



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, May 16, 2023

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

5:15 pm City Council Work Session

5:45 pm City Council & Planning Commission Joint Work Session

7:00 pm City Council Regular Meeting

URA Board of Directors Meeting
(Following the 7:00 pm City Council Meeting)

City Council Work Session - Continued
(Following the URA Board of Directors Meeting)

This meeting will be live streamed at
<https://www.youtube.com/user/CityofSherwood>



Home of the Tualatin River National Wildlife Refuge

5:15 PM WORK SESSION

1. **5 Year CIP** (Craig Sheldon, Public Works Director)

5:45 PM WORK SESSION – JOINT PLANNING COMMISSION

2. **Sherwood West Concept Plan Relook** (Erika Palmer, Planning Manager)

6:30 PM WORK SESSION

3. **Metro and District 3 Update** (Keith Campbell, City Manager)
4. **Charter Review Discussion** (Keith Campbell, City Manager)

7:00 PM REGULAR SESSION

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CONSENT AGENDA**
 - A. **Approval of April 19, 2023 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
 - B. **Approval of May 2, 2023 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
 - C. **Resolution 2023-032, Authorizing the City Manager to Sign a One-Year Extension to the On-Call Building Plan Review and Inspection Services Contract with Clair Company**
(Scott McKie, Building Official)
 - D. **Resolution 2023-033, Authorizing City Manager to Execute a Construction Contract for the SW Willamette Street Grind and Inlay Project** (Craig Sheldon, Public Works Director)
 - E. **Resolution 2023-034, Reappointing Rick Woidyla to the Planning Commission**
(Erika Palmer, Planning Manager)
6. **CITIZEN COMMENTS**
7. **PRESENTATIONS**
 - A. **Recognition of TeenLab Participant** (Jaime Thoreson, Youth Services Librarian)
8. **PUBLIC HEARINGS**
 - A. **Ordinance 2023-004, Adopting the Sherwood Procurement Code, Chapter 1.10**
(Ryan Adams, City Attorney) (*Second Reading*)
 - B. **Ordinance 2023-005, Approving a minor land partition of Tax Lot 400 of Washington County Assessor Map 2S129CD and an amendment to the City's General Plan and Zoning Map to**

AGENDA

**SHERWOOD CITY COUNCIL
May 16, 2023**

5:15 pm City Council Work Session

**5:45 pm City Council & Planning
Commission Joint Work Session**

7:00 pm City Council Regular Session

**URA Board of Directors Meeting
(Following the 7:00 pm City Council Meeting)**

**City Council Work Session – Continued
(Following the URA Board of Directors Meeting)**

**Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140**

This meeting will be live streamed at
<https://www.youtube.com/user/CityofSherwood>

Amended Meeting Agenda, 5.D, Updated Documents

rezone the ±3.3 acre portion of the site to High Density Residential (HDR) from Retail Commercial (RC) (Joy Chang, Senior Planner) *(First Reading)*

9. CITY MANAGER REPORT

10. COUNCIL ANNOUNCEMENTS

11. ADJOURN to URA BOARD OF DIRECTORS MEETING

12. RECONVENE WORK SESSION

A. HB 3115 Discussion (Ryan Adams, City Attorney)

13. ADJOURN

How to Provide Citizen Comments and Public Hearing Testimony: Citizen comments and public hearing testimony may be provided in person, in writing, or by telephone. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by e-mail to Cityrecorder@Sherwoodoregon.gov and must clearly state either (1) that it is intended as a general Citizen Comment for this meeting or (2) if it is intended as testimony for a public hearing, the specific public hearing topic for which it is intended. To provide comment by phone during the live meeting, please e-mail or call the City Recorder at Cityrecorder@Sherwoodoregon.gov or 503-625-4246 at least 24 hours in advance of the meeting start time in order to receive the phone dial-in instructions. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.

How to Find out What's on the Council Schedule: City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, generally by the Thursday prior to a Council meeting. When possible, Council agendas are also posted at the Sherwood Library/City Hall and the Sherwood Post Office.

To Schedule a Presentation to the Council: If you would like to schedule a presentation to the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or Cityrecorder@Sherwoodoregon.gov

ADA Accommodations: If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or Cityrecorder@Sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time.



SHERWOOD CITY COUNCIL MEETING MINUTES
21920 SW Sherwood Blvd., Sherwood, Or
(Joint City Council and Sherwood School District Work Session)
April 19, 2023

WORK SESSION

1. **CALL TO ORDER:** School Board Chair Hawkins called the meeting to order at 6:00 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Councilors Doug Scott, Renee Brouse, Kim Young, Taylor Giles and Dan Standke. Council President Keith Mays was absent.

STAFF PRESENT: City Manager Keith D. Campbell, City Attorney Ryan Adams, Community Development Director Eric Rutledge, Police Chief Ty Hanlon and City Recorder Sylvia Murphy.

SCHOOL DISTRICT BOARD: Chair Abby Hawkins, Vice Chair Krista Thorne, Director Jessica Adamson, Director Jeff Lee, and Director Harmony Carson; SSD Executive Team: Superintendent Jeremy Lyon, Assistant Superintendent Marleen Carroll, Chief Operations Officer Jim Rose, and Executive Assistant to the Superintendent Christine Andregg.

3. WELCOME AND INTRODUCTIONS

Board Chair Hawkins welcomed participants and audience in attendance; all participants introduced themselves.

4. UPDATE FROM SHERWOOD SCHOOL DISTRICT

Dr. Lyon provided an update on behalf of the Sherwood School District. He thanked the City Council members for their support of the District, and shared his observations from being on school campuses during the current school year.

UPDATE FROM THE CITY OF SHERWOOD

Mr. Campbell provided an update on behalf of the City of Sherwood. He discussed the role of the partnership between the City and the District in terms of economic development -- including diversifying the tax base, career/technical education and pathway programs, workforce development and job creation -- and highlighted examples of this work throughout Sherwood.

Mr. Campbell provided an update on the progress of the pedestrian bridge project. Board Vice Chair Thorne asked about the timeline for bids for the pedestrian bridge project, and Mr. Campbell clarified the steps in the timeline. There was additional general discussion about the bridge project, including the lighting design for the bridge. Councilor Giles noted that the high school representative on the bridge committee was exploring how to showcase student art on the bridge. Director Adamson expanded on the value of the creation of trade sector jobs in the community. Mr. Campbell highlighted that the high school is featured during tours for businesses considering moving operations into the area. Mayor Rosener added

that the City was also exploring funding for additional projects at Cedar Creek and Meinecke Road. Board Chair Hawkins discussed her observations from attending the recent meeting at the high school with partners from various industries.

5. LEVY UPDATE FROM SSD

Dr. Lyon provided an update on the District's proposed education levy. He noted that the current bond tax rate was lower than the amount promised in the 2016 Capital Improvement Bond, and added that the completion of the bond projects delivered quality educational facilities, including the new high school, and provided a sound return on investment for the community.

Dr. Lyon noted efforts of the District to educate the community about the proposed levy and the focus providing community members with transparent and accurate information about the levy, as well as the identified budget reductions for the 2023-24 school year. He encouraged community members to visit the District's website to access accurate information, and welcomed feedback from other attendees. There was general discussion about the information on the levy website, the value of keeping Sherwood tax dollars within the community and local control, and the commitment to accountability for use of levy funds (if the levy passed). Councilor Giles shared his experience of serving on the District's Bond Oversight Committee and his observations of District accountability within that experience. Director Adamson highlighted the plan to deepen engagement with the District's Budget Committee in participating in oversight of District funds. Mayor Rosener spoke of the role of schools within the community, as well as the importance of balancing the tax base through expansion of commercial and industrial properties. Board Chair Hawkins thanked the City Council for their partnership and support.

6. YOUTH ADVISORY COMMITTEE UPDATE

Mr. Campbell discussed the plan developed between himself and Dr. Lyon to establish a Youth Advisory Committee, and shared progress to-date. Dr. Lyon shared details of how students would be selected to participate in the Committee, and noted the importance of hearing directly from students about the highest impact issues from their perspectives. Dr. Lyon also highlighted that the SSD Board of Directors holds a seat each school year for an Associated Student Body Representative at Board meetings. Councilor Brouse asked about the potential to include middle school students on the Committee, and noted that high school students had shared their own interest in including middle school students in such a group. Mayor Rosener discussed the annual City Summit held in Washington, DC each year and noted that other regional districts send student delegations, suggesting that Sherwood do the same with students from the Advisory Committee. Councilor Young shared that her previous concerns about the Committee had been effectively addressed within the details for the plan. Councilor Giles discussed the potential to engage students in assisting in the City's various technology needs. Councilor Brouse suggested providing a summer academy option as well. Mayor Rosener shared that the City Council would be having a Kids Night at an upcoming Council meeting, which would highlight the Youth Governor as well as winners from the recent "If I Were a Mayor" contest.

7. SAFE ROUTES TO SCHOOL UPDATE

Mayor Rosener introduced the topic, as well as Mr. Rutledge, who presented on behalf of the City. Mr. Rutledge reviewed the City's goals related to safe routes to schools, highlighting the focus on working in partnership with the school on the topic. He defined the safe routes to school program, and reviewed benefits of the program. He additionally discussed the various components of the program, and reviewed examples of both infrastructure and non-infrastructure components.

