no less than 5 days prior to the initial scheduled hearing before the hearing authority.

B. Posted Notice

1. **Notices of all Type II, III, IV and V land use actions required by this Code shall be posted by the City in no fewer than five (5) conspicuous locations within the City, not less than fourteen (14) calendar days in advance of the staff decision on Type II applications**

or twenty (20) calendar days in advance of the initial hearing before the Hearing Authority for Type III, IV and V applications.

2. Signage must be posted on the subject property fourteen (14) calendar days in advance of the staff decision on Type II applications and twenty (20) calendar days in advance of the initial hearing before the Hearing Authority for Type III, IV and V applications.
 - a. on-site posted notice shall provide a general description of the land use action proposed, the project number and where additional information can be obtained.
 - b. On-site posted notice shall be designed to be read by motorists passing by; the exact size and font style to be determined by the City.
 - c. On-site posted notice shall be located on the property in a manner to be visible from the public street. For large sites or sites with multiple street frontages, more than one sign may be required.

C. Mailed Notice

1. For Type II, III, IV and V actions specific to a property or group of properties, the City shall send written notice by regular mail to owners of record of all real property within one thousand (1,000) feet from the property subject to the land use action. Written notice shall also be sent to Oregon Department of Transportation (ODOT), Metro, the applicable transit service provider and other affected or potentially affected agencies. If the subject property is located adjacent to or split by a railroad crossing ODOT Rail Division shall also be sent public notice.
2. Written notice to property owners shall be mailed at least fourteen (14) calendar days prior to a decision being made on a Type II land use action and at least twenty (20) calendar days in advance of the initial public hearing before the Hearing Authority. If two (2) or more hearings are required on a land use action, notices shall be mailed at least ten (10) calendar days in advance of the initial hearing before the Commission or Council.
3. For the purposes of mailing the written notice, the names and addresses of the property owners of record, as shown on the most recent County Assessor's records in the possession of the City, shall be used. Written notice shall also be mailed to homeowner's associations when the homeowners association owns common property within the notification area and is listed in the County Assessor's records.
4. For written notices required by this Code, other than written notices to property owners of record, the City shall rely on the address provided by the persons so notified. The City shall not be responsible for verifying addresses so provided.

5. If a zone change application proposes to change the zone of property which includes all or part of a manufactured home park, the City shall give written notice by first class mail to each existing mailing address for tenants of the manufactured home park at least twenty (20) days but not more than forty (40) days before the date of the first hearing on the application. Such notice costs are the responsibility of the applicant.

FINDING: Public 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 September 24, 2025. Notice of the public hearing was published in The Times, general circulation, on September 26, 2025, and October 3, 2025, consistent with the requirement for publication at least two weeks prior to the hearing and at least once no less than five days before the initial public hearing.

A complete description of the proposal, including accompanying application materials and approval criteria, were provided on the City of Sherwood website for all interested parties to review.; therefore, the above criteria 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 (except middle housing types pursuant to 16.12.010.F). Minor land partitions shall be exempt from the minimum density requirement.

16.12.20 - Allowed Residential Land Uses

A. Residential Land Uses

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

Uses:	HDR
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Multi-Family Dwellings	P
Whereas P=Permitted, C=Conditional, N=Not Allowed	

- B. Any use not otherwise listed that can be shown to be consistent or associated with the permitted uses or conditionally permitted uses identified in the residential zones or contribute to the achievement of the objectives of the residential zones will be allowed or conditionally permitted using the procedure under Chapter 16.88 (Interpretation of Similar Uses).
- C. Any use that is not permitted or conditionally permitted under this zone that cannot be found to be consistent with the allowed or conditional uses identified as in B. is prohibited in the residential zone using the procedure under Chapter 16.88 (Interpretation of Similar Uses).

FINDING: The proposal includes the establishment of a use categorized under **Multi-Family Dwellings**. Pursuant to SZDC §16.10, Multi-Family Dwellings are defined as:

A single structure containing five (5) or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwellings include structures commonly called garden apartments, apartments and condominiums.

Pursuant to Chapter §16.12 – Residential Land Use District, the proposed use is permitted outright within the High Density Residential – HDR Zone District

As presented, this criterion is met.

16.12.030 - Residential Land Use Development Standards

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

2. Creation of new lots or parcels as part of a townhome or cottage cluster developments are subject to the applicable land division or Planned Unit Development approval process.
3. **Sufficient Infrastructure.** Prior to obtaining a residential building permit for construction of any new middle housing structure or division of an existing structure into middle housing, the applicant must submit a request for verification of Sufficient Infrastructure, together with any documentation requested by the City Engineer or designee, and receive approval from the City Engineer or designee.

C. Development Standards per Residential Zone

Development Standards by Zone		HDR Zone
Multi-Family Dwelling; for the first 2 units		8,000 SF
Multi-Family Dwelling: each additional unit after first 2		1,500 SF
Minimum Lot width at front property line: (in feet):		25 ft
Minimum Lot width at building line²:		
Multi-Family dwelling		60 ft
Minimum Lot Depth		80 ft
Maximum Height (in feet)³:		
;bull; All other dwelling types		40 feet or 3 stories
Setbacks (in feet)		
Front yard⁵		14 ft
Face of garage		20 ft
Interior side yard⁶		

Multi-Family Dwelling	5 ft
Between 18—24 ft. in height	7 ft
If over 24 ft. in height	§ 16.68 Infill
Rear yard	20 ft
Footnote: If the lot is an irregular shape see definition for Lot Line, Rear, Section 16.10 Definitions	

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.

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.

FINDING: The proposed development is on an existing lot equating to 1.14 acres in size, approximately 49,659 square feet (1 acre = 43,560 square feet x 1.14 = 49,658.4 square feet).

The applicant is proposing thirty-two (32) dwelling unit, therefore requiring at least 8,000 square feet for the first two (2) units and 45,000 square feet for the remaining thirty (30) units (30 units x 1,500 square feet for “each additional unit after first 2” = 45, 000). Based on the proposed density, the applicant is required to have at least 53,000 square feet of area to support the development of thirty-two (32) units, indicating a deficiency of 3,341 square feet.

To remedy this deficiency, the applicant is requesting one (1) of two (2) variances, pursuant to Senate Bill (SB) 1537 (2024), further addressed under *Chapter 16.84 – Variances*.

The lot is irregular in composition, with frontage along SW Columbia, SW Pine Street, and SW Willamette Street. The building is oriented towards SW Columbia Street and is setback a minimum of 14 ft., except where architectural features defined as porches are allowed to project up to 6 ft. into the front setback pursuant to Section 16.68.050(B). A porch is defined in Section 16.10 “*a roofed shelter, usually open at the sides, projecting from the face of a building and used to protect the entrance to a building*”. Based on this

definition, the canopy and eave over the front entrances facing SW Columbia Street are porches and can project up to 6 ft. into the required front setback. This standard is intended to allow flexibility in street facing elevations for infill development.

The subject development is approximately 31-feet 1-inch in height, and three stories in total height. Due to the height of the proposed structure, the interior side setbacks are subject to Chapter 16.68 Infill Development Standards and addressed in subsequent sections of this report.

No alterations to the existing lot dimensions are proposed with this application.

As presented above, and addressed in subsequent sections, the above criteria are met.

16.12.040 - Community Design

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

FINDING: The proposal includes development criteria that is subject to the Community Design Standards of the development code. These standards are addressed throughout this staff report; therefore, this criterion is met.

16.31.080 - Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

FINDING: No floodplains are located on or abutting the property; therefore, this standard is not applicable.

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.**

FINDING: The subject proposal is required to comply with the above standards, to ensure continued safety and navigation of the site. The applicant submitted a narrative with the following statement:

..Each driveway shall result in the creation of 2 clear vision areas which shall result of a total of 4 new clear vision areas on the subject property. One clear vision area shall extend beyond the boundaries of the subject property.. The applicant proposes no site obscuring fence, or other structures which would exceed 2.5 linear feet in height. The applicant's preliminary landscaping plan includes shrubs which can be groomed to ensure that they shall not grow more than 2.5 linear feet in height within the clear vision areas..."

The applicant did not delineate these areas within their development plans. A recommended condition of approval will require updated plans to provide this information prior to Final Site Plan Approval. No plantings beyond what is described above will be allowed within these designated areas.

Required maintenance of each clear vision area is bestowed upon the property owner(s), and future noncompliance will be subject to code compliance. No man-made structures are allowed within clear vision areas. To ensure these standards are met and maintained, the following condition applies:

Condition A.3: Clear Vision Areas shall be maintained at each private driveway intersection, pursuant to 16.58.010.

Condition B.1: Prior to Final Site Plan Approval, the applicant shall resubmit development plans that delineates each Clear Vision Area in compliance with the requirements of Chapter 16.58 – Vision Clearance and Fence Standards.

As conditioned, the above criteria is met.

Chapter 16.60 - YARD REQUIREMENTS

16.60.010 - Through Lots

On a through lot the front yard requirements of the zone in which such a lot is located shall apply to the street frontage where the lot receives vehicle access; except where access is from an alley, the front yard requirements shall apply to the street opposite the alley.

16.60.030 - Yards

- A. Except for landscaping, every part of a required yard (also referred to as minimum setback) shall be open and unobstructed from its lowest point to the sky, except that architectural features such as awnings, fire escapes, open stairways, chimneys, or accessory structures permitted in accordance with Chapter 16.50 (Accessory Structures) may be permitted when so placed as not to obstruct light and ventilation.

FINDING: The applicant submitted materials indicating that every part of the required yard is open and unobstructed as presented the above criteria is met.

Chapter 16.68 - INFILL DEVELOPMENT STANDARDS

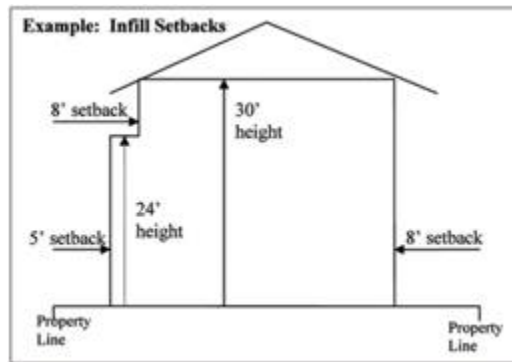
16.68.030 - Building Design on Infill Lots

Structures exceeding twenty-four (24) feet in height shall conform to the following standards:

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

1. The minimum interior side setback is five (5) feet, provided that elevations or portions of elevations exceeding twenty-four (24) feet in height shall be setback from interior property line(s) an additional one-half ($\frac{1}{2}$) foot for every one (1) foot in height over twenty-four (24) feet (see example below); and
2. All interior side elevations exceeding twenty-four (24) feet in height shall be divided into smaller areas or planes to minimize the appearance of bulk to properties abutting the side elevation: When the side elevation of such a structure is more than 750 square feet in area,

the elevation shall be divided into distinct planes of 750 square feet or less. For the purposes of this standard, a distinct plane is an elevation or a portion of an elevation that is separated from other wall planes, resulting in a recessed or projecting section of the structure that projects or recedes at least two (2) feet from the adjacent plane, for a length of at least six (6) feet. The maximum side yard plane may be increased by ten percent (10%) for every additional five (5) feet of side yard setback provided beyond the five (5) foot minimum.



FINDINGS: The applicant submitted materials indicating that subject development is setback at least 10-feet from the nearest interior side setback, located against the western property line. Based on the structures proposed height of approximately 31-feet 1-inch, the required minimum interior side setback for the proposed development is approximately 8 feet 6.5 inches [$7.0833 \times 0.5 = 3.5417 = 3 \text{ feet } 6.5 \text{ inches}$] + 5-feet = 8-feet 6.5-inches]. The setback is approximately 10 ft. and this standard is met.

Furthermore, the applicant provided the necessary division of areas or planes, through the incorporation of balconies, to minimize the area of bulk appearance to properties abutting the side elevation (Sheet A200). The resulting composition visibly breaks up the massing of the wall, ultimately limiting perceived bulk and providing depth and shadow.

As presented, the above criteria are met.

Chapter 16.84 - VARIANCES

16.84.010 – Purpose

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

the purposes of the adopted Comprehensive Plan, the Transportation System Plan, and other Code provisions.

16.84.020 - Applicability

A. Exceptions and Modifications versus Variances

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

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

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

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

16.84.030 - Types of Variances

As provided in this Section, there are three types of variances: Adjustments, Class A variance and Class B variance; the type of variance required depends on the extent of the variance request and the discretion involved in the decision making process.

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.

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.
- 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;
 - 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);
 - 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;
 - 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;
 - e. The hardship is not self-imposed; and
 - f. The variance requested is the minimum variance that would alleviate the hardship.

FINDING: Senate Bill (SB) 1537 was passed by the Oregon Legislature and signed by Governor Kotek during the 2024 legislative session. The bill requires cities and counties to approve certain land use adjustments, sometimes called variances, for certain housing applications. The law requires cities to process these adjustment requests as limited land use decisions but allows cities to apply their adopted comprehensive plan and development code procedures for limited land use decisions. In this case, both adjustments are required to follow the Class A Variance procedures. The state law also sets specific approval criteria that apply, superseding local development code approval criteria. The Mandatory Adjustments provisions of SB 1537 (Sections 38-41) became operative July 1, 2025, with a sunset date of January 2, 2032.