Mr. Rutledge shared a map highlighting prioritized City projects related to safe routes to schools, and reviewed various available funding sources for those projects. He shared next steps, including discussions between City and District staff and a potential Memorandum of Understanding. Mayor Rosener provided additional details about funding for projects, as well as ongoing activity related to traffic and speed studies. Board Chair Hawkins asked for clarification about how an interested school would get involved, and Mr. Rutledge reviewed the necessary factors. There was additional discussion about the potential for increased

signage at schools for traffic control, challenges related to the timing of the project and the District's identified staffing reductions, the potential to pursue competitive grants, and the need to identify specific safety needs at each school by engaging parent and student feedback. Mayor Rosener welcomed feedback on specific safety concerns, and noted a potential need to adjust school zone signs at the high school.

8. SRO UPDATE

Chief Hanlon presented on the topic of the school resource officer (SRO) program and discussed the partnership between the Sherwood Police Department (SPD) and the District. He shared statistics related to SPD response at Sherwood High School and other campuses, and highlighted SPD goals to deepen student engagement.

Chief Hanlon discussed speed enforcement near school campuses, and highlighted tools that could help the community to self-monitor their traffic speed. He additionally noted SPD work related to the presence of fentanyl in the community. There was general discussion about ways fentanyl might be brought into the community for distribution and how to best raise community awareness, phone apps that may prevent distracted driving, and the efficiency of SPD response to school district needs. Councilor Scott asked about funding for a second SRO position, and Mayor Rosener noted that there was support for a second SRO position going forward. He additionally discussed the importance of officer presence in the schools to build positive relationships with students, and Councilor Scott shared a personal example of the importance of student trust in the SRO. Chief Hanlon discussed additional information related to a potential second SRO position, including the challenges of recruiting new officers to backfill SRO assignments. Director Adamson asked about SPD response at the high school and what times of day those calls were occurring; Chief Hanlon estimated a higher quantity of responses during school hours, and clarified that a percentage of those calls were related to medical emergencies. There was general discussion in appreciation of SPD response and the SRO's presence on social media. There was discussion of the inclusion of SRO submissions in the school newsletters, and how to expand distribution of information into the community. Participants expressed their appreciation for the work of SPD and the SRO.

9. ROUNDTABLE

There was discussion of upcoming volunteer opportunities in the community, including a trash pickup day and the potential to partner that day with the planned education levy canvassing day. Board Chair Hawkins noted that the Athletics Boosters were struggling to recruit volunteers, and encouraged community members to reach out if interested. There was general discussion about the role of the Boosters and the challenges in maintaining active volunteer rosters. Councilor Young also highlighted that the SPD was holding an upcoming Drug Takeback Day. Director Carson discussed the importance of volunteer efforts in the schools and community, encouraging community members to re-engage in volunteer opportunities, and Board Vice Chair Thorne concurred. There was additional discussion about volunteer opportunities, as well as community activity opportunities. Director Adamson discussed the upcoming election in May, highlighting that the ballot would include three Board of Director positions as well as the proposed education levy, and she encouraged community members to vote.

10. ADJOURNED:

Chair Hawkins thanked the meeting participants and adjourned the meeting at 7:48 p.m.

Attest:

Sylvia Murphy, MMC, City Recorder

Tim Rosener, Mayor

Record Note: Minutes transcribed by Christine Andregg, Sherwood School District Executive Assistant to the Superintendent.



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
May 2, 2023

WORK SESSION

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 5:30 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Keith Mays, Councilors Kim Young, Doug Scott, Taylor Giles, and Renee Brouse. Councilor Dan Standke was absent.
3. **STAFF PRESENT:** City Manager Keith Campbell, Community Services Director Kristen Switzer, City Attorney Ryan Adams, IT Director Brad Crawford, Community Development Director Eric Rutledge, Economic Development Manager Bruce Coleman, Planning Manager Erika Palmer, Public Works Operations Supervisor Rich Sattler, Public Works Director Craig Sheldon, Senior Planner Joy Chang, City Engineer Jason Waters, Finance Director David Bodway, Police Chief Ty Hanlon, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.

OTHERS PRESENT: KPFF consultants Curt Vanderzanden, John Breshears, Craig Totten, Nick Halsey, Wes Shoger, and Ted Ketchum.

4. TOPICS:

A. Food Cart Regulations

Planning Manager Erika Palmer presented the “Mobile Food Vendors ‘Trucks, Carts, Pods” PowerPoint presentation (see record, Exhibit A) and provided background. She recapped that a previous work session had been held on the topic in fall 2022 and Council had asked staff to research what food cart pod sites would look like in Sherwood. She reported that staff started with the downtown area and explained that they had identified city-owned lots, privately-owned lots, and Retail Commercial lots with food cart potential. She outlined that most downtown plots were 5,000 square feet, many sites had constraints, and there were not many vacant lots in downtown Sherwood. Community Development Director Eric Rutledge clarified that the 5,000 square foot lots were primarily privately-owned lots and the city-owned lots tended to be slightly larger and explained that if Council decided to allow food carts on privately-owned lots only, then the development would likely be smaller. Ms. Palmer provided an overview of “Option 1 – Old town Sherwood” on page 4 of the presentation and explained that this was a mockup of a 5,000 square foot lot and noted that a lot that size could hold up to five food carts. She commented that Council had previously stated that if food carts were to be permitted, then it should be a destination with a permanent structure and said that it would be difficult to do those things on a 5,000 square foot lot. Councilor Scott stated that they wanted a permanent structure with windows, bathrooms, plumbing, etc. and those things should be required in a food cart pod development. He continued that he

did not want to focus on where, format, and size and instead focus on determining what requirements Council wanted and then work backwards from there. Ms. Palmer addressed “Option 2 – Retail/General Commercial Zone” and explained that this option would allow for food cart pods to be in the Retail or General Commercial Zone with draft standards. She stated that Option 3 was to not allow food cart pods. Community Development Director Rutledge referred to Option 2 and explained that development could occur on a currently vacant site and be developed as a food cart pod site. He explained that he felt it was more likely that a portion of an existing commercial center would be redeveloped as a food cart pod. He continued that the city could draft a code for parking requirements and the developer would need to demonstrate that they still met the parking minimums and other commercial center standards with the food cart pod in place. He clarified that Council would need to adopt food cart pod standards to codify what a food cart pod in Sherwood needed to look like and developers would need to make those standards work for their site. Discussion occurred and Council commented that they liked the idea of the food cart pod being a destination and that ideally, it would be located in Old Town, but the available lots in downtown Sherwood did not lend themselves to the type of food cart pod they wanted. Councilor Giles suggested a food cart pod be located near the high school to service the area as it developed and commented that the Sherwood West Plan should include zoning to allow for the development of a food cart pod. Discussion occurred and Mr. Rutledge commented that it would be difficult to fit everything Council wanted for a food cart pod into a 5,000 square foot lot, unless the city allowed for minimal setbacks. Council discussed how many food carts were needed in order for the pod to be considered a “destination” and Council determined that 5-6 carts plus a permanent structure, bathrooms, indoor seating, and liquor license were needed. Councilor Scott commented that Council did not need to specify the minimum number of carts because the market would drive the minimum, but Council should determine what amenities and structures were required on the site. He commented that developers had told him that a lot size of 8,000-10,000 square feet was needed for a food cart pod with the requirements Council wanted. Mayor Rosener stated that he agreed that the market would drive the number of carts and that Council needed to have their standards in place. Council determined a minimum of five food carts should be required for a food cart pod. Discussion regarding the cost to the city to service a food cart pod site versus the taxes the city would be paid from the site occurred. Council President Mays commented that he wanted to look into creating a different type of business license for the individual carts so there was a monthly or annual fee to offset the loss of revenue to the city. Council commented that the fee should not be prohibitively expensive. Mr. Rutledge explained that staff would bring back more information on other alternatives and assessed value concerns. He stated staff would bring back code language that would likely prevent a 5,000 square foot lot from working. Councilor Young asked if a minimum lot size could be used instead. Mr. Rutledge replied that that was also an option. Council spoke on possible legislation from the state regarding changes to parking requirements. Community Development Director Rutledge and staff recapped Council’s desires for food cart pods as: the requirement of a Conditional Use Permit with site plan; a permanent structure with indoor seating and a minimum canopy size; liquor license for the permanent structure; the site needed to be plumbed; the possible requirement of 1-2 year leases for the carts at the site; appropriate screening for the carts; a minimum distance between carts; site to meet parking standards; site met Old Town design standards, if located in Old Town; the flexibility to allow for food cart pods on 5,000 square foot lots if the design met the standards; and allow for food cart pods in Retail/Commercial Zones. He stated that staff would bring back more information to Council for a future work session.

Record Note: Planning Manager Erika Palmer provided Council with supplemental information on mobile food vendors via email prior to the work session (see record, Exhibit B).