The applicant is requesting an adjustment to the minimum lot size and maximum density standards of Sherwood's code. Staff find that the requested adjustments qualify under the bill and are required to be approved. The bill language and additional findings are provided below.

In order to qualify for a mandatory adjustment, Section 38(2) of the bill states:

LU 2025-007 SP/VAR 'Old Town Multi-Family (Rock Point)'

An application qualifies for an adjustment under SB 1537, 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 [SB 1537];**
- **(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 [Section 38(4), SB 1537 (2024)] 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 [Section 38(5), SB 1537 (2024)] where each discrete adjustment to a listed development standard that includes multiple component standards must be counted as an individual adjustment.**

The only approval criteria that can be applied to the requested adjustment are listed under Section 38(2)(g) of the bill which states:

- **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;...**

Applicants may request a mandatory adjustment to the following development standards:

Under Section 38 (4) a local government shall grant an adjustment to the following development standards:

- ***(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.***
- ***(g) For manufactured dwelling parks, middle housing (as defined in ORS 197A.420), multifamily housing and mixed-use residential housing:***
 - ***(C) Unit density maximums, not more than an amount necessary to account for other adjustments under this section; and***

Within the parameters of the proposed development, the applicant submitted materials indicating compliance with the above criteria, indicating that requested two (2) adjustments will increase the number of housing units within the application. The application is also for densities greater than 17 units per acre, is on land zoned for residential uses, is for new construction, and is within the Urban Growth Boundary. This meets the overall statutory eligibility and satisfies at least one of the required criteria described above to grant the requested adjustments. These two (2) adjustments include:

- 1) A ten (10) percent reduction to the minimum lot size standards for multi-family dwellings beyond the first two (2) units from 1,500 to 1,350 square feet; and
- 2) A 16.96 percent increase to the maximum density standards under the High Density Residential (HDR) zone district from 24 to 28.07 dwelling units per acre.

Regarding application procedures and following the limited land use procedure requirement, in August 2025, the Oregon Department of Land Conservation and Development (DLCD) and Housing Accountability and Production Office (HAPO), issued an amended Frequently Asked Questions (FAQ) regarding implementation of SB 1537 (Attachment J). One of the points of clarification (Q: 53) discussed what review processes are allowed for review of limited land use decisions. The response included the following:

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 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.

The City of Sherwood’s adopted Zoning and Community Development Code establishes procedures for processing adjustments to development standards through Chapter 16.72

(Procedures for Processing Development Permits) and Chapter 16.84 (Variances). Under the City's acknowledged procedures, adjustments that exceed a 10% change to a standards are processed as Class A Variances under the City's Type IV review procedures and go before the Planning Commission. While SB 1537 adjustments are mandatory approvals when statutory conditions are met, the City is utilizing its existing limited land use procedures as the vehicle for review, consistent with the provisions of the state law.

Accordingly, this application has been scheduled for review by the Planning Commission on October 14, 2025. SB 1537 limits the scope of discretionary review to only the applicable criteria outlined in Sections 38–41 of SB 1537 and not the criteria listed under the city's code section 16.84.030.C.3.a-f. The Planning Commission's role is therefore to determine whether the record demonstrates compliance with SB 1537's eligibility conditions and approval criteria; if so, the requested adjustments must be granted. As noted above, staff recommend approval of the adjustment requests.

Chapter 16.90 - SITE PLANNING

16.90.010 – Purpose

Site planning review is intended to:

- A. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity.**
- 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, appearance 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 water-ways.**

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 is not subject to Residential Design Checklist or Residential Design Review, does not meet the criteria of a minor or major modification per 16.90.030, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use. Exemptions noted below.

Site Plan Review is required for the following development:

- 1. Multi-dwelling**
- 2. Commercial**

- 3. Industrial
- 4. Mixed-use

FINDING: The proposal includes the development of a multi-family structure consisting of thirty-two (32) dwelling units. Pursuant to the above criteria, the proposal is subject to Chapter 16.90 and is further described below.

D. Required Findings

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

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

FINDING: The subject parcel is zoned High Density Residential (HDR), and subject to Chapter 16.12 – Residential Land Use Districts, as well as all other applicable provisions of Divisions V, VI, VIII and IX. Compliance with all applicable code criterion is outlined within this staff report; therefore, this criterion is satisfied.

- 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.**

FINDING: The application was reviewed by the City of Sherwood Engineering and Building departments for compliance with the above criteria. An Engineering memorandum, dated August 29, 2025 (Attachment B), indicated the proposed development would have adequate access to services, as further detailed and conditioned in subsequent sections of this report; therefore, this criterion is satisfied.

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

FINDING: The applicant submitted a narrative with the following statement,

The entire subject property shall be under common ownership, ensuring one entity is responsible for all property management and the maintenance of all structures, on-site amenities, and required landscaping. The applicant acknowledges that if the development were ever [Condominiumized] an organization and associated legal covenants must be established to ensure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.

Condition of Approval B14 requires the applicant to provide an acceptable form of ownership and maintenance for the common open space within the site. As presented and conditioned this criterion is satisfied.

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

FINDING: The applicant submitted a narrative stating the following,

The applicant proposes to remove all on-site vegetation outside of the retention of two mature Douglas Fir trees which were previously identified as significant by the City of Sherwood. It is not feasible to maintain any significant on-site vegetation as the area is overgrown with non-native and invasive species. An efficient land clearing process is necessary to remove the overgrowth and prepare for development and this may result in the loss of the remaining native vegetation. The applicant has proposed landscaping which shall include primarily native plants as demonstrated by the attached landscaping plan. The proposed landscaping shall offset the loss of any significant mature native vegetation and shall replace the invasive and non-native vegetation with appropriate plants.

Based on the scope of the proposed development, the project preserves significant natural features to the maximum extent feasible, consistent with all applicable standards, as further described throughout this staff report. The size and configuration of the wetland, including its associated vegetation, limit opportunities for additional preservation while still accommodating development of the site. The following condition applies:

Condition A.4: The applicant shall preserve the two existing mature Douglas Fir trees, as identified within the approved plan set.

As presented and conditioned, 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.

FINDING: The project was reviewed by Public Works – Engineering staff. Staff determined the vehicle traffic from the project is not anticipated to generate more than 400 average daily trips (ADTs). Therefore, this section does not apply, and no additional traffic counts or traffic impact analysis are required.

6. Electric Vehicle Conduits

- a. For proposed multi-family residential or mixed-use developments - 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.**
- b. For proposed Non-Residential Development under private ownership - Each building for a proposed non-residential development, under private ownership, shall provide electrical service capacity at no less than 20 percent of the vehicle parking spaces in the garage or parking area for the building. Fractional numbers derived from a calculation of the vehicle parking spaces must be rounded up to the nearest whole number.**

FINDING: As further delineated under Chapter 16.94, the proposed development will provide a total of forty (40) off-street parking stalls. The subject property is required to dedicate sixteen (16) off-street parking stalls ($40 \times 0.40 = 16$) to future electrical service capacity (i.e., conduits). The applicant did not submit development plans indicating that these conduits will be placed accordingly, and information regarding the exact location of each conduit, or how they will connect to the larger overall power distribution system, were not provided. As to remedy this deficiency, the following condition applies:

Condition B.2: Prior to Final Site Plan Approval, the applicant shall submit plans detailing the exact location of each proposed conduit for future electrical service capacity, serving at least forty (40) percent of the proposed off-street parking stalls. The plans shall detail how the proposed conduits will connect to the overall power distribution system.

As presented, the above standard is met.

7. The proposed commercial, Multi-Family dwelling, 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.

FINDING: The applicant submitted a narrative (Attachment A, Appendix A) stating that,

“The applicant proposes a design for the 32-unit apartment building that will include 3 ground floor units which are oriented towards SW Columbia St and a main lobby oriented towards SW Columbia Street. The lobby entrance shall provide direct pedestrian access to the pedestrian improvements along SW Columbia St. The lobby entry is emphasized through the following architectural treatments:

- *A 23'-wide, 5'-deep metal-framed canopy for weather protection and entry definition;*
- *An enhanced door height to establish hierarchy over unit entries;*
- *Wood-finish cladding at the recessed entry alcove; and*
- *An adjacent pedestrian bench to activate the streetscape.”*

As shown in the development plans, the building is oriented to SW Columbia Street and provides a pedestrian connection to the street. The street facing façade also provides articulation and treatment in conformance with this standard, through the treatments listed above.

Currently, the pedestrian pathway connecting the front entrance of the building to SW Columbia Street is required to avoid a city-owned property between the subject site and SW Columbia Street. The pathway extends to the north before making the connection to the right-of-way. The applicant is encouraged to work with the City to obtain permission to use this property for a more direct connection to the right-of-way. The following conditions are recommended:

Condition B.3: Prior to Final Site Plan Approval, applicant is encouraged, but not required, to work with the City to provide a more direct connection between the front entrance and SW Columbia Street over the city’s property (Tax Lot 2S132BD08900). An agreement is required to be reached between the City and applicant for use of this property.

With the recommended condition in place, this criterion is met.

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

FINDING: As described in Section 16.12.030 of this report, the subject site is an infill lot and a reduction to the front yard setback is allowed for architectural features defined as porches. The entrance canopy and eave project into the front setback as allowed by the infill development standards. While a portion of the northern section of the building exceeds a 14 ft. distance from the property line, staff finds the intent of this standard is met since a portion of the building is located adjacent to and flush to the street. The intent of the standard is to promote buildings are located near the street to promote pedestrian activity and access, while prohibiting incompatible uses like parking and loading areas.

As presented, the above criteria are met.

- 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.**

FINDING: The applicant submitted a narrative (Attachment A, Appendix A) stating that,

The requirement that architecture of buildings are oriented to the pedestrian and designed for the long term and be adaptable to other use requires interpretation as what is “oriented to the pedestrian” and “adaptable to other use” is up to interpretation and debate. As a result, this portion of this criteria is not clear and objective and may not be applied to this application.

The applicant has proposed a design for the 32-unit apartment that fulfills the objective criteria of this section and attempts to provide a design which is oriented towards the pedestrian and will be flexible for future uses despite the subjective nature of these standards.

The proposed design of the 32-unit apartment building is oriented towards Columbia St and has pedestrian accesses for the street facing ground floor units. These ground floor units could be adaptable to other uses. The street facing elevation of the building shall have windows and glazed doors. 3 of the ground floor units with pedestrian access shall have an awning which extends 3’ from the street facing building elevation.

This awning combined with the decks of the second story units shall create a traditional “stoop” area which provides shelter from rain. Stoops and similar semi-private spaces oriented towards the street are a hallmark of good pedestrian-oriented design which encourages street level interaction. In addition, the primary entrance shall be covered by a similar metal framed awning. The applicant shall not use aluminum, vinyl, or T-111 siding in the construction of the proposed 32-unit apartment building.

Materials detailed under the exterior elevations (Sheet A200 & A201) demonstrate no aluminum, vinyl, or T-111 will be utilized for development. The street facing elevations have windows, transparent fenestration, and divisions to break up the mass of any window. The applicant’s narrative states that a 5 ft. deep canopy is proposed over the front entrance to the building along SW Columbia Street. The applicant is required to construct the front façade in conformance with the approved plans.

As presented, the above criteria are met.

- d. 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.**

FINDING: The applicant submitted a narrative (Attachment A, Appendix A) stating that,

...preliminary elevations and renderings of the proposed 32-unit apartment building...[display] Greater than 28% of the front elevation contains glazed area. The applicant finds that the glazing requirements of this section are met.

Staff concur with the above analysis for the front elevation. Glazing area calculations were provided under Sheet A002; the façade area is approximately 4,106 square feet, while 1,172 square feet are dedicated to windows and doors, resulting in 28.5 percent overall glazing area. The proposal exceeds the minimum standard.

No other portion of the proposed development is adjacent to a public right-of-way or public accessway.

As presented, the above criteria are met.

- 8. Driveways that are more than twenty-four (24) feet in width shall align with existing streets or planned streets as shown in the Local Street Connectivity Map in the adopted Transportation System Plan**

(Figure 17), except where prevented by topography, rail lines, freeways, pre-existing development, or leases, easements, or covenants.

FINDING: The proposed development is permitted to utilize one of the proposed driveways, as access onto Pine will be limited to only emergency vehicles, as further described under Chapter 16.106. The approved driveway will be approximately 24 feet in width, provide access to SW Columbia Street, and align with the established road network. The proposal complies with the standards set forth in the Sherwood Transportation System Plan (TSP); therefore, this criterion is met.

B. 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.

C. 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.

FINDING: The application was reviewed in compliance with Chapter 16.72, and action was taken to either approve, approve with conditions, or deny the application for site plan review, as further detailed in this report. The following condition applies:

Condition A.5: Approval of this decision is valid for a period of two (2) years from the date of Notice of Decision (LU 2025-007 SP/VAR) unless construction on the site has begun. A one (1) year extension may be granted by the City upon written request from the applicant showing cause for such extension.

Chapter 16.92 - LANDSCAPING

16.92.010 - Landscaping Plan Required

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

FINDING: Pursuant to Section 16.90.020, the proposal is subject to Site Plan Review; therefore, these standards are applicable.