B. 99W Pedestrian Bridge Lighting Discussion

Public Works Director Craig Sheldon introduced KPFF consultant Curt Vanderzanden and explained the project was still on schedule to reach 100% design by the end of May or early June and would likely go

out to bid in early July. Mr. Vanderzanden presented the “Sherwood 99W Pedestrian Bridge Crossing” PowerPoint presentation (see record, Exhibit C) and outlined that he and his team were looking for Council feedback regarding the lighting system, bridge paint color, and bridge art opportunity refinement. KPFF Architect John Breshears provided an overview of the overall lighting plan for the pedestrian bridge and explained that there were four lighting types that the bridge would use and were: poles, handrails, arches, and walls. He stated that the pole lights were 12-feet tall, silver in color to match the steel on the bridge, and were symbolized by the dots on the map on page 4 of the presentation. He noted that all of the lights were LEDs. He stated that the purple strips on page 4 symbolized the handrail light fixtures and explained that the lights were embedded in the top of the railing and would be placed 54-inches above the ground to function as a guard rail for pedestrians and bicyclists. Council asked regarding the maintenance of the handrail lights and Mr. Breshears explained that there were two vendors who could supply these lights and the LEDs could easily be changed out or repaired. Council asked regarding vandalism which damaged the wires. Mr. Breshears replied that the housing was tamper-proof, but if the wire was damaged, the company would need to come out and fix the unit. He outlined that the lights used for the arches and the lights used for the walls were able to be changed if Council wished. Council asked regarding lumens. Mr. Breshears replied that the selected lights met the safety standards for illumination. He provided an overview of the differences between decorative lighting, pre-set lighting scenes, and safety lighting on page 6 of the presentation. He spoke on decorative lighting and explained that it was possible to control every single decorative light individually and stated that this was something Council needed to decide on soon. Discussion occurred and Mr. Breshears clarified that each light could be controlled independently if a separate control system was purchased that sent a wire to each individual fixture. He continued, if a smaller control system was purchased that sent a wire to each side of each span, then that span could be controlled. Council asked for more information on the price differences between a larger control system and a smaller control system. Mr. Breshears commented that he recommended having the manufacturer set up lighting presets. Council asked how quickly the color lighting could be changed. Mr. Breshears replied that he recommended having the manufacturer create the preset since they were the most familiar with the technology, and then when the city wanted the colors changed, they could either reach out to the manufacturer or pay for a subscription service to allow the city to be able to change the colors. Council asked that it be required that Public Works be supplied with the full electrical schematics for the bridge. Mr. Breshears provided an overview of the railing mesh. Council asked regarding public safety features on and near the bridge. Mr. Vanderzanden replied that the main security feature would be security cameras and stated that they would work with Public Works to ensure there was good coverage and the railing mesh was difficult to climb and would make vandalizing the bridge arches difficult. Mr. Breshears stated that more detail on the project’s anti-vandalism measures would be added. He recapped that Council had narrowed the bridge paint color down to either white or deep red and provided an overview of what each color would look like during the daytime and nighttime on pages 8-12 of the presentation. Discussion regarding which color to choose occurred and Council asked that a community survey be published that showed the pictures from pages 8-12 of Exhibit C to gather feedback from residents. Mr. Vanderzanden explained that Council had a until early June to decide on a paint color. Mr. Vanderzanden addressed bridge artwork and provided an overview of the medallions at belvederes art option on page 14 of the presentation. He explained that there would be four 18-inch medallions at the belvederes and four 24-inch medallions at the pathway nodes. He explained that these medallions could be installed at any time after the bridge was constructed and asked if this was something Council wanted. Council replied they wanted to proceed with the medallions. Mr. Vanderzanden addressed the option of having a sculpture at the west approach. Council signaled they wanted this option. He addressed the east side options of: vertical elements and a sculpture at the approach, a custom concrete form on the wall, a surface mounted sign on the wall, or a screen in front of the wall on pages 16-19. Discussion occurred and Council determined that they wished to have a custom concrete form for the east wall.

C. Capital Improvement Plan (CIP) Review

Public Works Director Craig Sheldon referred to the “23-24 CIP Project Summary Table” (see record, Exhibit D) handout and explained that Finance was still working on the final numbers for some of the projects listed in the table. He explained that the “Schaumburg Street” project was behind schedule, so the final cost would change. He explained that the city was currently down two engineers, and staff would prioritize projects that aligned with City Council goals. He clarified that there were several thousand hours of engineering work needed for some of the projects and the city would likely need to contract out the work in order to proceed with the projects, but it was a possibility that the projects may be delayed. He noted that there was \$40 million worth of projects tied to Council goals. Mr. Sheldon stated that per the Council’s goals, staff were prioritizing the pedestrian bridge, Ice Age Drive, the Cedar Creek Trail separated grade crossing, Cedar Creek Trail supplemental work, and maintenance projects. He reported that the project was not noted in the table, but the city had received several complaints about the pedestrian crossing on Sunset and the project had been started but was not yet complete. He explained that there were currently no traffic calming projects underway, but some projects should be added and a consulting service should be hired using the traffic calming funds to help move those projects along. Council President Mays asked if a new pedestrian crossing standard would be created soon. Mr. Sheldon replied he would bring back options for Council to consider. Mayor Rosener stated that he was okay if the city contracted out work when necessary if it meant getting projects done. Public Works Director Sheldon addressed the “Tualatin-Sherwood Road Widening” project and explained that this was a multi-year project and the city was coordinating some of the water line aspects of the project. He addressed the “Oregon Street Improvements” project and stated that more information on the tannery site cleanup would be available soon and explained that Oregon Street also had a Regional Water Quality facility, and needed storm drainage work. He addressed the “Arrow Street” project and explained that the city would contribute to the design and construction of the street as a part of the county project. Councilor Scott asked when construction on Oregon Street would start. City Engineer Jason Waters explained that the construction on Oregon Street had been paused in order to sync up the project with the tannery site cleanup project. He explained that it would take roughly two years to procure the environmental permits for the cleanup. Mr. Sheldon addressed the “Schaumburg sewer line” project and reported that there was roughly \$500,000 worth of sewer projects to complete including upsizing a line from 6 inches to 8 inches. He stated that there were not enough funds in the city’s Sanitary Fund to complete the \$500,000 worth of sanitary projects. He stated that the city had applied for ARPA funds to help assist with the cost of the sanitary projects and commented that he was not confident that ARPA or any state funds would be enough to cover the necessary costs. Council President Mays asked if the city had made efforts to correct the deficit in Sanitary Sewer Funds. Public Works Director Sheldon explained that the city had raised commercial rates and would also be proposing an additional rate increase. Council President Mays commented that Council may need to discuss how to move forward when it came to sanitary sewer projects and funding because sewer maintenance was a priority. Mr. Sheldon addressed the “Ice Age Drive” project and explained that if the city did not pay for the contract in the current fiscal year for proposed URA Resolution 2023-004, then it would need to be taken out of next year’s budget. He clarified that the city would be reimbursed for any unused funds for the quoted \$2 million amount. He addressed traffic calming and explained that some of the funds would be spent on the Sunset Boulevard pedestrian crossings. He addressed the “Woodhaven Swales” project and explained that it was a maintenance project. He addressed the “Citywide Catch basin remediation program” project and explained that this was an ongoing project. Discussion regarding available funds for Traffic Safety Committee traffic calming projects and the need to create a process for managing traffic calming projects occurred. Mr. Sheldon addressed the “Water Quality Facility Refurbishments” project and explained that it was a maintenance project. He addressed the “2nd & Park Streets SWF Rehabilitation” project and explained that it was for updates for a pond in Stella Olsen Park. He addressed the “Brookman Area Sanitary Sewer Trunkline Extension Design & Construction” project and explained that there would be an expense out of the Sanitary Fund for the city’s portion of the project.

and the city needed to determine how that would be funded. He added that there would be IGAs with Clean Water Services for the project because the city was responsible for pipes up to 12-inches. He addressed the “Old Town Laterals” project and explained that it would be removed from the CIP list as it was more of a maintenance project. Public Works Director Sheldon addressed the “WIF Capacity Improvements to 6.2 mgd” project and explained that the project would be completed soon. He stated that the figure quoted for the “WRWTP – 20 mgd expansion” project was the estimate of what would be spent in the next year and the project should be mostly completed in the next year. He addressed the “Public Works Facility” project and explained that no money had been budgeted for the project because the site needed to be cleaned up before money could be spent on a facility. He addressed the “Tannery Site” project and commented that the city would apply for Brownfield grants. Mayor Rosener added that the city had also applied for state and federal level grants for the project but it was unlikely that the city would be selected for any of those grants. Mr. Sheldon addressed the “Oregon St @ Tonquin Rd & Murdock Rd Improvements” project and commented that he hoped to bring someone on to assist with the project if it was a Council priority. He stated that there were many CIP projects and the Council needed to determine if they wanted to use Transient Lodging Tax funds to assist with some of the project costs. Mayor Rosener commented that Council would likely need to hold a work session to determine the priority order for CIP projects given the available funds and staff time. Mr. Sheldon explained that he prioritized projects that were tied to Council goals and included an estimate of staff time to give Council an idea of what the project entailed. He explained that all of the other CIP projects were captured in the “FY 23/24 Five Year Capital Improvement Plan” table (see record, Exhibit E). Mr. Sheldon summarized the five-year CIP table and Council President Mays stated that Council needed to determine if they supported the new projects or if any should be removed from the list. Mayor Rosener asked if there were any projects listed in the five-year CIP plan that should have been listed in the one-year CIP plan? Council signaled there were no projects listed in the five-year CIP plan that should have been listed in the one-year CIP plan. Mayor Rosener suggested that a work session be scheduled to go over the five-year CIP plan in detail, but the one-year CIP plan took priority when it came to budgeting. Public Works Director Sheldon said he would need a budget for the five-year CIP plan and both the one-year and the five-year CIP plans needed to be discussed by Council prior to the approval of the budget since both plans were a part of the budget. Councilor Giles commented he appreciated the format of the tables and liked how each project was tied to a Council goal. Mayor Rosener asked that a work session be scheduled to discuss the five-year CIP plan. Discussion occurred regarding the budget and the five-year CIP plan. Finance Director Bodway explained that the one-year CIP plan was built into the city’s budget, while the five-year CIP plan was outlined in the budget document which showed various city projects and the potential future dollar amounts for the projects. He clarified that the projects and their potential future dollar amounts in that section were not binding. Mayor Rosener asked that a work session be scheduled to discuss the five-year CIP plan in June.