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.**

FINDING: The applicant submitted landscaping plans (Sheet L100) indicating the entire landscaped area, not dedicated to either trees or shrubs, will have sufficient ground coverage, through the incorporation of grasses (Fine Fescue Lawn Mix) and other appropriate materials (Kinnikinnick/Arctostaphylos Uva Ursi). Conversely, the applicant did not indicate if the proposed ground cover plants, excluding grasses, will be at least four inches in pot size. Plantings will be evenly spaced throughout the landscaped area and will cover the entire area within three (3) years of initial planting. The following condition applies:

Condition B.4: Prior to Final Site Plan Approval, the applicant shall resubmit landscaping plans to indicate all ground cover plants, excluding grasses, will be installed at a minimum four-inch pot size.

As conditioned, this standard is met.

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.**

FINDING: The applicant submitted preliminary landscaping plans indicating each proposed shrub will be at least one-gallon container sized when planted. Further research into each individual shrub species indicated full growth within three (3) years of being established, given normal and appropriate conditions; therefore, this standard is met.

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.**

FINDING: The applicants' landscaping plan (Sheet L100) indicates each proposed tree will be at least two (2) caliper inches and at least six (6) feet in height when planted. Two (2) existing Douglas Fir Trees, located at the southeastern property line, are proposed for preservation but will not be included in meeting the minimum requirements, as further described under 16.92.020.C.2; therefore, this standard is met.

B. Plant Material Selection and Preparation

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

FINDING: The applicant submitted preliminary landscaping plans detailing the proposed planting schedule, which highlighted the various materials selected for landscaping. Further research into each species and plant type indicated the proposed landscaping materials were at least moderately drought resistant, given normal weather conditions. Conversely, the applicant did not provide details displaying adequate preparation of the topsoil and subsoil during the establishment of the proposed landscaped vegetation. Future maintenance of the proposed landscaping will be the responsibility of the owner(s). The following conditions apply:

Condition A.6: The property owner(s) shall be responsible for ensuring the overall maintenance and health of the approved landscaping materials. Only hardy and drought-resistant landscaping shall be permitted on the parcel. Violation of this condition will be subject to Code Enforcement.

Condition B.5: Prior to Final Site Plan Approval, the applicant shall submit landscaping plans indicating adequate preparation of the topsoil and subsoil will occur during the establishment of the proposed vegetation, pursuant to 16.92.020.B.2.

As conditioned, 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.

FINDING: The applicant submitted an Existing Conditions Plan (Attachment A, Appendix F). Review of the Preliminary Landscaping Plans (Attachment A, Appendix: Sheet L100) indicates several trees posed for preservation.

The proposal was reviewed for compliance with Section 16.140.(Parks, Trees and Open Space) and Chapter 16.142 (Wetland, Habitat, and Natural Resources), further addressed in subsequent sections. All trees and vegetation shall be preserved to the maximum extent feasible. The following condition applies:

Condition A.7: The applicant shall protect and maintain existing vegetative areas posed for preservation, as presented within the approved plans, during the entire construction phase of development. Destruction or removal of existing vegetation not originally approved for removal shall be mitigated via the replanting of similar materials to what was approved under this decision (LU 2025-007 SP/VAR).

As conditioned this criterion is met.

D. Non-Vegetative Features

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

FINDING: The proposal does not include any separate architectural features or artificial plantings being incorporated into the overall landscaping area. No impervious paving is being counted towards the minimum landscaping requirements; therefore, this criterion is satisfied.

16.92.030 - Site Area Landscaping and Perimeter Screening Standards
A. Perimeter Screening and Buffering

2. **Perimeter Landscaping Buffer**
 - a. A minimum ten (10) foot wide landscaped strip comprised of trees, shrubs and ground cover shall be provided between off-street parking, loading, or vehicular use areas on separate, abutting, or adjacent properties.
 - b. The access drives to a rear lots in the residential zone (i.e. flag lot) shall be separated from abutting property(ies) by a minimum of forty-two-inch sight-obscuring fence or a forty-two-inch to an eight (8) feet high landscape hedge within a four-foot wide landscape buffer. Alternatively, where existing mature trees and vegetation are suitable, Review Authority may waive the fence/buffer in order to preserve the mature vegetation.
3. **Perimeter Landscape Buffer Reduction**

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

FINDING: The proposed landscaping between the dedicated off-street parking, loading, and vehicular use areas with abutting or adjacent properties is approximately 5-feet. Research into the abutting and developed properties indicated existing perimeter landscaping, while the only undeveloped properties (TL: 7900 & 8800) will be required to incorporate a minimum of 5'-feet of landscaping strip material against the subject parcel at the time of development, thus equating to a total minimum of 10'-foot landscaping strip, and meeting the intent of the standard.

Conversely, the applicant is not seeking a reduction to the required landscape buffer area. The subject parcel is located within the Old Town Overlay, which pursuant to section 16.162.070.B.2 - *Community Design: Landscaping for Residential Structures*, allows the required permitter landscaping to be a minimum of five (5) feet in width by right.

Therefore, as presented, the above criteria are met.

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. Applicability. The provisions of this section apply to off-street parking areas of more than four (4) parking and/or loading spaces.

3. 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:

$$\text{Canopy Factor} = \text{Mature Height (in feet)} \times \text{Canopy Spread (in feet)} \times \text{Growth Rate Factor} \times .01$$

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."

FINDINGS: The applicant submitted a request to develop a multi-family structure consisting of thirty-two (32) dwelling units. A total of forty (40) new off-street parking stalls are proposed, exceeding the minimum applicability threshold; therefore, these standards apply.

4. 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.

FINDING: The proposal includes a total of forty (40) parking stalls on the subject property. Approximately 1,800 ($45 \times 40 = 1,800$) square feet of landscaping is required. The applicant submitted materials (Attachment A, Appendix K: Sheet L100) indicating sufficient parking area landscaping will be provided, equating to approximately 18,980 square feet. As presented, the above criteria is met.

5. 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.

FINDING: The applicant submitted preliminary landscaping plans (Attachment A, Appendix K: Sheet L100). The table below delineates each tree and its corresponding total canopy coverage:

Tree Species (Deciduous/Evergreen)	QTY	Size	Mature Spread	Mature Radius	Canopy Equation	Mature Canopy Area (SF)	Total Canopy Coverage (SF)
Carpinus Betulus 'Fastigiata'	6	Small	30'	15'	$\pi(15')^2$	706.86	4,241.16

(Deciduous)							
Quercus Robur 'Fastigiata' (Deciduous)	18	Small	15'	7.5'	$\pi(7.5')^2$	176.71	3,180.78
Zelkova Serrata 'Musahino' (Deciduous)	4	Small	15'	7.5'	$\pi(7.5')^2$	176.71	706.84
Total	28						8,128.78
On-Site Project Area:							49,658.4
On-Site Project Canopy							16.36% (min 30%) \$16,140.070

As further defined under Chapter 16.94, the proposal incorporates forty (40) off-street parking stalls. Based on the above table and proposed development plans, twenty (20) small trees will be within the off-street parking area, meeting the minimum one (1) small tree required per two (2) parking spaces. As all the trees provided are deciduous, the applicant shall be conditioned to ensure at least five (5) percent perimeter off-street parking area landscaping is evergreen; within the applicant's narrative, the following statement was included:

The applicant is planning to preserve two mature Pseudotsuga menziesii (Douglas Fir) trees identified on the existing conditions plan. One fir is 10" in DBH while the other is 35" in DBH. The 10" fir shall be considered two medium trees, and the 35" fir shall be considered 10 medium trees. These two trees provide parking lot landscaping for the remaining 28 parking spaces

However, the applicant is required to plant at least one tree in each required landscaping island. The preliminary landscaping plan shows that the applicant shall plant a small tree which is both native to the Pacific Northwest and Drought tolerant. The applicant proposes to plant one Acer negundo (Boxelder Maple) tree in each in each required landscaping island.

Based on the proposed development plans, the two (2) Douglas Firs posed for preservation are not within the defined off-street parking area, and therefore unable to count them towards the required parking area landscaping calculations. The following condition applies:

Condition B.6: Prior to Final Site Plan Approval, the applicant shall revise the landscaping plan to demonstrate that a minimum of five percent (5%) of the required parking area landscaping trees are evergreen species.

As conditioned, these standards are met.

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.**

FINDING: The proposal includes a total of forty (40) parking stalls. Ten (10) stalls do not qualify for the reduction, as they are abutting hard surfaces, and are required to provide twenty (20) shrubs. Thirty (30) stalls are defined as either compact or reduced, pursuant to 16.94.020.B.3, and are required to provide a minimum of thirty (30) shrubs. A total of fifty (50) shrubs are required within the defined parking area.

The applicant submitted preliminary landscaping plans (Attachment A, Appendix K: Sheet L100) indicating that at least fifty (50) shrubs within this area are provided, meeting the minimum standard. New shrubs will consist of both evergreen and deciduous plant species; therefore, this standard is met.

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.**

FINDING: The remaining amount of parking area landscaping not occupied by either trees or shrubs will consist solely of ground cover plants. No mulch is included as ground coverage within the off-street parking area; therefore, this standard is met.

Condition A.8: Ground cover plants shall envelop any remainder of the proposed landscaping area within three (3) years of planting, pursuant to 16.92.030.B.5.c.

6. Individual Landscape Islands Requirements

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

- e. Storm water bio-swales may be used in lieu of the parking landscape areas and may be included in the calculation of the required landscaping amount.
- f. **Exception to Landscape Requirement**
Linear raised or marked sidewalks and walkways within the parking areas connecting the parking spaces to the on-site buildings may be included in the calculation of required site landscaping provide that it:
 - 1) Trees are spaced a maximum of thirty (30) feet on at least one (1) side of the sidewalk.
 - 2) The minimum unobstructed sidewalk width is at least six (6) feet wide.
 - 3) The sidewalk is separated from the parking areas by curbs, bollards, or other means on both sides.

FINDING: The applicant submitted plans indicating the incorporation of six (6) landscaped islands. Two (2) of the proposed landscaped islands do not meet the distribution requirements applicable to residential uses, and therefore, shall be required to demonstrate compliance with the distribution requirements and ensure each landscaped island is evenly spaced throughout the parking area.

As proposed, each island is at least 5-feet in width, contains a minimum area of approximately ninety (90) square feet or greater, and includes at least one (1) tree within each island. No exceptions or alternatives in lieu, as described above, are requested with this proposal.

The following condition applies:

Condition B.7: Prior to Final Site Plan Approval, the applicant shall resubmit development plans demonstrating how all required landscaped islands meet the distribution requirements for residential uses and with each landscaped island evenly spaced throughout the parking area in conformance with applicable standards.

As conditioned, the above criteria are met.

7. 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.

FINDINGS: The proposed development will have direct access onto SW Columbia Street; access onto SW Pine Street will be restricted for only emergency access, as described throughout this report and Chapter 16.106 – Transportation Facilities. The applicant has been conditioned to comply with Clear Vision Area standards, pursuant to

Chapter 16.58 – Vision Clearance and Fence Standards and be required to ensure the above criteria are met; therefore, this standard is satisfied.

8. Exceptions

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

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

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

FINDING: Based on submitted architectural elevations and applicants' narrative (Attachment A, Appendix K), all rooftop mechanical equipment will be adequately screened. To ensure compliance, the following condition applies:

Condition A.9: The property owner(s) shall be responsible for maintaining all required screening of all Mechanical Equipment, Outdoor Storage, Service and Delivery Areas from public streets and any adjacent residential zone or public street, pursuant to 16.92.030.C.

As conditioned, this criterion is met.

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.

D. Deferral of Improvements

Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to one hundred twenty-five (125) percent of the cost of the landscaping is filed with 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 landscaping is not completed within one (1) year, the security may be used by the City to complete the installation.

FINDING: Installation, maintenance, and mitigation of all landscaped areas is the responsibility of the property owner(s). No deferral of improvements is requested. Prior to building occupancy, all required landscaping must be in-ground with an approved irrigation system, as conditioned below:

Condition A.10: All landscaped areas shall be maintained in accordance with the approved landscaping plan. Existing non-invasive native vegetation on portions of the site not subject to development shall be retained and maintained. Any required landscaping trees that are removed shall be replaced consistent with the approved

landscaping plan and in compliance with Chapter 16.142 – Parks, Trees, and Open Space.

Condition G.1: Prior to Occupancy, the applicant shall install or otherwise provide irrigation consistent with one of the following options:

- 1) a permanent built-in irrigation system with an automatic controller;
- 2) an irrigation system designed and certified by a licensed landscape architect or other qualified professional that ensures adequate watering during the establishment period; or
- 3) a written commitment and actionable plan to irrigation by hand, in which case a City inspection shall occur one (1) year after final inspection to verify plant establishment.

Condition G.2: Prior to Occupancy, the applicant shall place all required landscaping in-ground, including installation of an approved irrigation system, pursuant to the 16.92.040. standards.

As conditioned, these standards are met.

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.

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 residential, commercial, institutional and public, or industrial zones, shared parking may be provided on lots that are within two thousand (2,000) 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.
3. Parking reduction is allowed with development that provides solar panels or wind power capacity, carsharing parking spaces, electric-vehicle parking spaces, and housing units that are fully accessible to people with mobility disabilities as defined in Section 16.94.020.B(6).