5. ADJOURN:

Mayor Rosener adjourned the work session at 7:08 pm and convened a regular session.

REGULAR SESSION

- 1. CALL TO ORDER:** Mayor Rosener called the meeting to order at 7:15 pm.
- 2. COUNCIL PRESENT:** Mayor Tim Rosener, Council President Keith Mays, Councilors Kim Young, Doug Scott, Taylor Giles, and Renee Brouse. Councilor Dan Standke was absent.

- 3. STAFF PRESENT:** City Manager Keith Campbell, Community Services Director Kristen Switzer, City Attorney Ryan Adams, IT Director Brad Crawford, Community Development Director Eric Rutledge, Planning Manager Erika Palmer, Public Works Operations Supervisor Rich Sattler, Public Works Director Craig Sheldon, City Engineer Jason Waters, Finance Director David Bodway, Police Chief Ty Hanlon, and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA:

MOTION: FROM COUNCILOR BROUSE TO APPROVE THE AGENDA. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR STANDKE WAS ABSENT).

5. CONSENT AGENDA:

- A. Approval of April 18, 2023 City Council Meeting Minutes**
- B. Resolution 2023-027, Authorizing City Manager to Surplus Equipment for Auction**
- C. Resolution 2023-028, Appoint Lavette Columbo to the Sherwood Senior Advisory Board**
- D. Resolution 2023-029, Adopting a Plan of Action for Revenue Recognition, Cut-Off of Expenditures and Recording of Revenue in the Appropriate Funds**
- E. Resolution 2023-030, Creating New City Funds, Public Art Fund, Economic Development and Promotion Fund and Investment Fund**

MOTION: FROM COUNCILOR BROUSE TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR STANDKE WAS ABSENT).

6. CITIZEN COMMENTS:

There were no citizen comments and Mayor Rosener addressed the next agenda item.

7. PRESENTATIONS:

A. Recognition of 2023 Oregon Youth Governor Appointee – Kylie Johnson

Mayor Rosener explained that Sherwood resident Kylie Johnson had been selected as the 2023 Oregon Youth Governor Appointee. Ms. Johnson came forward and Mayor Rosener asked her how many other students had been nominated. Ms. Johnson replied that there were 60-70 students in the program and three candidates, including herself, had campaigned. She spoke on her campaign and her experience and stated that it was a very friendly but competitive experience. Mayor Rosener explained that Ms. Johnson had previously introduced a mock bill on ranked choice voting and had met with Representative Neron and several directors from the Secretary of State's office about her bill. Ms. Johnson thanked Mayor Rosener for connecting her with Representative Neron and stated that it was a great experience getting to speak with her. She explained that the Youth and Government Program was run by the YMCA and held a yearly legislative conference in February. She explained that leading up to the conference, participants would meet with their delegation, which was comprised of other local students, and participants would learn about the legislative process including how to write a bill. She stated that in her freshman year, she wrote a mock bill on ranked choice voting with Eli Rosener and presented the bill during the Youth and Government Legislative Conference. She stated that the program also offered other opportunities including CONA (Conference on National Affairs), which she would attend for the

second time this year. Councilor Giles asked Ms. Johnson what her responsibilities would be as Youth Governor. Ms. Johnson replied that she was responsible for helping run the program as well as serving on the program committee as the Youth Appointee. As Youth Governor, she was invited to speak at several events such as an Oregon Higher Education Coordinating Commission meeting and would attend the Youth Governor's Conference in Washington D.C. where she would learn how to lead and govern a community. As the Youth Governor, she would also be responsible for signing or vetoing the bills proposed at the next Youth and Government Legislative Conference. Councilor Young congratulated Ms. Johnson and commented that she hoped Oregon's program would grow in the coming years. Councilor Brouse asked Ms. Johnson about her future plans. Ms. Johnson replied that she would like to complete several internships before she graduated high school and would like to study political science and history in college. Council presented Ms. Johnson with a certificate and congratulated her on her achievement.

Mayor Rosener addressed the next agenda item.

B. Recognition of 2023 Oregon Mayor's Association "If I Were Mayor" Middle School Entry Contest Winner – Addison Selby

Mayor Rosener explained that this was the first year that Sherwood was participating in the OMA's "If I Were Mayor..." contest and provided background on how the program worked. Mayor Rosener stated that Sherwood resident Addison Selby was selected as the winner of the Middle School Entry for the contest. Ms. Selby came forward and Mayor Rosener stated that he had enjoyed Ms. Selby's essay and asked her to provide background information on her essay. Ms. Selby explained that as mayor, she would conduct polls to determine what it was that her constituents wanted. Mayor Rosener commented that understanding what the community wanted was a key aspect of serving on Council. Ms. Selby explained that as mayor, she would try to create activities that would benefit the community, such as building a community center. Council President Mays congratulated Ms. Selby on her achievement. Councilor Brouse asked how she had decided to enter into the contest. Ms. Selby explained that her social studies teacher told her about the contest, and she had decided to enter. Council presented Ms. Johnson with a certificate and congratulated her on her achievement.

Mayor Rosener addressed the next agenda item and the City Recorder read aloud the public hearings statement.

8. PUBLIC HEARINGS:

A. Resolution 2023-031, Adopting a Supplemental Budget for fiscal year 2022-23 and making appropriations

Finance Director David Bodway presented the "Supplemental Budget" PowerPoint presentation (see record, Exhibit F) and provided background on Oregon and local budget law. He stated that supplemental budgets were common and authorized by Oregon State Law to account for unforeseen financial needs or for new revenue sources. He explained that the city typically completed one mid-year adjustment and another adjustment near the end of the year. He reported that this year's adjustment amount was large enough to necessitate a public hearing. He reported that the General Fund came in almost \$847,000 higher than originally projected and there had been additional, unexpected expenses

that included City Attorney recruitment, Public Safety salaries, and City Hall reroofing carryover. He stated that he recommended putting the remaining \$507,547 in reserve for future years. Mr. Bodway reported that the General Fund had also received several unexpected additional funds and provided an overview of the items on page 4 of the presentation. He stated that additional funds included: an updated IGA with Washington County to assist with funding for the Senior Center and the Arts Center was exceeding original expectations in both Facility Rental and Class Fees. He reported that the digital reader board for the Arts Center had come in after fiscal year end which offset some of their revenue and the city was still contracting for building plan review services as they had been unable to fill the position thus far. He stated that the one-time payment to union members came to \$382,169 and explained that he recommended leaving that amount under Contingency and then, in the next supplemental budget in June, move those funds to the appropriate funds and departments. He stated that the total proposed FY22-23 use of funds totaled \$508,669 and the funds in Reserve for Future Years totaled \$4,538,974. He noted that some of that total would be reserved for the City Investment Fund and would be moved during the budget process. Mayor Rosener asked how much of the offsetting expenses from the Arts Center were from the digital reader board. Finance Director Bodway replied that the reader board was approximately \$31,000. He addressed the Debt Service Fund and explained this was a fund that the city was trying to move out of the remaining balance and into the General Fund. He reported that the budget document had been prepared correctly last June, but there was an error in the resolution where the money that was supposed to be transferred out was accidentally included in the Debt Service Fund. He explained that this was fixing that error so there would not be an over expenditure. He addressed the Grant Fund and explained that the additional beginning fund balance was lower than expected due to the timing of the ARPA dollars and noted that if the dollars had not been allocated to a specific program or government service, then it should be recorded as deferred revenue. He continued that this error had been corrected in the financial statements for June 30th and everything was balanced, and the auditors had signed off on the audit report. He noted that the ARPA funds had earned more interest than anticipated. He explained that the ARPA funds and CEP grant money had originally been placed in Contingency in case Council had decided on how they wished to allocate the ARPA dollars and stated that there had been a second round of the CEP applications. He noted that ARPA dollars had been transferred out to the General Fund and \$60,000 in grants had been awarded and was reflected under Operations. He addressed the General Construction Fund and explained that the fund came in higher than projected due to the timing of the Cedar Creek Trail project and stated that he recommended allocating the additional rollover fund balance to the Capital appropriation line item since there were additional expenses associated with the Cedar Creek Trail Project. He addressed the Water Fund and explained that the beginning fund balance for the Water Fund was lower than projected due to the timing of various projects. He stated that he recommended utilizing the \$290,000 in contingency for Operations in order to pay for reservoir repairs in Snyder Park. Mayor Rosener gave his kudos to the Finance Department for being good stewards of the city's funds and explained that a supplemental budget was used to move dollars between different funds and was not an indicator that the city had budgeted poorly and was also a state requirement. Mayor Rosener opened the public hearing portion of the meeting and asked for public comment on the proposed resolution. Hearing none, Mayor Rosener closed the public hearing and asked for questions or a motion from Council.

MOTION: FROM COUNCILOR YOUNG TO APPROVE RESOLUTION 2023-031, ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2022-23 AND MAKING APPROPRIATIONS. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR STANDKE WAS ABSENT).

Mayor Rosener addressed the next agenda item.