D. Prohibited Uses

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

FINDING: The proposal includes the development of a multi-family structure consisting of thirty-two (32) dwelling units. This application is subject to the criteria of Chapter 16.94, as further detailed in subsequent sections of this staff report. No deferrals or reduction to

the required off-street parking is requested. The property owner(s) will be responsible for ensuring that no prohibited use will occur within the off-street parking area, as conditioned below:

Condition A.11: The property owner(s) shall be responsible for ensuring all required parking, loading, and maneuvering areas are not used for long-term storage or sale of vehicles or other materials, or rented, leased, or assigned to any person or organization not using or occupying the building or use served, pursuant to 16.94.010.D. All future violations are subject to Code Compliance.

As conditioned, the above criteria are met.

E. Location

1. Residential off-street parking spaces:

- a. **Garages and carports are not required for residential developments.**
- b. **If garages and carports are proposed, the garage and carport parking space(s) shall count as off- street parking.**
- c. **Residential off-street parking spaces can be shared per Section 16.94.010.C.1.a.**
- d. **If all proposed parking is off-site, off-site parking for people with disabilities must be located within the shortest possible distance of an accessible entrance via an accessible path and no greater than 200 feet from that entrance.**

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.**

FINDING: The applicant submitted materials indicating off-street parking stalls will be confined to the subject parcel and will be located at the rear of the development. No shared or off-site parking is proposed and will be developed in conformance with this code section. No garages or carports are proposed. As presented the above criteria is 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.

FINDING: The applicant submitted materials indicating each proposed off-street parking stall and maneuvering area will be clearly marked, painted, and delineated. Interior drive and access aisles will be marked and signed to show the directional flow of traffic, as to maintain vehicle and pedestrian safety. No designated loading areas will be provided. Off-street parking and other vehicular parking areas will be striped in accordance with the applicable dimensional standards, as further detailed in subsequent sections of this report; therefore, this criterion is met.

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.**

FINDING: The applicant submitted application materials indicating that all off-street parking, loading, and vehicle use areas will be improved with permanent hard surfaces. The development will utilize a new mechanical filter catch basin, and on-site flows are detained in private underground pipe storage. A preliminary stormwater analysis (Attachment A, Appendix J) indicated all requirements of the Clean Water Services R&O 19-22 will be met.

This was reviewed by CWS and City Engineering for compliance with the above criteria and is further addressed under Chapter 16.114; as presented, this standard is met.

H. Repairs

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

FINDING: The property owner(s) shall be responsible for properly maintaining the parking and loading areas. Future violations are subject to Code Compliance. This standard is met as conditioned below:

Condition A.12: The property owner(s) shall be responsible for the maintenance and repair of the parking and loading areas, including associated infrastructure, pursuant to Chapter 16.94.010.H.

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. A parking and loading plan is not required for all residential housing types, except for Multi-family, on residential lots in a recorded subdivision. The plan shall show but not be limited to:

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

FINDING: The applicant provided materials with sufficient detail to analyze the proposed off-street parking and loading area. Compliance with all applicable standards and criteria, pursuant to Chapter 16.94, were reviewed against these materials and approved as part of this decision; therefore, this standard is met.

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. Per OAR 660-012-0440 Parking Reform Near Transit Corridors no off-street parking is required for developments on a lot or parcel that includes lands within one-half (½) mile of a frequent transit corridor. 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 not within the CFEC Parking Delineated Area
(Metro spaces are based on 1 per 1,000 sq ft of gross leasable area; ADU standards are per OAR Division 46)

Use	Minimum Parking Standard	Maximum Permitted Parking Zone A ¹
Multi-Family dwelling ⁴	1 per unit	None
	18 = (32 units Feet x 1 stall per unit = 32)	None
Total	32 Off Street Parking Stalls	None

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

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.

FINDING: Based on the development scope, the applicant traditionally would be required to provide a minimum of thirty-two (32) dedicated off-street parking stalls. Review of the submitted plans indicate forty (40) dedicated off-street parking stalls will be provided.

Conversely, Climate Friendly and Equitable Communities (CFEC) regulations administered under Oregon Administrative Rule (OAR) 660-012-0440, in response to an executive order issued by the previous Governor Kate Brown (2015-2023) in March of 2022, requiring state agencies to reduce climate pollution and managed by the Oregon Land Use Conservation and Development Commission (LCDC), included the elimination of off-street parking minimums for lots or parcels located within 0.5 miles of “frequent transit” as defined by OAR 660-012-0440(3)(c).

As the subject parcel is located within 0.5 miles of Tri-Met Line 94 “Frequent Transit” at the time of this review, no minimum off-street parking is required. Staff finds the proposal will have sufficient off-street parking to service the proposed *Multi-Family Dwelling* use.

No maximum off-street parking is imposed on *multi-family* uses for parcels located within Parking Zone A; the subject development is within $\frac{1}{4}$ walking distance of a bus transit stop, located SW 1st & Pine (Stop ID: 14108).

Future establishment and change of use(s) will be reviewed for compliance with the above off-street parking maximums during future building permit submittals.

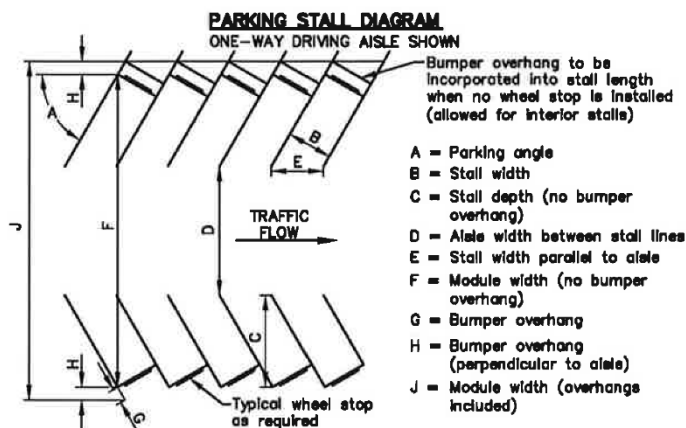
As presented, the above criterion is met.

B. Dimensional and General Configuration Standards

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

2. **Layout**

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



FINDING: The applicant is proposing forty (40) dedicated off-street parking stalls positioned at a 90° degree angle. Measurements of the proposed standard stalls display the proposed dimensional length of twenty-four (24) stalls at approximately 18-feet in length with a width of 9-feet, while the eight (8) compact stalls have a length of 18-feet and a width of 8-feet. The applicant is seeking a three (3) foot reduction to the paved portion of each standard parking stall length, pursuant 16.94.020.B.3.c, by providing three (3) feet of low-lying landscaping in lieu of a wheel stops.

The proposed off-street will be serviced by one (1) two-way drive-aisles, connected by an abutting driveway, with an aisle width of approximately 26-feet. The modular width of the off-street parking area (no bumper overhang) is between 60-62 feet, exceeding the minimum standards.

As presented, the above criteria is met.

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.

FINDING: The applicant is seeking a reduction to the minimum standard stall length by two (2) feet for stalls designated as standard and will provide three (3) feet of either low-lying landscaping or hardscape in lieu of the required wheel stops; adequate curbing and infrastructure improvements are required to meet City engineering standards. All wheel stops adjacent to landscaping are designed to allow storm water runoff. As presented, these criterions are met.

4. Service Drives

Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers, and shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points fifteen (15) feet from their intersection.

6. Reduction in Required Parking Spaces

- a. Developments utilizing Engineered storm water bio-swales or those adjacent to environmentally constrained or sensitive areas may reduce the amount of required parking spaces by ten (10) percent when twenty-five (25) through forty-nine (49) parking spaces are required, fifteen (15) percent when fifty (50) and seventy-four (74) parking spaces are required and twenty (20) percent when more than seventy-five (75) parking spaces are required, provided the area that would have been used for parking is maintained as a habitat area or is generally adjacent to an environmentally sensitive or constrained area.
- b. Solar Panels or Wind Power - developments utilizing solar panels or wind power may reduce the amount of required parking spaces by one (1) parking space when three kilowatts of capacity in solar panels or wind power is proposed to be provided in a development.

- c. **Car-Sharing** - developments utilizing car-sharing parking may reduce the amount of required parking spaces by one (1) off-street parking space for each dedicated car-sharing parking space in a development. Dedicated car-sharing parking spaces shall count as spaces for parking mandates.
 - d. **Electric Vehicle Charging Station** - developments that provide electric vehicle charging station may reduce the amount of required parking spaces by two (2) off-street parking spaces for every electric vehicle charging station provided in a development. Parking spaces that include electric vehicle charging while an automobile is parked shall count towards parking mandates.
 - e. **Fully Accessible Parking** - developments utilizing this provision may reduce one (1) off-street parking space for every two units in a development above minimum requirements that are fully accessible to people with mobility disabilities.
 - f. Any reductions under Section 16.94.020.B.6 (a-e) above, shall be cumulative and not capped.
7. **Parking Location and Shared Parking**
 Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable.

FINDING: The applicant is not seeking a reduction or credit for off-street parking. No service drives are proposed. The applicant did not indicate if a sign will be posted on the premises indicating the site is only available for customers and/or employees but will retain the right to pursue this option in the future; therefore, these criteria are not applicable.

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.

FINDING: The proposal includes the development of a multi-family structure consisting of thirty-two (32) dwelling units. As presented, this proposal falls within the parameters of a change of development; therefore, bicycle parking standards are applicable.

- b. **Types of Spaces.** Bicycle parking facilities shall be provided in terms of short-term bicycle parking and long-term bicycle parking. Short-term bicycle parking is intended to encourage customers and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Long-term bicycle parking provides employees, students,

residents, commuters, and others who generally stay at a site for at least several hours a weather-protected place to park bicycles.

- c. **Minimum Number of Spaces.** The required total minimum number of bicycle parking spaces for each use category is shown in Table 4, Minimum Required Bicycle Parking Spaces.
- d. **Minimum Number of Long-term Spaces.** If a development is required to provide eight (8) or more required bicycle parking spaces in Table 4, at least twenty-five (25) percent shall be provided as long-term bicycle with a minimum of one (1) long-term bicycle parking space.
- e. **Multiple Uses.** When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.

Table 4: Minimum Required Bicycle Parking Spaces

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

FINDING: The proposal includes the development of a multi-family structure consisting of thirty-two (32) dwelling units. This use is categorized under SDZC section 16.94.020.A, Table 4: Minimum Required Bicycle Parking Spaces, as a *Household living: multi-dwelling*. The proposal requires a minimum of two dedicated stalls or one per 10 auto spaces, whichever is greater. Since a total of forty (40) stalls are proposed to service the primary use, as described under section 16.94.020.A, the applicant is required to provide at least four (4) dedicated bicycle parking stalls ($40/10 = 4$). The applicant submitted development plans (Attachment A, Appendix K: Sheet A101) indicating the incorporation of eight (8) interior long-term bike racks, exceeding the minimum requirement.

As presented, the above criterion is met.

2. Location and Design.

a. General Provisions

- 1) Each space must be at least two (2) feet by six (6) feet in area, be accessible without moving another bicycle, and provide enough space between the rack and any obstructions to use the space properly.
- 2) There must be an aisle at least five (5) feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.

- 3) Lighting. Bicycle parking shall be at least as well lit as vehicle parking for security.
- 4) Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- 5) Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" or staple design is appropriate. Alternative, creative designs are strongly encouraged.
- 6) Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

FINDING: As indicated in the submitted development plans (Attachment A, Appendix K: Sheet A101), each dedicated bicycle parking stall is designed to meet the minimum required dimensions of 2-feet by 6-feet, with adequate spacing between racks to prevent obstruction. A minimum of 5-feet of clearance is provided behind all required stalls to allow for safe and efficient maneuvering. Because the bicycle parking is located within the proposed structure, each stall will not impede clear vision standards or pedestrian circulation. The following condition applies:

Condition A.13: All designated bicycle parking areas must be clearly marked and reserved exclusively for bicycle use, using appropriate signage, pavement markings, or other visible indicators to ensure clear identification and prevent unauthorized use.

As presented, these criteria are met.

- b. Short-term Bicycle Parking
 - 1) Provide lockers or racks that meet the standards of this section.
 - 2) Locate inside or outside the building within thirty (30) feet of the main entrance to the building or at least as close as the nearest vehicle parking space, whichever is closer.
- c. Long-term Bicycle Parking
 - 1) Provide racks, storage rooms, or lockers in areas that are secure or monitored (e.g., visible to employees or customers or monitored by security guards).
 - 2) Locate the outside bicycle parking spaces within one hundred (100) feet of the entrance that will be accessed by the intended users.
 - 3) All of the spaces shall be covered.
- d. Covered Parking (Weather Protection)
 - 1) When required, covered bicycle parking shall be provided in one (1) of the following ways: inside buildings, under roof

overhangs or awnings, in bicycle lockers, or within or under other structures.

- 2) Where required covered bicycle parking is not within a building or locker, the cover must be permanent and designed to protect the bicycle from rainfall and provide seven-foot minimum overhead clearance.
- 3) Where required bicycle parking is provided in lockers, the lockers shall be securely anchored.

FINDING: As indicated in the submitted materials (Attachment A, Appendix K: Sheet A100), the applicant is proposing eight (8) long-term bicycle parking stalls, located within a dedicated storage room/lockers area. Each stall will be provided with a securely anchored wall-mounted rack. Based on the submitted design, the applicable criteria are satisfied.