B. Ordinance 2023-004, Adopting the Sherwood Procurement Code, Chapter 1.10 (First Reading)

City Attorney Ryan Adams explained that this had been discussed at several work sessions and reported that the state allowed cities to adopt their own procurement code. He provided background and explained that the city's procurement code had not been updated since 2005 and the proposed ordinance reflected both the wishes of Council as well as the recommendations from the LOC's model ordinance. He outlined that small procurement contracts were contracts that were under \$10,000 and required no competition. Intermediate procurement contracts were contracts between \$10,000-\$150,000 and stipulated that three informal quotes be obtained and the selected quote be the one that provided the best value to the city. Formal procurement was needed for contracts over \$150,000 and needed Council approval. Mayor Rosener opened the public hearing portion of the meeting and asked for public comment on the proposed ordinance. Hearing none, Mayor Rosener closed the public hearing and asked for questions or discussion from Council.

Mayor Rosener addressed the next agenda item.

9. CITY MANAGER REPORT:

City Manager Keith Campbell reported that the Cannery Square Saturday Market would open on May 6th. The Community Shred & Food Drive event would be held at the Police Department on May 6th. Coffee with the Force would be held on May 6th at Dutch Bros. Councilor Giles asked for more information on the Coffee with the Force event and Chief Hanlon explained.

Mayor Rosener addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS:

Councilor Scott reported he attended the most recent Parks and Recreation Advisory Board meeting where they discussed tree removals, pickleball, and CIP projects relating to parks. He reported that he would attend the TVF&R Citizens Academy program.

Councilor Brouse reported that the Boots & Bling Gala was held on April 28th and reported that the funds raised from the event would go towards purchasing safety equipment and technology for public safety. She reported that the Senior Advisory Board would meet next week. She reported that she attended the Housing Advisory Committee meeting where they received a tour of a new supportive housing development in Aloha.

Councilor Giles reported that he was unable to attend the most recent Library Advisory Board meeting as he attended the joint work session with the Sherwood School District. He reported that May 6th was Free Comic Book Day at the Library and outlined upcoming events at the Library.

Councilor Young reported that she attended the joint work session with the Sherwood School District. She attended the most recent Police Advisory Board meeting and reported that the board would soon

have a vacancy and urged those interested to apply. She reported that she attended the Boots & Bling Gala. She reported that a voter's forum would be held at City Hall on May 3rd.

Council President Mays urged residents to vote and turn in their ballots. He reported that he attended the Boots & Bling Gala. He gave his kudos to Public Works Director Craig Sheldon and his team for their work keeping Sherwood's parks, streets, and trails looking nice.

Mayor Rosener reported he attended the Metro Mayors Association meeting where they discussed legislation coming out of Salem including tolling and HB 3414. He reported he attended the Metro Policy Advisory Council meeting where they discussed the urban growth planning process and housing studies. He reported that Veterans Park would hold an opening ceremony with the American Legion in June.

11. ADJOURN:

Mayor Rosener adjourned the regular session at 8:08 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Tim Rosener, Mayor

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Scott McKie, Building Official
Through: Eric Rutledge, Community Development Director, Keith D. Campbell, City Manager and Ryan Adams, City Attorney

SUBJECT: Resolution 2023-032, Authorizing the City Manager to Sign a One-Year Extension to the On-Call Building Plan Review and Inspection Services Contract with Clair Company

Issue:

Shall the City Council authorize the City Manager to sign a one-year extension to the contract with Clair Company for on-call building plan review and inspection services?

Background:

In 2019, the City went through a formal Request for Proposals (RFP) for a 3-year contract for building plan review and inspection services. Clair Company was selected as the City's on-call firm, along with New World Plan Review LLC which is no longer in business. Council authorized a one-year extension of the contract with Clair Company in May 2022 which expires on May 21, 2023. Staff is proposing to extend their contract by an additional year until May 21, 2024.

Clair's fee is competitive within the industry and is based on a percentage of the value of the plan review fee, similar to other firms. Staff is recommending continuing the contract for an additional year to ensure there is no gap in service. It is likely staff will release an RFP for a new multi-year contract in summer or fall 2023 which Clair Company can respond to if desired. The RFP is needed to add an additional firm to on-call services to further reduce plan review timelines and ensure high quality customer service to commercial and industrial clients.

The Building Department is also actively recruiting for an in-house commercial plans examiner and if a qualified candidate is hired, the need for on-call services will be limited. In the event that the Building Department is able to hire an in-house plan reviewer, it would still be desirable to have one or more on-call options to allow for flexibility when timeliness is a concern due to project load or vacations.

Financial Impacts:

There are no immediate financial impacts associated with entering into on-call services contracts. As services are needed, fees associated with these services will be paid from a percentage of the building permit and plan review fees that are collected at the time of building permit application.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2023-032, Authorizing the City Manager to sign a one-year extension to the on-call building plan review and inspection services contract with Clair Company.



RESOLUTION 2023-032

AUTHORIZING THE CITY MANAGER TO SIGN A ONE-YEAR EXTENSION TO THE ON-CALL BUILDING PLAN REVIEW AND INSPECTION SERVICE CONTRACT WITH CLAIR COMPANY

WHEREAS, in 2019, the City conducted a formal request for proposals ("RFP") process and selected Clair Company for on-call building plan review and inspection services; and

WHEREAS, the RFP permits one-year extensions to the contract after the initial three year term; and

WHEREAS, in May 2022 a one-year extension to the contract was granted via Resolution 2022-028; and

WHEREAS, Clair Company has provided timely and thorough plan reviews which has helped the City in achieving its economic development goals; and

WHEREAS, an additional one-year extension to the contract will ensure that there is no gap in service which could impact the City's ability to provide timely building permit reviews.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Council accepts the Community Development Director and Building Official's recommendation to extend the contract with Clair Company, Inc. for an additional year.

Section 2. The City Manager is hereby authorized to sign a one-year extension to the existing contract.

Section 3. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 16th day of May 2023.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Craig Sheldon, Public Works Director
Through: Keith D. Campbell, City Manager and Ryan Adams, City Attorney

SUBJECT: Resolution 2023-033, Authorizing City Manager to Execute a Construction Contract for the SW Willamette Street Pavement Grind and Inlay Project

Issue:

Should City Council authorize the City Manager to execute a construction contract with the lowest responsive bidder from a May 11, 2023 bid opening for the construction of pavement rehabilitation within SW Willamette Street (from SW Foundry Avenue to SW Lincoln Street and from SW Lincoln Street to SW Norton Avenue)?

Background:

SW Willamette Street (from SW Foundry Avenue to SW Lincoln Street and from SW Lincoln Street to SW Norton Avenue) currently has deficient pavement in need of replacement. The proposed street work for SW Willamette Street will consist of grinding the existing surface and overlaying a new asphalt surface. New ADA compliant sidewalk ramps will be installed at the SW Willamette Street/SW Lincoln Avenue intersection. Two catch basins will also be replaced.

A grind and inlay was chosen to provide a smooth driving surface at a lower cost than a full pavement removal and cement treatment as determined by the City's pavement management system.

The City solicited competitive bids from contractors and opened bids on May 11, 2023 to determine the lowest responsive bid. The lowest responsive bidder was Brix Paving Northwest with a bid of \$109,449.00. The bidding process is currently in the seven (7) day protest period.

City staff expects the work to begin near the end of May, 2023 and to be completed by the middle of July 2023. City staff has provided notification to area residents of the upcoming project.

Staff requests that Sherwood City Council approve this resolution authorizing the City Manager to execute a construction contract upon completion of the seven (7) day protest period with the lowest responsive bidder (Brix Paving Northwest).

Financials:

The construction of the street improvements has a budgeted Base Contract Amount of \$109,449.00 with Construction Contingency of \$21,889.80 (20%) of the Base Contract Amount for the SW Willamette Street Grind and Inlay Project. Funding for the project was included in the FY22-23 budget.

Recommendation:

Staff respectfully requests adoption of Resolution 2023-033 authorizing the City Manager to execute a construction contract for the SW Willamette Street Pavement Grind and Inlay Project upon completion of the seven (7) day protest period.



RESOLUTION 2023-033

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT FOR THE SW WILLAMETTE STREET PAVEMENT GRIND AND INLAY PROJECT

WHEREAS, the City has identified the pavement on SW Willamette Street (from SW Foundry Avenue to SW Lincoln Street and from SW Lincoln Street to SW Norton Avenue) to be deficient and in need of replacement; and

WHEREAS, the City completed the design, produced bid documents and solicited contractors using a competitive bidding process per ORS 279C, OAR 137-049; and

WHEREAS, the City opened bids on May 11, 2023 and issued the Notice of Intent to Award with the mandatory seven (7) day protest period which is currently in process; and

WHEREAS, the City has budgeted for the construction cost of this project within the FY2022/2023 budget; and

WHEREAS, Brix Paving Northwest has been identified by City staff as the lowest responsive bidder; and

WHEREAS, staff recommends City Council to authorize the City Manager to execute a construction contract with Brix Paving Northwest in a Base Contract Amount of \$109,449.00 with Construction Contingency of \$21,889.80 (20%) of the Base Contract Amount for the SW Willamette Street Grind and Inlay Project.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1: The City Manager is hereby authorized to execute a construction contract upon the completion of the seven (7) day protest period with Brix Paving Northwest in a Base Contract Amount of \$109,449.00 with Construction Contingency of \$21,889.80 (20%) of the Base Contract Amount for the SW Willamette Street Grind and Inlay Project.

Section 2: This Resolution shall be in effect upon its approval and adoption.

Duly passed by the City Council this 16th of May, 2023.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Erika Palmer, Planning Manager
Through: Keith Cambell, City Manager

SUBJECT: Resolution 2023-034, Reappointing Rick Woidyla to the Planning Commission

Issue:

Should the Council reappoint Rick Woidyla to the Planning Commission?

Background:

A Planning Commission vacancy exists due to a four-year term expiring on June 30, 2023. Planning Commissioner Rick Woidyla is seeking reappointment for position #7, a four-year term. Erika Palmer, Planning Manager, Planning Commission Chair, Jean Simson, and Dan Standke Council Liaison to the Planning Commission, recommended to Mayor Rosener that Rick Woidyla be reappointed to the Commission to fill position #7. Mayor Rosener has recommended this reappointment to Council. In accordance with Council Rules, all such appointments are subject to City Council's approval by resolution.

Financial Impacts:

There are no financial impacts from this proposed action.

Recommendation:

Staff respectfully recommends City Council adoption of Resolution 2023-034 reappointing Rick Woidyla to position #7 on the Planning Commission for a four-year term that expires June 2027.



RESOLUTION 2023-034

REAPPOINTING RICK WOIDYLA TO POSITION #7 ON THE SHERWOOD PLANNING COMMISSION

WHEREAS, a Planning Commission vacancy exists in position #7 due to Commissioner Woidyla's term expiring; and

WHEREAS, Commissioner Woidyla is seeking reappointment; and

WHEREAS, this vacancy needs to be filled; and

WHEREAS, the City posted a request for applications on the City website and announced the vacancy before both the Planning Commission and the City Council; and

WHEREAS, Council Liaison Dan Standke, Planning Commission Chair Jean Simson, and Planning Manager Erika Palmer recommended to Mayor Rosener that Rick Woidyla be reappointed to fill said vacancy; and

WHEREAS, Mayor Tim Rosener has recommended to Council that Rick Woidyla be reappointed; and

WHEREAS, in accordance with Council Rules of Procedure, all such appointments are subject to the approval of the City Council by resolution.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The Sherwood City Council hereby reappoints Rick Woidyla to fill position #7, a four-year term on the Planning Commission expiring at the end of June 2027.

Section 2. This resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 16th day of May 2023.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Ryan Adams, City Attorney

SUBJECT: Ordinance 2023-004, Adopting the Sherwood Procurement Code, Chapter 1.10

Issue:

Shall the City Council adopt an ordinance updating its procurement code?

Background:

To ensure transparency in public purchasing, the Oregon Legislative Assembly requires all cities to establish, implement and follow standardized procurement rules. ORS 279A.065 gives cities three choices in their establishment of standardized procurement rules: (1) follow the Model Rules adopted by the Oregon attorney general; (2) prescribe their own rules; or (3) prescribe their own rules which include portions of the Model Rules adopted by the Oregon attorney general.

Sherwood has chosen to adopt its own rules, but those rules have not been modified since 2005, with the adoption of Ordinance 2005-003 and Resolution 2005-006. Updating the City's procurement code will align the City with current state contracting amounts and will preserve staff time and resources. The current code text is attached to this staff report for reference.

Financial Impacts:

Other than the cost of codification and updating the Municipal Code, there are no financial impacts to the City by adopting the proposed amendments.

Recommendation:

Staff respectfully recommends City Council hold a second public hearing on Ordinance 2023-004, Adopting the Sherwood Procurement Code, Chapter 1.10.

Chapter 1.10 PUBLIC CONTRACTING RULES

Sections:

1.10.010 General provisions.

- ~~A. Except as provided within these rules, city public contracting is governed by the code and the model rules.~~
- ~~B. The Sherwood city council is the city's contract review board (board). Except as otherwise provided in these rules, the powers and duties of the board under the code and model rules will be exercised by the board and the powers and duties given or assigned to contracting agencies by the code or model rules will be exercised by the city manager acting as the city's contracting agent.~~
- ~~C. For the purposes of these rules, "City Manager" means the city manager for the city of Sherwood, or the city manager's designee.~~

~~(Res. 05-006 § 1 (part))~~

1.10.020 Personal service contracts.

- ~~A. "Personal service contract" means a contract for personal or professional services performed by an independent contractor, primarily for the provision of services that require specialized technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment skills, and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, but are not limited to, the services of attorneys, accounting and auditing services, information technology services, planning and development services, artists, designers, performers, property managers and consultants. The city manager has discretion to determine whether a particular contract or service falls within this definition. For the purposes of this section, personal services contracts do not include such contracts for architectural, engineering and land surveying services. The procedures for those contracts are found in the model rules, OAR 137, Division 48.~~
- ~~B. The following formal selection procedure will be used when the estimated payment to the contractor exceeds twenty five thousand dollars (\$25,000.00).~~
 - ~~1. Announcement. The city will give notice of its intent to procure personal services through the League of Oregon Cities, and any other means the city deems appropriate, including contacting prospective contractors directly. Announcements will include:~~
 - ~~a. A description of the proposed project;~~
 - ~~b. The scope of the services required;~~
 - ~~c. The project completion dates;~~
 - ~~d. A description of special requirements;~~
 - ~~e. When and where the application may be obtained and to whom it must be returned;~~

- ~~f. The closing date; and~~
 - ~~g. Other necessary information.~~
- ~~2. Application. Applications will include a statement that describes the prospective contractor's credentials, performance data, examples of previous work product or other information sufficient to establish contractor's qualification for the project, references, and other information identified by the city as necessary to make its selection.~~
- ~~3. Initial Screening. The city manager will evaluate the qualifications of all applicants and select a prospective contractor or prospective contractors whose application demonstrates that the contractor is best qualified to meet the city's needs.~~
- ~~4. Final Selection.~~
 - ~~a. The city manager will interview the finalists selected from the initial screening. At the city manager's discretion, the interviews may be conducted before the board.~~
 - ~~b. After the interview process concludes, the city manager will make the final selection. If the interviews are conducted before the board, the board will make the final selection.~~
 - ~~c. The final selection will be based upon applicant capability, experience, project approach, compensation requirements, references and any other criteria identified by the city as necessary for the city to select a contractor.~~
- ~~C. The following informal selection procedure may be used when the estimated payment to the contractor is under twenty five thousand dollars (\$25,000.00) or when the city manager determines that the informal procedures will not interfere with competition among prospective contractors, reduce the quality of services or increase costs. The city manager will contact a minimum of three prospective contractors qualified to offer the services sought. The city manager will request an estimated fee, and make the selection consistent with the city's best interests. If three quotes are not received, the city manager will make a written record of efforts to obtain the quotes.~~
- ~~D. The city manager may enter personal service contracts not exceeding an estimated five thousand dollars (\$5,000.00) without following the procedures under subsection A or B of this section. However, the city manager must make reasonable efforts to choose the most qualified contractor to meet the city's needs. The amount of a given contract may not be manipulated to avoid the informal or formal selection procedures.~~
- ~~E. The city manager may negotiate with a single source for personal services if the services are available from only one contractor, or the prospective contractor has special skills uniquely required for the performance of the services. The city must make written finds to demonstrate why the proposed contractor is the only contractor who can perform the services desired.~~
- ~~F. The city manager may select a contractor without following any procedures when conditions require immediate action to protect life or property. In such instances, the city manager must make written declarations of the circumstances that justify the emergency appointments.~~

~~(Res. 05-006 § 1 (part))~~

~~1.10.030 Authority to electronically advertise solicitations for goods and services.~~

~~A.— The city manager is authorized to develop an "electronic procurement system" in accordance with OAR 137-047-0300(2)(b). As described in OAR 137-046-0110(15), this is an information system accessible through the internet that allows the city to post electronic advertisements and receive electronic offers for goods and services. When an electronic procurement system is in place, the model rules allow procurement solicitations to be advertised exclusively on the internet. This saves the city time and money over newspaper advertisements.~~

~~B.— Prior to any development of an electronic procurement system, the city may advertise solicitations for goods and services on the internet in addition to newspaper advertisements.~~

~~(Res. 05-006 § 1 (part))~~

~~1.10.040 Authority to electronically advertise solicitations for public improvements.~~

~~A.— For all public improvement contracts with an estimated cost not exceeding one hundred twenty five thousand dollars (\$125,000.00), the city manager may electronically advertise solicitations in a manner deemed appropriate. This method of advertising will save the city time and money, may be used exclusively, and is allowed under ORS 279C.360(1).~~

~~B.— An advertisement for a public improvement contract with an estimated cost over one hundred twenty five thousand dollars (\$125,000.00) must be published at least once in a trade newspaper of general statewide circulation, such as the Daily Journal of Commerce.~~

~~(Res. 05-006 § 1 (part))~~

~~1.10.050 Small procurements.~~

~~A.— As provided by ORS 279B.065, any procurement of goods or services not exceeding five thousand dollars (\$5,000.00) may be awarded in any manner the city manager finds practical or convenient, including direct selection or award.~~

~~B.— A small procurement contract may be amended in accordance with OAR 137-047-0800, but the cumulative amendments may not increase the total contract price to greater than six thousand dollars (\$6,000.00).~~

~~C.— A procurement may not be artificially divided or fragmented to qualify for this section.~~

~~(Res. 05-006 § 1 (part))~~

~~1.10.060 Sole source procurements.~~

~~A.— Pursuant to ORS 279B.075(1), the city manager is authorized to declare in writing certain goods and services to be available from only one source.~~

~~B.— The determination of a sole source must be based on findings required by ORS 279B.075(2), and otherwise be processed in accordance with OAR 137-047-0275.~~