Chapter 16.96 - ON-SITE CIRCULATION

16.96.010 - General Requirements for On-Site Pedestrian and Bicycle Circulation

A. Purpose

All new development, (except single-family detached and middle housing types), shall provide a continuous system of private pathways/sidewalks. The on-site facilities shall connect 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.

FINDING: The proposal includes the development of a multi-family structure consisting of thirty-two (32) dwelling units. The applicant submitted materials indicating a continuous on-site circulation system of pathways/sidewalks will be provided. Adjacent or neighborhood activity centers within one-half mile of the parcel include Sherwood Cannery Square and Sherwood Center for the Arts, located north and west of the development site. The proposed pedestrian pathways will connect onto all abutting public right away off SW Columbia, SW Pine Street, and SW Willamette Street; therefore, meeting the above criterion.

B. Maintenance

No building permit or other City permit shall be issued until plans for pedestrian 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. Required ingress, egress and circulation improvements shall be kept clean and in good repair.

C. Joint Pedestrian 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.

FINDING: Maintenance of the proposed pathway system will be the responsibility of the property owner(s). Violation of the above criteria will result in Code Enforcement action. No multiple uses, structures, or parcels of land are proposing joint pedestrian access with this application. This criterion is satisfied as conditioned below:

Condition A.14: The property owner(s) shall be responsible for the maintenance and repair of the on-site pedestrian circulation area, including associated infrastructure, pursuant to section 16.96.010.B.

As conditioned, the above criterion is met.

D. Connection to Streets

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

FINDING: The applicant submitted materials indicating the proposed pedestrian pathway network will connect each entry point directly with adjacent public streets, with frontage along SW Columbia, SW Pine Street, and SW Willamette Street; therefore, these standards are met.

16.96.020 - Minimum Residential Pedestrian Circulation Standards

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

2. Multi-Family Dwelling:

- 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.

FINDING: The proposed private pedestrian network will connect each unit to the sites off-street parking area, common open space, storage areas, recreation facilities, and adjacent developments. Pedestrian connections will be at least 5-feet in width and be required to conform to ADA standards. Required segments of pedestrian walkway will be located along each driveway connection onto SW Columbia Street and SW Pine Street (restricted for emergency vehicle access only).

The submitted development plans did not provide an appropriate curbing detail and shall be conditioned accordingly. A proposed connection within the dedicated parking area, between the proposed structure and recreational/open space area, did not provide adequate contrasting materials or raised crosswalk (hump). To remedy these deficiencies, the following conditions apply:

Condition B.8: Prior to Final Site Plan Approval, the applicant shall resubmit development plans indicating all proposed pedestrian crossings within a dedicated parking area, driveway or street will be constructed with either contrasting paving materials or a raised crosswalk (hump), consistent with ADA standards.

Condition B.9: Prior to Final Site Plan Approval, the applicant shall resubmit development plans displaying curbing along all required private pedestrian pathways/sidewalks.

16.96.040 - General Requirements for On-Site Vehicle Circulation

- A. Maintenance. No building permit or other City permit shall be issued until plans for vehicle 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.** 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.

FINDING: City Engineering and Planning reviewed on-site vehicle circulation for compliance with all ingress, egress, and other circulation requirements, as it related to the project scope, and is further addressed in subsequent sections of this staff report. No alterations to the existing on-site vehicle circulation are proposed. Maintenance of the on-site vehicle circulation systems will be the responsibility of the property owner(s). Violation of the above criteria will result in Code Enforcement action; therefore, these criterions are satisfied.

Condition A.15: Any change that alters or modifies the approved ingress, egress, or circulation for vehicles, without written approval, will result in Code Enforcement action, pursuant to 16.96.040.A.

- C. Connection to Streets.** 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.
- D. Maintenance of Required Improvements.** Required vehicle 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.

FINDING: On-site vehicle circulation is provided, and connects with abutting public right of way, with access onto SW Columbia Street & SW Pine Street (restricted for emergency vehicle access only). The property owner(s) shall be responsible for the proper maintenance of the on-site vehicle circulation areas. Future violations are subject to Code Compliance. These criterions are met as conditioned below:

Condition A.16: The property owner(s) shall be responsible for the maintenance and repair of all on-site vehicle circulation areas located on the subject parcel, pursuant to Chapter 16.96.040.D.

16.96.050 - Minimum Residential Vehicle Circulation Standards

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

A. Driveways

6. 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

FINDING: A single improved driveway will be constructed to provide continuous passenger flow with direct access to SW Columbia Street. The driveway will have a minimum width of 24 feet, accommodating two-way traffic circulation throughout the site; as presented, the above criteria is met.

Chapter 16.98 - ON-SITE 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.

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 alongside 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.

FINDING: The applicant submitted application materials displaying a trash/recycling enclosure will be provided towards the southeastern portion of the property. Based on the dimensions provided on the development plans, the proposed enclosure will be at least 20-feet wide with a depth of 18-feet, exceeding the minimum standards. The location of the enclosure allows truck(s) accessing the site to safely navigate the area, with approximately 155-feet of unobstructed access, exceeding the minimum standard, and allow trucks to safely re-enter traffic.

Staff were unable to verify the proposed construction materials or enclosure height, including overhead clearance, as these details were not provided in the application. Pursuant to P.R.I.D.E. standards, enclosure gates must be hinged in front of the walls and capable of fully swinging open without a center post impeding access. To ensure compliance with the Sherwood Zoning and Community Development Code as well as P.R.I.D.E. disposal standards, the following conditions shall apply:

Condition B.10: Prior to Final Site Plan Approval, the applicant shall resubmit a development plan demonstrating the proposed Solid Waste and Recycling Storage area(s) will meet the minimal trash enclosure standards, as required by Sherwood Zoning and Development Code and PRIDE disposal.

Chapter 16.106 - TRANSPORTATION FACILITIES

16.106.020 - Required Improvements

A. Generally

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits. 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.

D. Extent of Improvements

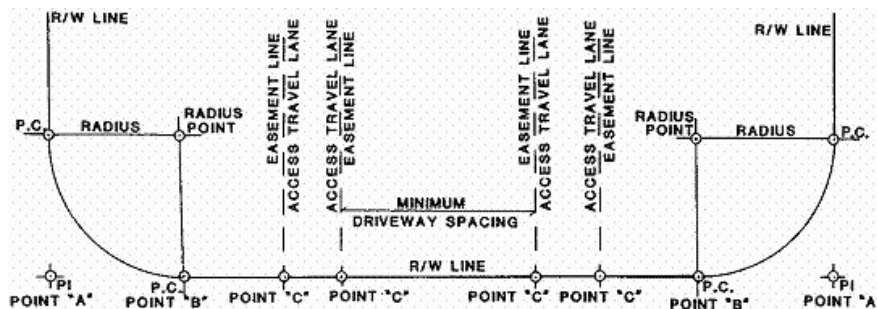
- 1. Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards. Streets shall include curbs, sidewalks, catch basins, streetlights, 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 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.**

16.106.040 – Design

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 detached dwellings and middle housing dwellings on 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.

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.

A. 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.

FINDING: Based on the above criteria, a Traffic Impact Analysis (TIA) is not required. City of Sherwood engineering staff reviewed the proposed development and determined that it does not generate 50 or more PM peak-hour trips on Highway 99W, nor 100 or more PM peak-hour trips on the local transportation system.

Additionally, the project does not propose a new direct approach to Highway 99W, nor does it involve changes that would create safety hazards or require access modifications.

As presented, these standards do not apply.

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.**

FINDING: 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.

The applicant has submitted a letter from their legal counsel dated October 14, 2025 (Attachment K) objecting to a number of staff-recommended conditions of approval relating to road right-of-way dedication and frontage improvements, arguing that they lack a necessary nexus and rough proportionality based on the Takings Clause of the US Constitution. In summary, these conditions include:

D.1 – SW Pine Street – Pay a fee-in-lieu of improvements for the 77-feet of property frontage

D.2 – SW Willamette Street – Pay a fee-in-lieu of improvements for the 120-feet of property frontage

F.1 – SW Willamette Street – Dedicate 12 feet of right-of-way along the property frontage

The applicant's letter indicates the only road-related improvement conditions the applicant is willing to accept is paying the fee-in-lieu for a more limited selection of the identified improvements along SW Pine Street if proportionality findings were made by the City. For the reasons explained in greater detail below, the staff requested conditions are made necessary as a result of the additional pedestrian, bicycle and vehicle load placed on public streets by this development. These conditions satisfy all constitutional obligations as detailed in the findings that follow.

While the applicant's letter states that proportionality standards must be clear and objective, a recent decision by the Oregon Court of Appeals clarified that this interpretation is incorrect. The Court held that the clear and objective standard does not

“apply to public road development” (*Roberts v. City of Cannon Beach*, 334 Or App 762, 776 (2024)). The applicant’s statement that public road improvements related to the regulation of housing development must be clear and objective is incorrect.

Finally, the applicant’s letter states that by requiring right-of-way dedication and frontage improvements for SW Willamette Street, the applicant would be required to re-draw their plans which would result in unreasonable cost and delay. Staff notes that the applicant has numerous other conditions of approval that will require additional work and plan revisions in order to meet basic code standards such as landscaping requirements. In part, this is because the applicant requested to be deemed complete despite not having all of the information required to schedule a land use hearing. Since that time, staff has worked with the applicant to continue to revise the staff report and findings as material has come in, saving the applicant time and money. These additional plan revisions are comparably minor and unlikely to add any significant cost or delay to the effort.

Prior to final site plan approval, the plans will need to be revised to account for the 12 ft. right-of-way dedication. Landscaping is allowed within the right-of-way on a temporary basis until the street improvements are made. However, no permanent improvements such as fences are allowed.

SW Pine 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.

Given these significant special limitations which will complicate road realignment, staff has modified the recommended condition of approval asking that applicant pay a fee-in-lieu of construction for an extremely small amount of frontage – 77.39 ft. – for a concrete sidewalk, streetlight relocation, and two street trees to local street standards. These are only the pedestrian-related improvements. Importantly, the fee-in-lieu of construction does not require payment to a collector street standard, which SW Pine Street is classified as.

The applicant is proposing full development of the site with 32 family-sized units, above the density allowed by the underlying zone, and is proposing pedestrian and emergency vehicle access to SW Pine Street. The addition of 32 family-sized dwelling units will generate a measurable increase in pedestrian and bicycle traffic along SW Pine Street, as SW Pine Street is the primary commercial corridor within the Old Town District. The street connects directly to the Sherwood City Hall and Library and the site is across the street from the Sherwood Center for the Performing Arts. It is likely that families residing in this development will directly benefit from these on-site pedestrian improvements.

SW Willamette Street

SW Willamette Street has an existing 20-foot wide half street right-of-way consisting of a 13-foot improved travel and parking lane with curb and a 5-foot wide 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 does not meet minimum TSP standards, it would typically be required to construct half street widening improvements along with an asphalt grind and inlay to centerline. SDC credits are typically available when improvements are made above and beyond a local street standard. While street improvements are desired, constructing street widening improvements along this mid-block 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. As such, it would be best to leave the existing street section as is and forego frontage improvements until a capital improvement project led by the City of Sherwood can redevelop the entire street between SW Pine Street and SW Orcutt Place.

However, since the existing right-of-way width is less than the 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 to accommodate the future improvements. This right-of-way dedication is found to be roughly proportional to the development based on the findings below.

The applicant proposes full development of the site with 32 family-sized dwelling units, above the density allowed by the base zone, including construction of a basketball court and play area along SW Willamette Street. The development also proposes a direct pedestrian access onto SW Willamette Street, where existing pedestrian improvements do not meet the City's minimum standards. Further, residents and visitors are expected to access and park along SW Willamette Street, based on limited parking availability on other streets such as SW Pine Street. In addition, the subject site is approximately 1,000 feet away from Snyder Park, a heavily used community park to the southwest of the site. In order to access this park, the most direct pedestrian route would be along SW Willamette Street to SW Pine Street.

The right-of-way dedication can also be evaluated in terms of actual dollar value. The Washington County Tax Assessor values the 1.17-acre property at \$617,610. This equates to approximately \$12.12 per square foot. The required right-of-way dedication is 1,450 SF (12 ft. wide x 120.85 long). Therefore, the value of the right-of-way dedication is estimated to be \$17,574. This amount is deemed to be proportional to constructing 32 market-rate multi-family dwelling units in a highly desirable location within the City of Sherwood and within the Portland metro. This cost will be further offset by the property value increase the development will experience when the City completes full frontage improvements along the SW Willamette to current street standards.

Based on the foregoing, City staff concludes that requiring the dedication of an additional 12-feet of right-of-way along SW Willamette Street, necessary to meet the City's minimum 32-foot wide half street section has a nexus and will be directly proportional to the impacts from this development. The list of conditions has been modified to reflect the limited list of fee-in-lieu improvements for SW Pine Street and to delete the fee-in-lieu improvements for SW Willamette Street.

SW Columbia Street

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. An 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.

Vehicle Access to Public Streets

The subject property will have legal access from SW Columbia Street, a designated Local Street, located approximately 261-feet from the nearest intersection. The proposed access point will comply with the minimum right-of-way radius, driveway spacing, and sight distance requirements for a Local Street as outlined in the City's Engineering Design Manual.

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 and pedestrian use only. Removable bollards meeting the approval of TVF&R and Pride Disposal shall be installed. If bollards do not meet TVF&R and Pride Disposal standards, a gate shall be installed to their specifications.