~~(Res. 05-006 § 1 (part))~~

~~1.10.070 Notice of intent to award certain contracts.~~

- ~~A.— At least seven days before the award of a public contract solicited under a traditional invitation to bid or request for proposals, the city will post or provide to each bidder or proposer notice of the city's intent to award a contract.~~
- ~~B.— If stated in the solicitation document, the city may post this notice electronically or through nonelectronic means and require the bidder or proposer to determine the status of the city's intent.~~
- ~~C.— As an alternative, the city may provide written notice to each bidder or proposer of the city's intent to award a contract. This written notice may be provided electronically or through nonelectronic means.~~
- ~~D.— The city may give less than seven days notice of its intent to award a contract if the city determines in writing that seven days is impracticable as allowed by ORS 279B.135.~~
- ~~E.— This section does not apply to goods and services contracts awarded under small procurements under these rules, or other goods and services contracts awarded in accordance with ORS 279B.070, 279B.075, 279B.080 or 279B.085.~~
- ~~F.— This section does not apply to any public improvement contract or class of public improvement contracts exempted from competitive bidding requirements.~~
- ~~G.— A protest of the city's intent to award a contract may only be filed in accordance with OAR 137-047-0740 or OAR 137-049-0450, as applicable.~~

~~(Res. 05-006 § 1 (part))~~

~~1.10.080 Procedure for surplus property.~~

- ~~A.— Surplus property is property owned by the city such as, office furniture, computers, equipment, vehicles, excluding real property, the city manager determines is surplus and no longer useful to the city.~~
- ~~B.— For surplus property deemed by the city manager to have a value of five thousand dollars (\$5,000.00) or less, the city manager may authorize the property to be sold, to be donated, or to be destroyed. For surplus property deemed by the city manager to have a value of more than five thousand dollars (\$5,000.00), the city council may authorize the property to be sold, to be donated, or to be destroyed.~~
- ~~C.— Surplus property may be sold through the informal solicitation of bids or through an auction, including an online auction. The city manager has the discretion to advertise the sale of surplus property in a newspaper of city wide circulation.~~
- ~~D.— City employees may purchase surplus property, so long as at least three individuals or entities have bid on the property and the employee's bid is the highest bid.~~

~~(Res. 05-006 § 1 (part))~~



ORDINANCE 2023-004

ADOPTING THE SHERWOOD PROCUREMENT CODE, CHAPTER 1.10

WHEREAS, ORS 279A.065 allows cities to adopt their own procurement codes; and

WHEREAS, in 2005, the City of Sherwood adopted a procurement code via Resolution 2005-006; and

WHEREAS, the City of Sherwood has not updated its procurement code since 2005.

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Sherwood Municipal Code Chapter 1.10 is repealed in its entirety and replaced by the attached Exhibit 1.

Section 2. This Ordinance shall become effective 30 days from its adoption.

Duly passed by the City Council this 16th of May, 2023.

Tim Rosener, Mayor

Date

Attest:

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Standke	_____	_____
Giles	_____	_____
Scott	_____	_____
Young	_____	_____
Brouse	_____	_____
Mays	_____	_____
Rosener	_____	_____

Chapter 1.10 PUBLIC CONTRACTING RULES

1.10.010 Introduction

- A. Purpose of Purchasing Policy.** This Code is adopted by the Sherwood City Council as the governing body of the city to establish the rules and procedures for contracts entered into and purchases made by the City of Sherwood, Oregon. It is the policy of the city in adopting this Code to utilize public contracting and purchasing practices and methods that maximize the efficient use of city resources and the purchasing power of city funds by:
1. Promoting impartial and open competition;
 2. Using solicitation materials that are complete and contain a clear statement of contract specifications and requirements; and
 3. Taking full advantage of evolving procurement methods that suit the purchasing needs of the city as they emerge within various industries.
- B. Interpretation of Purchasing Policy.** Except as specifically provided in this Code, public contracts and purchases shall be awarded, administered and governed according to ORS Chapters 279A, 279B and 279C (the “Public Contracting Code”) and the Attorney General’s Model Public Contract Rules (“Model Rules”), as they now exist.
1. In furtherance of the purposes of the objective set forth above in subsection A, this Code be interpreted to authorize the full use of all contracting and purchasing powers described in ORS Chapters 279A, 279B and 279C.
 2. The Model Rules adopted under ORS 279A.065 shall apply to the contracts and purchases of the city to the extent they do not conflict with this Code and the rules and regulations adopted by the city.
 3. In the event of a conflict between any provisions of this Code and the Model Rules, the provisions of this Code shall prevail.
- C. Specific Provisions’ Precedence over General Provisions.** In the event of a conflict between the provisions of this Code, the more specific provision shall take precedence over the more general provision.
- D. Conflict with Federal Statutes and Regulations.** Except as otherwise expressly provided in ORS Chapters 279A, 279B and/or 279C, applicable federal statutes and regulations govern when federal funds are involved.

1.10.020 Definitions. Unless a different definition is specifically provided herein, or context clearly requires otherwise, the following terms have the meanings set forth herein. Additionally, any term defined in the singular includes the meaning of the plural, and vice versa.

- A. Administering agency.** The contracting agency that solicited and established the original contract in a cooperative procurement for goods, services, personal services, professional services or public improvements.
- B. Affected person/offendor.** A person whose ability to participate in a procurement is adversely impaired by a city decision.
- C. Architectural, engineering and land surveying services.** Professional services performed by an architect, engineer or land surveyor and includes architectural, engineering or land surveying services, separately or any combination thereof, as appropriate within the context of a section of this Model.
- D. Award.** The decision to enter into a contract or purchase order with a specific offeror.
- E. Bid.** A response to an invitation to bid.
- F. Bidder.** A person who submits a bid in response to an invitation to bid.
- G. Business with which a city employee is associated.** Any business in which a city employee is a director, officer, owner or employee, or any corporation in which a city employee owns or has owned ten percent (10%) or more of any class of stock at any point in the preceding calendar year.
- H. City.** The City of Sherwood, Oregon, a municipal corporation and a contracting and purchasing agency.
- I. City Manager.** The person appointed by the city council to the position of city manager, or, as the context or situation requires, the City Manager's designee.
- J. Closing.** The date and time announced in a solicitation document as the deadline for submitting bids or offers.
- K. Contract.** See Public Contract.
- L. Contractor.** The person who enters into a contract with the city.
- M. Contract price.** As the context requires:
1. The maximum payment that the city will make under a contract if the contractor fully performs under the contract, including bonuses, incentives and contingency amounts;
 2. The maximum not-to-exceed payment specified in the contract; or
 3. The unit prices set forth in the contract.
- N. Contracting agency.** A public body authorized by law to conduct a procurement.
- O. Cooperative procurement.** A procurement conducted by, or on behalf of, one or more contracting agencies.
- P. Days.** Calendar days.

- Q. Department.** Includes the following departments of the City of Sherwood:
- a. Community Development
 - b. Community Services
 - c. Finance
 - d. Office of the City Attorney
 - e. Public Works
 - f. Police
- R. Department Director.** An employee of the City of Sherwood that is the senior employee of a department of the City of Sherwood and member of the senior leadership team, or any other City employee designated, in writing, by the City Manager.
- S. Emergency.** Involves circumstances that:
1. Could not have been reasonably foreseen;
 2. Create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and
 3. Require prompt execution of a contract or amendment in order to remedy the condition.
- T. Findings.** The justification for a conclusion. If the justification relates to a public improvement contract, findings may be based on information that includes, but is not limited to:
1. Operational, budget and financial data;
 2. Public benefits;
 3. Value engineering;
 4. Specialized expertise;
 5. Market conditions;
 6. Technical complexity; and
 7. Funding sources.
- U. Goods and/or services.** Supplies, equipment, materials and services, other than personal services, and any personal property, including any tangible, intangible and intellectual property and rights and licenses in relation thereto. The term includes combinations of any of the items identified in the definition.
- V. Grant.** An agreement under which:
1. The city receives moneys, property or other assistance, including but not limited to, federal assistance that is characterized as a grant by federal law or

regulation, loans, loan guarantees, credit enhancements, gifts, bequests, commodities or other assets;

- a. The assistance received by the city is from a grantor for the purpose of supporting or stimulating a program or activity of the city; and
- b. No substantial involvement by the grantor is anticipated in the program or activity other than involvement associated with monitoring compliance with grant conditions; or

2. The city provides moneys, property or other assistance, including but not limited to, federal assistance that is characterized as a grant by federal law or regulation, loans, loan guarantees, credit enhancements, gifts, bequests, commodities or other assets;

- a. The assistance is given to the recipient for the purpose of supporting or stimulating a program or activity of the recipient; and
- b. No substantial involvement by the city is anticipated in the program or activity other than involvement associated with monitoring compliance with grant conditions.

- W. Immediate family member.** An employee's: spouse, and parents thereof; children, and spouses thereof; parents, and spouses thereof; siblings, and spouses thereof; grandparents and grandchildren, and spouses thereof; and domestic partner, and parents thereof.
- X. Offer.** A bid, proposal, quote or other response to a solicitation document.
- Y. Offeror.** A person who submits an offer.
- Z. Opening.** The date, time and place announced in the solicitation document for the public opening of written sealed offers.
- AA. Original contract.** The initial contract or price agreement solicited and awarded during a cooperative procurement by an administering agency.
- BB. Purchasing agency.** An agency that procures goods or services, personal services, or public improvements from a contractor based on the original contract established by an administering agency in a cooperative procurement.
- CC. Person.** An individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public body, public corporation or other legal or commercial entity, and any other person or entity with legal capacity to contract.
- DD. Personal services.** Services, other than professional services, that require specialized skill, knowledge and resources in the application of technical or scientific expertise or in the exercise of professional, artistic or management discretion or judgment.