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

Condition B.11: Prior to Final Site Plan Approval, the applicant shall resubmit development plans displaying the installation of bollards at the driveway entrance on SW Pine Street to prevent non-emergency vehicular access. The bollards shall be designed and installed in a manner acceptable to Tualatin Valley Fire and Rescue (TVF&R) & City of Sherwood Engineering. If bollards are not permissible by either TVF&R or City of Sherwood Engineering, an alternative method of access restriction, such as a gate, may be used.

Condition D.1: 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:

- 7. Concrete sidewalk (77.39'x6')
- 9. Streetlight relocation.
- 10. Two street trees.

Condition D.2: 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 D.3: 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 D.4: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design for either removable bollard at the emergency access to SW Pine Street meeting the approval of TVF&R and the City of Sherwood Engineering Department. If bollards are not permissible by either TVF&R or Pride Disposal, an alternative method of access restriction, such as a gate, may be used.

Condition F.1: 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.

Condition B.19: Prior to Final Site Plan Approval, the applicant shall revise the plans to account for the required 12 ft. wide right-of-way dedication along SW Willamette Street. No permanent improvements are permitted in the right-of-way.

Chapter 16.108 - IMPROVEMENT PLAN REVIEW

16.108.010 - Preparation and Submission

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

A. Review Fee

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

B. Engineering Agreement

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

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

16.108.020 - Construction Permit

A. Approval

The City will return one (1) set of plans to the applicant marked "approved," "approved as noted" or "modify and resubmit." Plans marked for re-submittal must be corrected in accordance with notations or instructions. After correction and approval, additional plans shall be provided the City for office use, field inspection and submittal to affected agencies.

B. Permit and Fee

Upon approval the applicant shall obtain a construction permit. The construction permit fee is set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

C. Easement Documents

Easements shall be provided in a form acceptable to the City prior to issuance of a construction permit.

D. Improvement Guarantees

Prior to issuance of a construction permit the applicant shall file the following documents with the City:

1. Liability Insurance

Evidence of liability and property damage insurance adequate to protect the applicant and the City from all claims for damage or personal injury.

2. Performance Bond

To assure full and faithful performance in the construction of required improvements in accordance with approved construction plans, the applicant shall provide security in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of the improvements. In the event the applicant fails to carry out all provisions of the approved improvements plans and the City has non-reimbursed costs or expenses resulting from such failure, the City shall call on the security for reimbursement. Security may be in the form of a surety bond executed by a surety company authorized to transact business in the State of Oregon, a cash deposit, or irrevocable standby letter of credit.

16.108.030 - Construction

A. Initiation of Construction

Actual construction of improvements shall not begin, or after a discontinuance, be restarted until the City is notified in writing.

B. Inspection

All construction shall be done to the City's specifications. The City shall perform inspections to verify compliance with approved plans and shall make a final inspection of the construction at such time as the improvements are complete. The City may require changes in typical sections and details, if unusual conditions warrant the change.

C. As-Built Plans

A complete set of reproducible plans and an electronic copy of the base files in "AutoCad" or PDF format showing the public improvements as built shall be filed with the City upon completion of the improvements.

D. Suspension of Improvements Activity

The City may cause a suspension of construction or engineering when, in the opinion of the City, work is not being done to the City's satisfaction.

16.108.040 - Acceptance of Improvements

A. Final Inspection

At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection.

B. Notification of Acceptance

The City shall give written notice of acceptance of the improvements upon finding that the applicant has met the requirements of this Chapter and the specifications of all approved plans.

C. Maintenance Bond

Prior to City acceptance of public improvements, the applicant shall provide the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, for the purpose of correcting any defective work or maintenance that becomes apparent or arises within two (2) years after final acceptance of the public improvements.

FINDING: The City of Sherwood Engineering & Public Works Department reviewed all materials provided by the applicant and found sufficient information was provided to satisfy the above criteria. Engineering provided formal comments and conditions (Attachment B), as it related to Chapter 16.108. To ensure compliance with the above standards, the following conditions apply:

Condition A.17: Construction of public improvements shall not begin, or after a discontinuance, be restarted until the City is notified in writing.

Condition A.18: A complete set of reproducible plans and an electronic copy of the base files in "AutoCad" and PDF format showing the public improvements as built shall be filed with the City upon completion of the improvements.

Condition D.5: Prior to Issuance of Engineering Public Improvement Plans, the developer shall execute an engineering compliance agreement with the Sherwood Engineering Department.

Condition E.1: Prior to Building Permit Issuance, the developer shall execute an Engineering Compliance Agreement for the public improvements related to the project.

Condition G.3: Prior to Occupancy, final acceptance of the constructed public improvements shall be obtained from the Sherwood Engineering Department.

Chapter 16.110 - SANITARY SEWERS

16.110.010 - Required Improvements

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.

16.110.030 - Service Availability

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

FINDING: The City of Sherwood Engineering & Public Works Department reviewed all materials provided by the applicant and found insufficient information was provided to satisfy the above criteria. A CWS Memorandum (Attachment C), dated September 11, 2025, and included additional comments and conditions of approval. Conversely, applicant provided a Clean Water Service (CWS) Service Provider Letter (SPL) after the standard comment period (Attachment A, Appendix Q) and has been conditioned to comply accordingly, as previously described under the findings within section 16.70.030 - Application Requirements.

Engineering provided formal comments and conditions, as it related to Chapter 16.110. An engineering memorandum, dated August 29, 2025 (Attachment B) provided the following analysis and information:

“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.”

Staff concur with the above information. The applicant shall ensure compliance with Clean Water Services, Washington County and State sewage disposal standards. The following conditions apply:

Condition D.6: 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 G.4: Prior to Occupancy, any private sanitary sewer piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.

As presented the above criteria is met.

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.

16.112.030 - Service Availability

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

FINDING: City of Sherwood Engineering & Public Works Department reviewed all materials provided by the applicant and found sufficient information was provided to satisfy the above criteria. Engineering provided formal comments and conditions, as it related to Chapter 16.112. An engineering memorandum, dated August 29, 2025 (Attachment B) provided the following analysis and information:

“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.”

Staff concur with the above information. The applicant shall ensure that water lines and fire hydrants conform to City, state, and Fire District standards. The following conditions apply:

Condition D.7: 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 D.8: 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 F.2: 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 F.3: 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 G.5: Prior to Occupancy, any private water piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.

As presented, the above criteria are met.

Chapter 16.114 - STORM WATER

16.114.010 - Required Improvements

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.

FINDING: The application was reviewed by City of Sherwood Engineering for compliance with applicable criterion and provided the following findings:

“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.”

Planning staff concur with the above information. The applicant shall comply with the applicable criteria within the Comprehensive Plan and Clean Water Services water quality regulations contained in their Design and Construction Standards R&O 04-9, or its replacement. The following conditions apply:

Condition D.9: 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 D.10: 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 D.11: 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 D.12: Prior to Approval of Engineering Public Improvement Plans, a stormwater connection permit shall be obtained from Clean Water Services.

Condition F.4: 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 F.5: 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 F.6: Prior to Acceptance of Public Improvements, an O&M Plan meeting City of Sherwood standards shall be provided to the city.

Condition G.6: Prior to Occupancy, any private stormwater piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.

As presented, the above criteria is satisfied.

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.

16.116.020 - Standards

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.

16.116.030 - Miscellaneous Requirements

A. Timing of Installation

When fire protection facilities are required, such facilities shall be installed and made serviceable prior to or at the time any combustible construction begins on the land unless, in the opinion of the Fire District, the nature or circumstances of said construction makes immediate installation impractical.

B. Maintenance of Facilities

All on-site fire protection facilities, shall be maintained in good working order. The Fire District may conduct periodic tests and inspection of fire protection and may order the necessary repairs or changes be made within ten (10) days.

C. Modification of Facilities

On-site fire protection facilities may be altered or repaired with the consent of the Fire District; provided that such alteration or repairs shall be carried out in conformity with the provisions of this Chapter.

FINDING: The City of Sherwood Public Works – Engineering Department and Building Department reviewed all the submitted materials, and found sufficient information was provided to satisfy the above criteria. Preliminary plans approved by Tualatin Valley Fire & Rescue (TVF&R) (Attachment A, Appendix M) indicated compliance with applicable regional requirements. The following conditions apply:

Condition A.19: 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. When 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.

Condition A.20: All on-site fire protection facilities, shall be maintained in good working order. Compliance with the standards defined by Tualatin Valley Fire & Rescue (TVF&R), or their successor, shall be the responsibility of the property owner(s).

Condition A.21: On-site fire protection facilities may be altered or repaired with the consent of the Tualatin Valley Fire & Rescue (TVF&R), or their successor, provided that such alteration or repairs shall be carried out in conformity with the provisions of Chapter 16.116 – Fire Protection.

As presented, the above criteria is met.

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, 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.

16.118.050 - Private Streets

The construction of new private streets, serving single-family residential developments shall be prohibited unless it provides principal access to two or fewer residential lots or parcels i.e. flag lots. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records. A private street shall also be signed differently from public streets and include the words "Private Street".

FINDING: The application was reviewed by City of Sherwood Engineering for compliance with applicable criterion and provided the following findings:

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

Sherwood Broadband service exists in the area and provides 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."

Planning concurs with the above information. As the subject property is located within the Old Town Overlay, no Public Utility Easement (PUE) is required. All future utilities will be required to be undergrounded, as conditioned below:

Condition A.22: Per City of Sherwood standards, all new utilities shall be placed underground.

Condition D.13: Prior to Approval of Engineering Public Improvement Plans, the developer shall design to bring Sherwood Broadband facilities to the proposed building.

As presented, the above criteria are met.

Chapter 16.140 - PARKS, TREES AND OPEN SPACES

16.140.010 - Purpose

This Chapter is intended to assure the provision of a system of public and private recreation and open space areas and facilities consistent with this Code and applicable portions of the City's adopted Comprehensive Plan. The standards of this section do not supersede the open space requirements of a Planned Unit Development, found in Chapter 16.40 - Planned Unit Development (PUD).

16.140.020 - Multi-Family Dwelling Developments

A. Standards

Except as otherwise provided, recreation and open space areas shall be provided in new Multi-Family dwelling residential developments to the following 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.

FINDING: Based on the size of the parcel, approximately 9,930 square feet (1.14 acres = 49,650 square feet x 0.20 = 9,930 square feet) of dedicated open space is required. The applicant submitted materials indicating that approximately 13,377 square footage of open space will be provided, exceeding the minimum standard; therefore, this standard is met.

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.

FINDING: Of the required common open space, at least fifty percent (50%) shall be dedicated to active recreational uses, equating to at least 4,965 square feet ($9,930/2 = 4,965$ square feet). The applicant submitted materials displaying that 4,743.71 square feet [2,346.75 square feet (Basketball Court) + 2,396.96 square feet (play structure)] will be provided, below the minimum requirement.

The applicant will be required to either expand, add, or create space that supports active recreation; benches, shade structures, and fountains support active recreation indirectly (e.g., providing rest between play), however, these features can be considered in the calculation as they contribute and are suitable for active recreational use. To ensure the applicant addresses this deficiency, the following condition applies:

Condition B.12: Prior to Final Site Plan Approval, the applicant shall revise the plans to demonstrate that a minimum of 4,965 square feet of active recreational space is provided. Compliance shall be achieved through enlargement of existing facilities, addition of new active recreational amenities, or clear infrastructure improvements that support active recreation. (i.e. Benches, shade structures, or water fountains).

As conditioned this standard is met.

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.

FINDING: The applicant submitted development plans delineating dedicated common open space/recreational areas. These are both physically situated on the site and readily accessible to future residents.

The applicant shall be required to establish and ensure the long-term ownership, maintenance, and protection of common open space and recreational facilities. To meet the above criteria, the following condition applies:

Condition B.13: Prior to Final Site Plan Approval, the applicant shall provide a legally binding document that conveys rights and responsibilities for common open space and recreational facilities to a homeowners' association or other legal entity. The document shall include provisions ensuring continued use for the intended purpose, adequate and ongoing maintenance, availability of maintenance funds, and appropriate insurance coverage.

As presented, the above criterion is met.

16.140.060 - 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 16.140.080 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 16.140.080 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, streetlight 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.

FINDING: The development site has frontage on three public streets: SW Columbia Street, SW Pine Street, and SW Willamette Street. Previously, SW Columbia Street was developed to meet the above standards, while the applicant will be required to provide adequate street trees, or pay the appropriate fee-in-lieu, for both portions of the property abutting SW Pine Street and SW Willamette Street. As no details have been provided regarding the above criteria, the following conditions apply:

Condition B.14: Prior to Final Site Plan Approval, the applicant shall provide a final street tree planting plan for SW Willamette Street and SW Pine Street in conformance with Section 16.142.060, or provide documentation of an approved fee-in-lieu payment.

Condition G.7: Prior to Occupancy, street trees along SW Willamette Street and SW Pine Street shall be installed in conformance with Section 16.142.060, or the applicant shall provide documentation of an approved fee-in-lieu payment.

As conditioned, the above criteria is met.

16.140.070 - 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.

FINDING: The applicant submitted a narrative stating the following:

"The applicant proposes to remove all on-site vegetation outside of the retention of two mature Douglas Fir trees which were previously identified as significant by the City of Sherwood. It is not feasible to maintain any significant on-site vegetation as the area is overgrown with non-native and invasive species. An efficient land clearing process is necessary to remove the overgrowth and prepare for development and this may result in the loss of the remaining native vegetation. The applicant has proposed landscaping which shall include primarily native plants as demonstrated by the attached preliminary landscaping plan."

The applicant did not provide a tree and woodland inventory and report prepared by a qualified professional, detailing the required information under Section 16.140.070, therefore staff were unable to determine if the preservation of trees were achieved to the maximum extent feasible. To comply with the above criteria, the following condition applies:

Condition B.15: Prior to Final Site Plan Approval, the applicant shall provide a tree and woodland inventory and report, prepared by a qualified professional, in accordance with Section 16.140.070. The report shall include recommendations on measures to preserve trees that are not proposed for removal during construction.

As conditioned, the above criteria is met.

D. Retention requirements

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

3. Required Tree Canopy - Non-Residential and Multi-Family Dwelling Developments

- a. 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.**
- b. 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.**

E. Tree Preservation Incentive

Retention of existing native trees on site which are in good health can be used to achieve the required mature canopy requirement of the development. The expected mature canopy can be calculated twice for existing trees. For example, if one existing tree with an expected mature

canopy of 10 feet (78.5 square feet) is retained it will count as twice the existing canopy (157 square feet).

FINDING: As delineated within the provided table under section 16.92.030.B.5, only a total of 16.36% total tree canopy for the subject parcel is provided, below the minimum requirements. The two (2) *Pseudotsuga menziesii* (Douglas Firs) proposed for preservation cannot be credited toward the canopy calculation because a certified arborist or other qualified professional did not provide an estimated mature canopy spread, nor verified the trees' health and vitality for long-term retention; in the event this information is verified, the applicant will be allowed to utilize the provisions outlined under section 16.140.070.E - Tree Preservation Incentive. To ensure compliance with the above criteria, the following conditions apply:

Condition B.16: Prior to Final Site Plan Approval, the applicant shall submit a revised landscaping plan, prepared by a qualified professional, that demonstrates compliance with Section 16.140.070.D.3 by achieving a minimum total tree canopy coverage of thirty percent (30%) of the net development site. The revised plan shall calculate canopy coverage using the expected mature canopy spread of each proposed tree species.

Condition B.17: Prior to Final Site Plan Approval, the applicant shall provide a certified arborist's (or other qualified professional) report that evaluates all trees proposed for preservation, and provides an estimated mature canopy spread and confirmation of the trees' long-term retention viability. Any tree proposed for preservation that is found by the certified arborist to be in poor health, unsafe, or non-viable for retention shall not be credited toward canopy coverage.

As conditioned, the above criteria is met.

G. Tree Protection During Development

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

certified arborist or other qualified professional. Any work within the dripline of the tree shall be supervised by the project arborist or other qualified professional onsite during construction.

H. Penalties

Violations of this Section shall be subject to the penalties defined by Section 16.02.040, provided that each designated tree or woodland unlawfully removed or cut shall be deemed a separate offense.

FINDING: As described above, tree protection during development shall be established and maintained, including penalties for unlawful removal or damage. While the applicant has not submitted a Final Tree and Woodland Plan at this stage, compliance with these standards will be ensured through the following conditions of approval:

Condition B.18: Prior to Final Site Plan Approval, the applicant shall prepare and submit a Final Tree and Woodland Plan, prepared by a certified arborist or other qualified professional, for review and approval by the City. The plan shall illustrate how all identified trees and woodlands will be retained, removed, or protected.

Condition A.23: The Final Tree and Woodland Plan shall specify tree protection measures, including but not limited to: protective fencing, selective pruning and root treatments, excavation techniques, and temporary drainage systems. At a minimum, the area within the dripline of each tree designated for protection shall be fenced and protected from grading, stockpiling, and other construction-related activity, unless specifically reviewed and recommended by a certified arborist or other qualified professional.

Condition A.24: Any work occurring within the dripline of a protected tree shall be supervised onsite by the project arborist or other qualified professional during construction activities. Documentation of arborists' oversight shall be submitted to the City upon request.

Condition A.25: The applicant shall be advised that violations of the approved Tree and Woodland Plan, including the unlawful removal or cutting of designated trees or woodlands, shall be subject to enforcement under Section 16.02.040 of the Sherwood Zoning and Community Development Code. Each designated tree or woodland unlawfully removed, or cut shall be considered a separate offense.

As presented, the above criteria is met.

Chapter 16.142 - WETLAND, HABITAT AND NATURAL AREAS

16.142.010 - Generally

Unless otherwise permitted, residential, commercial, industrial, and institutional uses in the City shall comply with the following wetland, habitat and natural area standards if applicable to the site as identified on the City's Wetland Inventory, the Comprehensive Plan Natural Resource Inventory, the Regionally Significant

Fish and Wildlife Habitat Area map adopted by Metro, and by reference into this Code and the Comprehensive Plan. Where the applicability of a standard overlaps, the more stringent regulation shall apply.

16.142.020 - Standards

- 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 16.138.090 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.**
- B. The applicant shall provide appropriate plans and text that identify and describe the significance and functional value of natural features on the site (if identified in the Community Development Plan, Part 2) and protect those features from impacts of the development or mitigate adverse effects that will occur. A facility complies with this standard if:**
 - 1. 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).**
 - 2. The facility will comply with applicable requirements of the zone.**
 - 3. The applicant will excavate and store topsoil separate from subsurface soil, and shall replace the topsoil over disturbed areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost.**

4. The applicant will retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use.
5. Development associated with the facility will be set back from the edge of a significant natural area by an area determined by the Clean Water Services Design and Construction standards R&O 00-7 or its replacement, provided Section 16.138.090A does not require more than the requested setback. Lack of adverse effect can be demonstrated by showing the same sort of evidence as in subsection A.1 above.

FINDING: A 0.48-acre seasonal wetland is located at the low point of the subject parcel. The applicant is proposing to fill the wetland to accommodate the new residential development.

The size and extent of the wetland has been confirmed by the Department of State Lands (DSL) through the issuance of a delineation approval letter (Attachment A, Appendix H). The application was approved and paid associated fees for a DSL Removal Fill Permit (Reference Number: APP0063626) on or before March 11, 2025, with the following statement included in the submittal materials:

The permit application is approved because the Department of State Lands (DSL or the Department) has determined that, when carried out in compliance with all terms and conditions outlined in the permit, the proposed removal-fill activity is consistent with the protection, conservation, and best use of the water resources of this state and will not unreasonably interfere with the paramount policy of this state to preserve the use of its waters for navigation, fishing, and recreation. See ORS 196.825.

Based on the above information, staff concur with the state's findings and determination, and that the information captures the site's existing conditions, in relation to the above code criteria.

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 purchased a 0.48-acre wetland mitigation bank credit at the Butler Wetland Mitigation Bank near Beaverton, OR approximately 5 miles northwest of the development site; an invoice of the mitigation credits are included under Attachment A, Appendix I. The proposed mitigation area is within the Tualatin River Basin, meeting the location standard above.

To ensure compliance with state and local requirements, the following conditions apply:

Condition C.1: Prior to issuance of a Grading Permit, issuance of a NPDES 1200CN permit for the subject development is required.

Condition C.2: Prior to Issuance of a Grading Permit and Tree Removal, the proposed development shall obtain a US Army Corps of Engineers/Oregon Department of State Lands joint permit for the filling of the wetlands.

As presented, the above criteria is met.

Chapter 16.154 - ENERGY CONSERVATION

16.154.010 - Purpose

This Chapter and applicable portions of the Comprehensive Plan provide for natural heating and cooling opportunities in new development. The requirements of this Chapter shall not result in development exceeding allowable densities or lot coverage, or the destruction of existing trees.

16.154.020 - Applicability

The standards in this Chapter shall apply to any new uses or changes to existing uses in multi-dwelling, commercial, industrial and institutional zones. The standards in this Chapter do not apply to accessory dwelling unit or single detached, or middle housing development in residential zones.

16.154.030 – 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.

FINDING: The applicant submitted materials indicating that the building is oriented along SW Columbia, resulting in several building walls facing south or southeast. These walls are positioned to receive unobstructed sunlight throughout the year. While some site constraints limit optimal solar orientation, the proposed design maximizes feasible solar access given block orientation and lot configuration. The proposed site layout provides adequate opportunity for vegetation to be placed to provide both shading and wind mitigation without obstructing solar access to south-facing walls.

As presented, this criterion is met.

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.**
- 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.**

16.162.030 - Permitted Uses

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

- A. Uses permitted outright in the RC zone, Section 16.28.020; the HDR zone, Section 16.20.020; and the MDRL zone, Section 16.16.020; provided that uses permitted outright on any given property are limited to those**

permitted in the underlying zoning district, unless otherwise specified by this Section and Section 16.162.040.

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

FINDING: The property's underlying zoning designation is High Density Residential (HDR). Pursuant to Chapter §16.12 – Residential Land Use District, the proposed multi-family use is permitted outright within the HDR zone district. The current proposal does not include any of the unique uses allowed within the Old Town Overlay but does not overtly preclude the site from pursuing these uses in the future, subject to the standards adopted at the time of approval.

As presented, the above criteria 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:

- 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.

16.162.070 - Community Design

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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.

B. Landscaping for Residential Structures

2. 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.
3. Fencing and interior landscaping, as per Section 16.92.030, are not required.

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.

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.

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.

FINDING: The applicant submitted materials indicating compliance with the above criteria. Under Sheet A200, elevations illustrate the development will be three stories', achieving similar scale, mass, height, appearances and architectural design of surrounding structures within the Old Canary Area; the proposal was reviewed for compliance with the multi-family design standards outlined under Chapter 16.90 as the proposed development is not classified as a commercial, institutional or mixed-Use

Structure. As aforementioned under previous sections, the proposed landscaping strips will be at least five (5) feet in width.

The property is within the "Old Cannery Area" of the Old Town Overlay District, which traditionally would require off-street automobile parking be no more than sixty-five percent (65%) of that normally required by Section 16.94.020. Conversely, as described under Chapter 16.94, the subject parcel is located within Climate Friendly and Equitable Communities (CFEC) delineated area, which eliminates off-street parking minimums for lots or parcels located within 0.5 miles of "frequent transit" as defined by OAR 660-012-0440(3)(c). As subject parcel is located within 0.5 miles of Tri-Met Line 94 at the time of this review, no minimum off-street parking is required for this development.

Engineering and Planning staff have reviewed the application for compliance with the Downtown Street Standards in the City of Sherwood Transportation System Plan and find that the proposed development is either compliant or can be conditioned to meet the applicable standards, as outlined in relevant code sections.

The applicant submitted elevations indicating all exterior materials shall be earth tone, as conditioned below:

Condition A.26: All exterior materials shall be earth tone. The color palette shall match that shown in the approved plan set under LU 2025-007 SP/VAR 'Old Town Multi-Family (Rock Point).'

As presented, the above criteria is met.

IV. STAFF RECOMMENDATION AND CONDITIONS OF APPROVAL

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's submittal, staff finds that the proposed site plan does not fully comply with the standards but can be conditioned to comply. **Therefore, staff recommends approval of the application LU 2025-007 SP/VAR "Old Town Multi-Family" – Site Plan Review & Variances, subject to the following conditions of approval:**

A. General Conditions

1. The applicant shall comply with all requirements and conditions set forth in the Clean Water Services (CWS) memorandum dated September 11, 2025, as applicable.
2. The applicant shall comply with all requirements and conditions set forth in the Clean Water Services (CWS) Service Provider Letter File No. 25-002127.

3. Clear Vision Areas shall be maintained at each private driveway intersection, pursuant to 16.58.010.
4. The applicant shall preserve the two existing mature Douglas Fir trees, as identified within the approved plan set.
5. Approval of this decision is valid for a period of two (2) years from the date of Notice of Decision (LU 2025-007 SP/VAR) unless construction on the site has begun. A one (1) year extension may be granted by the City upon written request from the applicant showing cause for such extension.
6. The property owner(s) shall be responsible for ensuring the overall maintenance and health of the approved landscaping materials. Only hardy and drought-resistant landscaping shall be permitted on the parcel. Violation of this condition will be subject to Code Enforcement.
7. The applicant shall protect and maintain existing vegetative areas posed for preservation, as presented within the approved plans, during the entire construction phase of development. Destruction or removal of existing vegetation not originally approved for removal shall be mitigated via the replanting of similar materials to what was approved under this decision (LU 2025-007 SP/VAR).
8. Ground cover plants shall envelop any remainder of the proposed landscaping area within three (3) years of planting, pursuant to 16.92.030.B.5.c.
9. The property owner(s) shall be responsible for maintaining all required screening of all Mechanical Equipment, Outdoor Storage, Service and Delivery Areas from public streets and any adjacent residential zone or public street, pursuant to 16.92.030.C.
10. All landscaped areas shall be maintained in accordance with the approved landscaping plan. Existing non-invasive native vegetation on portions of the site not subject to development shall be retained and maintained. Any required landscaping trees that are removed shall be replaced consistent with the approved landscaping plan and in compliance with Chapter 16.142 – Parks, Trees, and Open Space.
11. The property owner(s) shall be responsible for ensuring all required parking, loading, and maneuvering areas are not used for long-term storage or sale of vehicles or other materials, or rented, leased, or assigned to any person or organization not using or occupying the building or use served, pursuant to 16.94.010.D. All future violations are subject to Code Compliance.

- 12.** The property owner(s) shall be responsible for the maintenance and repair of the parking and loading areas, including associated infrastructure, pursuant to Chapter 16.94.010.H.
- 13.** All designated bicycle parking areas must be clearly marked and reserved exclusively for bicycle use, using appropriate signage, pavement markings, or other visible indicators to ensure clear identification and prevent unauthorized use.
- 14.** The property owner(s) shall be responsible for the maintenance and repair of the on-site pedestrian circulation area, including associated infrastructure, pursuant to section 16.96.010.B.
- 15.** Any change that alters or modifies the approved ingress, egress, or circulation for vehicles, without written approval, will result in Code Enforcement action, pursuant to 16.96.040.A.
- 16.** The property owner(s) shall be responsible for the maintenance and repair of all on-site vehicle circulation areas located on the subject parcel, pursuant to Chapter 16.96.040.D.
- 17.** Construction of public improvements shall not begin, or after a discontinuance, be restarted until the City is notified in writing.
- 18.** A complete set of reproducible plans and an electronic copy of the base files in "AutoCad" and PDF format showing the public improvements as built shall be filed with the City upon completion of the improvements.
- 19.** 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. When 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.
- 20.** All on-site fire protection facilities, shall be maintained in good working order. Compliance with the standards defined by Tualatin Valley Fire & Rescue (TVF&R), or their successor, shall be the responsibility of the property owner(s).
- 21.** On-site fire protection facilities may be altered or repaired with the consent of the Tualatin Valley Fire & Rescue (TVF&R), or their successor, provided that such alteration or repairs shall be carried out in conformity with the provisions of Chapter 16.116 – Fire Protection.
- 22.** Per City of Sherwood standards, all new utilities shall be placed underground.

- 23.** The Final Tree and Woodland Plan shall specify tree protection measures, including but not limited to: protective fencing, selective pruning and root treatments, excavation techniques, and temporary drainage systems. At a minimum, the area within the dripline of each tree designated for protection shall be fenced and protected from grading, stockpiling, and other construction-related activity, unless specifically reviewed and recommended by a certified arborist or other qualified professional.
- 24.** Any work occurring within the dripline of a protected tree shall be supervised onsite by the project arborist or other qualified professional during construction activities. Documentation of arborists' oversight shall be submitted to the City upon request.
- 25.** The applicant shall be advised that violations of the approved Tree and Woodland Plan, including the unlawful removal or cutting of designated trees or woodlands, shall be subject to enforcement under Section 16.02.040 of the Sherwood Zoning and Community Development Code. Each designated tree or woodland unlawfully removed, or cut shall be considered a separate offense.
- 26.** All exterior materials shall be earth tone. The color palette shall match that shown in the approved plan set under LU 2025-007 SP/VAR 'Old Town Multi-Family (Rock Point).'
- 27.** The site and building design shall be constructed based on the approved plan set authorized by the Hearing Authority and confirmed during Final Site Plan Review based on the applicable conditions of approval. Any departure from approved plans, including the window and architectural details of the front façade facing Columbia Street, as approved by the Hearing Authority shall be cause for revocation of applicable building and occupancy permits. Furthermore, if, in the City's determination, a condition of approval are not or cannot be satisfied, the land use approval, or building and occupancy permits, shall be revoked.
- 28.** Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
- 29.** The property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code, Engineering Design Standards, and Municipal Code.
- 30.** This approval does not negate the need to obtain permits, as appropriate, from other local, state, or federal agencies even if not specifically required by this decision.

B. Prior to Final Site Plan Approval

1. Prior to Final Site Plan Approval, the applicant shall resubmit development plans that delineates each Clear Vision Area in compliance with the requirements of Chapter 16.58 – Vision Clearance and Fence Standards.
2. Prior to Final Site Plan Approval, the applicant shall submit plans detailing the exact location of each proposed conduit for future electrical service capacity, serving at least forty (40) percent of the proposed off-street parking stalls. The plans shall detail how the proposed conduits will connect to the overall power distribution system.
3. Prior to Final Site Plan Approval, applicant is encouraged, but not required, to work with the City to provide a more direct connection between the front entrance and SW Columbia Street over the city's property (Tax Lot 2S132BD08900). An agreement is required to be reached between the City and applicant for use of this property.
4. Prior to Final Site Plan Approval, the applicant shall resubmit landscaping plans to indicate all ground cover plants, excluding grasses, will be installed at a minimum four-inch pot size.
5. Prior to Final Site Plan Approval, the applicant shall submit landscaping plans indicating adequate preparation of the topsoil and subsoil will occur during the establishment of the proposed vegetation, pursuant to 16.92.020.B.2.
6. Prior to Final Site Plan Approval, the applicant shall revise the landscaping plan to demonstrate that a minimum of five percent (5%) of the required parking area landscaping trees are evergreen species.
7. Prior to Final Site Plan Approval, the applicant shall resubmit development plans demonstrating how all required landscaped islands meet the distribution requirements for residential uses and with each landscaped island evenly spaced throughout the parking area in conformance with applicable standards.
8. Prior to Final Site Plan Approval, the applicant shall resubmit development plans indicating all proposed pedestrian crossings within a dedicated parking area, driveway or street will be constructed with either contrasting paving materials or a raised crosswalk (hump), consistent with ADA standards.
9. Prior to Final Site Plan Approval, the applicant shall resubmit development plans displaying curbing along all required private pedestrian pathways/sidewalks.
10. Prior to Final Site Plan Approval, the applicant shall resubmit a development plan demonstrating the proposed Solid Waste and Recycling Storage area(s) will meet the minimal trash enclosure standards, as required by Sherwood Zoning and Development Code and PRIDE disposal.

- 11.** Prior to Final Site Plan Approval, the applicant shall resubmit development plans displaying the installation of bollards at the driveway entrance on SW Pine Street to prevent non-emergency vehicular access. The bollards shall be designed and installed in a manner acceptable to Tualatin Valley Fire and Rescue (TVF&R) & City of Sherwood Engineering. If bollards are not permissible by either TVF&R or City of Sherwood Engineering, an alternative method of access restriction, such as a gate, may be used.
- 12.** Prior to Final Site Plan Approval, the applicant shall revise the plans to demonstrate that a minimum of 4,965 square feet of active recreational space is provided. Compliance shall be achieved through enlargement of existing facilities, addition of new active recreational amenities, or clear infrastructure improvements that support active recreation. (i.e. Benches, shade structures, or water fountains).
- 13.** Prior to Final Site Plan Approval, the applicant shall provide a legally binding document that conveys rights and responsibilities for common open space and recreational facilities to a homeowners' association or other legal entity. The document shall include provisions ensuring continued use for the intended purpose, adequate and ongoing maintenance, availability of maintenance funds, and appropriate insurance coverage.
- 14.** Prior to Final Site Plan Approval, the applicant shall provide a final street tree planting plan for SW Willamette Street and SW Pine Street in conformance with Section 16.142.060, or provide documentation of an approved fee-in-lieu payment.
- 15.** Prior to Final Site Plan Approval, the applicant shall provide a tree and woodland inventory and report, prepared by a qualified professional, in accordance with Section 16.140.070. The report shall include recommendations on measures to preserve trees that are not proposed for removal during construction.
- 16.** Prior to Final Site Plan Approval, the applicant shall submit a revised landscaping plan, prepared by a qualified professional, that demonstrates compliance with Section 16.140.070.D.3 by achieving a minimum total tree canopy coverage of thirty percent (30%) of the net development site. The revised plan shall calculate canopy coverage using the expected mature canopy spread of each proposed tree species.
- 17.** Prior to Final Site Plan Approval, the applicant shall provide a certified arborist's (or other qualified professional) report that evaluates all trees proposed for preservation, and provides an estimated mature canopy spread and confirmation of the trees' long-term retention viability. Any tree proposed for preservation that

is found by the certified arborist to be in poor health, unsafe, or non-viable for retention shall not be credited toward canopy coverage.

18. Prior to Final Site Plan Approval, the applicant shall prepare and submit a Final Tree and Woodland Plan, prepared by a certified arborist or other qualified professional, for review and approval by the City. The plan shall illustrate how all identified trees and woodlands will be retained, removed, or protected.
19. Prior to Final Site Plan Approval, the applicant shall revise the plans to account for the required 12 ft. wide right-of-way dedication along SW Willamette Street. No permanent improvements are permitted in the right-of-way.

C. Prior to Issuance of a Grading Permit

1. Prior to issuance of a Grading Permit, issuance of a NPDES 1200CN permit for the subject development is required.
2. Prior to Issuance of a Grading Permit and Tree Removal, 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 receive Final Site Plan Approval.

D. Prior to Approval of the Engineering Public Improvement Plans / Engineering Plan Approval

1. 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. Concrete sidewalk (77.39'x6')
 2. Streetlight relocation.
 3. Two street trees.
2. 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.
3. 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.

4. Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design for either removable bollard at the emergency access to SW Pine Street meeting the approval of TVF&R and the City of Sherwood Engineering Department. If bollards are not permissible by either TVF&R or Pride Disposal, an alternative method of access restriction, such as a gate, may be used.
5. Prior to Issuance of Engineering Public Improvement Plans, the developer shall execute an engineering compliance agreement with the Sherwood Engineering Department.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.

12. Prior to Approval of Engineering Public Improvement Plans, a stormwater connection permit shall be obtained from Clean Water Services.
13. Prior to Approval of Engineering Public Improvement Plans, the developer shall design to bring Sherwood Broadband facilities to the proposed building.

E. Prior to Issuance of Building Permits

1. Prior to Building Permit Issuance, the developer shall execute an Engineering Compliance Agreement for the public improvements related to the project.

F. Prior to Acceptance of the Public Improvements

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. Prior to Acceptance of Public Improvements, an O&M Plan meeting City of Sherwood standards shall be provided to the city.

G. Prior to Occupancy

1. Prior to Occupancy, the applicant shall install or otherwise provide irrigation consistent with one of the following options:

LU 2025-007 SP/VAR 'Old Town Multi-Family (Rock Point)'

1. a permanent built-in irrigation system with an automatic controller;
 2. an irrigation system designed and certified by a licensed landscape architect or other qualified professional that ensures adequate watering during the establishment period; or
 3. a written commitment and actionable plan to irrigation by hand, in which case a City inspection shall occur one (1) year after final inspection to verify plant establishment.
2. Prior to Occupancy, the applicant shall place all required landscaping in-ground, including installation of an approved irrigation system, pursuant to the 16.92.040. standards.
 3. Prior to Occupancy, final acceptance of the constructed public improvements shall be obtained from the Sherwood Engineering Department.
 4. Prior to Occupancy, any private sanitary sewer piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.
 5. Prior to Occupancy, any private water piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.
 6. Prior to Occupancy, any private stormwater piping shall be installed in conformance with the current Oregon Plumbing Specialty Code.
 7. Prior to Occupancy, street trees along SW Willamette Street and SW Pine Street shall be installed in conformance with Section 16.142.060, or the applicant shall provide documentation of an approved fee-in-lieu payment.

V. ATTACHMENTS

- A. Applicant Submittal and Narrative*
 - Appendix A – Project Narrative
 - Appendix B – Stormwater Calculations
 - Appendix C – Sherwood Land Use Application
 - Appendix D – Deed & Title
 - Appendix E– Tax Map / Vicinity Map
 - Appendix F – Existing Conditions & Topography Survey
 - Appendix G – Wetland Delineation Map
 - Appendix H – Sherwood Wetland Permit
 - Appendix I– Mitigation Bank Invoice (April 2023)
 - Appendix J – Phase 1 Environmental Site Assessment
 - Appendix K – Preliminary Site Plan/Architectural Plan/ Floor Plan/ Landscaping Plan

- Appendix L – Preliminary Civil Drawings
 - Appendix M – Tualatin Valley Fire & Rescue (TVFR) approved plan set.
 - Appendix N – Neighborhood Meeting Documentation
 - Appendix O– Corporation Business Entity Filing Records
 - Appendix P– Oregon Department of State Lands (DSL) Removal Fill Permits Invoice.
 - Appendix Q– Clean Water Services (CWS) Service Provider Letter (SPL), dated September 23, 2025.
- B.** Revised City of Sherwood Engineering Memorandum dated October 24, 2025
- C.** Clean Water Services (CWS) Memorandum dated September 11, 2025
- D.** Correspondence with PRIDE Disposal & Recycling Company, dated September 9, 2025
- E.** Correspondence with the Oregon Department of Transportation (ODOT) Commerce and Compliance Division, dated August 27, 2025
- F.** Correspondence with the Oregon Department of Transportation (ODOT) Outdoor Advertising Sign Program, dated August 28, 2025
- G.** Public Notice/Request for Agency Comments
- H.** Pre-Application Conference (PAC) Memorandum dated January 16, 2025
- I.** Senate Bill (SB) 1537 (2024)
- J.** Department of Land Conservation and Development (DLCD) Senate Bill 1537 Guidance (Updated August 25, 2025)
- K.** Applicant email dated September 2, 2025
- L.** Applicant letter dated September 9, 2025
- M.** Applicant memo dated October 9, 2025
- N.** Applicant letter dated October 14, 2025
- O.** Public Testimony dated October 18, 2025
- P.** Public Testimony dated October 16, 2025