1. Qualifications and performance history, expertise and creativity, and the ability to exercise sound professional judgment are typically the primary considerations when selecting a personal services contractor, with price being secondary.
2. Personal services contracts include, but are not limited to, the following classes of contracts:
 - a. Contracts for services performed in a professional capacity, including but not limited to, services of an accountant, attorney, auditor, court reporter, information technology consultant, physician or broadcaster;
 - b. Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which the city is or may become interested;
 - c. Contracts for services as an artist in the performing or fine arts, including any person identified as a photographer, film maker, actor, director, painter, weaver or sculptor;
 - d. Contracts for services that are specialized, creative or research-oriented; and/or
 - e. Contracts for services as a consultant.

EE. Price agreement. A contract for the procurement of goods or services at a set price which has:

1. No guarantee of a minimum or maximum purchase; or
2. An initial order or minimum purchase combined with a continuing contractor obligation to provide goods or services with no guarantee of any minimum or maximum additional purchase.

FF. Procurement. The act of purchasing, leasing, renting or otherwise acquiring goods or services, personal services or professional services. It includes each function and procedure undertaken or required to be undertaken to enter into a contract, administer a contract and obtain the performance of a contract for goods or services, personal services or professional services.

GG. Professional services. Architectural, engineering, land surveying, photogrammetric, transportation planning or related services, or any combination of these services, provided by a consultant.

HH. Proposal. A response to a request for proposals.

II. Proposer. A person that submits a proposal in response to a request for proposals.

JJ. Provider. As the context requires, a supplier of goods or services, personal services, or professional services.

- KK. Public contract.** A sale or other disposal, or a purchase, lease, rental or other acquisition, by the city of personal property, goods or services, including personal services, professional services, public improvements, public works, minor alterations, or ordinary repair or maintenance necessary to preserve a public improvement. It does not include grants.
- LL. Public contracting.** Procurement activities relating to obtaining, modifying or administering contracts or price agreements.
- MM. Public improvement.** A project for construction, reconstruction or major renovation on real property, by or for the city. It does not include projects for which no funds of the city are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection; or emergency work, minor alteration, or ordinary repair or maintenance necessary to preserve a public improvement.
- NN. Public improvement contract.** A contract for a public improvement. This does not include a contract for emergency work, minor alterations, or ordinary repair or maintenance necessary to maintain a public improvement.
- OO. Recycled product.** All materials, goods and supplies, not less than fifty percent (50%) of the total weight of which consists of secondary and post-consumer waste with not less than ten percent (10%) of its total weight consisting of post-consumer waste. It includes any product that could have been disposed of as solid waste, having completed its life cycle as a consumer item, but otherwise is refurbished for reuse without substantial alteration of the product's form.
- PP. Related services.** Personal services, other than architectural, engineering and land survey services, that are related to the planning, design, engineering or oversight of public improvement projects or components thereof, including but not limited to:
1. Landscape architectural services;
 2. Facilities planning services;
 3. Energy planning services;
 4. Space planning services;
 5. Environmental impact studies;
 6. Hazardous substances or hazardous waste or toxic substances testing services;
 7. Wetland delineation studies;
 8. Wetland mitigation services;
 9. Native American studies;
 10. Historical research services;

11. Endangered species studies;
12. Rare plant studies;
13. Biological services;
14. Archaeological services;
15. Cost estimating services;
16. Appraising services;
17. Material testing services;
18. Mechanical system balancing services;
19. Commissioning services;
20. Project management services;
21. Construction management services and owner's representatives service;
and/or
22. Land use planning services.

QQ. Request for proposals. A solicitation document used for soliciting proposals.

RR. Request for qualifications. A written document issued by the city describing particular services to which potential contractors respond with a description of their experience and qualifications that results in a list of potential contractors who are qualified to perform those services, but which is not intended to create a contract between a potential contractor on the list and the city.

SS. Revenue generating agreements. Contracts or agreements for services that generate revenue and that are typically awarded to the offeror proposing the most advantageous or highest monetary return.

TT. Scope. The range and attributes of the goods or services described in a procurement document.

UU. Signed or signature. Any mark, word or symbol attached to or logically associated with a document and executed or adopted by a person with the authority and intent to be bound.

VV. Solicitation. As the context requires:

1. A request for the purpose of soliciting offers, including an invitation for bid, a request for proposal, a request for quotation, a request for qualifications, or other similar documents;
2. The process of notifying prospective offerors of a request for offers; and/or
3. The solicitation document.

WW. Work. The furnishing of all materials, equipment, labor and incidentals necessary to successfully complete any individual item in a contract and successful completion of all duties and obligations imposed by the contract.

XX. Written or in writing. Conventional paper documents, whether handwritten, typewritten or printed, in contrast to spoken words, including electronic transmissions or facsimile documents when required by applicable law or permitted by a solicitation document or contract.

1.10.030. Authority

A. City Council as Local Contract Review Board. The Sherwood city council is designated as the local contract review board of the city and has all the rights, powers and authority necessary to carry out the provisions of this Code, the Public Contracting Code, and/or the Model Rules.

B. Application of Attorney General's Model Rules of Procedure. Pursuant to ORS 279A.065(6), the city has elected to establish its own policy for public contracting and purchasing. Except as provided herein, the Model Rules do not apply to the city.

C. Inapplicability of Code. This Code does not apply to the following:

1. Contracts or agreement to which the Public Contracting Code does not apply;
2. Contracts, intergovernmental and interstate agreements entered into pursuant to ORS Chapter 190;
3. Grants;
4. Acquisitions or disposals of real property or interests in real property;
5. Procurements from an Oregon Corrections Enterprise program;
6. Contracts, agreements or other documents entered into, issued or established in connection with:
 - a. The incurring of debt, including any associated contracts, agreements or other documents, regardless of whether the obligations that the contracts, agreements or other documents establish are general, special or limited;
 - b. The making of program loans and similar extensions or advance of funds, aid or assistance by the city to a public or private person for the purpose of carrying out, promoting or sustaining activities or programs authorized by law other than for the construction of public works or public improvements;
 - c. The investment of funds by the city as authorized by law; or
 - d. Banking, money management or other predominantly financial transactions that, by their character, cannot practically be established

under the competitive contractor selection procedures, based upon the findings of the city manager.

7. Contracts for employee benefit plans;
8. Contracts with newspapers and other publications for the placement of advertisements or public notices;
9. Contracts for items where the price is regulated and available from a single source or limited number of sources;
10. Insurance contracts;
11. Revenue-generating agreements;
12. Federal agreements where applicable federal statutes and regulations govern when federal funds are involved and the federal statutes or regulations conflict with any provision of the Oregon Public Contracting Code or this Code, or require additional conditions in public contracts not authorized by the Oregon Public Contracting Code or this Code.

D. Authority of City Manager. For contracts and purchases covered by this Code, the city manager is authorized to:

1. Award contracts and amendments without specific authorization by the city council whenever the contract amount is \$150,000 or less, the proposed expenditure is included in the current fiscal year budget, and the proposed expenditure aligns with Sherwood City Council goals as may be amended from time to time.
2. Execute contracts and amendments with specific authorization by the city council whenever the contract or amendment amount is greater than \$150,000 and the proposed expenditure is included in the current fiscal year budget.
3. As the purchasing agent for the city, the city manager is authorized to:
 - a. Advertise for bids or proposals without specific authorization from the city council, when the proposed purchase is included within the current fiscal year budget.
 - b. Advertise for bids or proposals when the proposed purchase is not included within the current fiscal year budget after the city council approves the proposed budget transfer.
 - c. Purchase goods, services and/or property without specific authorization by the city council whenever the amount is \$150,000 or less and the proposed expenditures are included in the current fiscal year budget.
 - d. Purchase goods, services and/or property with specific authorization by the city council whenever the amount is greater than \$150,000 and the proposed expenditure is included in the current fiscal year budget.

- e. Purchases of any goods or services in excess of \$7,500 from city employees require authorization of the city manager.
 - f. Department Directors are authorized to make expenditures of up to \$50,000 without approval of the city manager so long as this code, and any other applicable law, is followed.
 - g. Departments shall communicate purchase requirements to the city manager and plan sufficiently in advance so that orders can be placed in economical quantities.
4. Delegate, in writing, the signature authority described in the above subsection (2) and the purchasing powers described in the above subsection (3). In the absence of a written delegation to the contrary, and in the absence of the city manager, the signature authority described in the above subsection (2) and the purchasing powers described in the above subsection (3) are delegated in order as follows:
- a. Public Works Director
 - b. City Attorney;
 - c. Community Services Director;
 - d. Finance director;
 - e. Police Chief.
5. Adopt forms, procedures, computer software, and administrative rules for all city purchases regardless of the amount.
- a. When adopting the forms, procedures, computer software, and/or administrative rules, the city manager shall establish practices and policies that:
 - i. Do not encourage favoritism or substantially diminish competition; and
 - ii. Allow the city to take advantage of the cost-saving benefits of alternative contracting methods and practices;
 - b. The city shall use these forms, procedures, computer software and administrative rules unless they conflict with the Code.
- E. Favorable Terms.** Contracts and purchases shall be negotiated on the most favorable terms in accordance with this Code, other adopted ordinances, state and federal laws, policies and procedures.
- F. Unauthorized Contracts or Purchases.** Public contracts entered into or purchases made as authorized herein shall be voidable at the sole discretion of the city.

1. The city may take appropriate action in response to execution of contracts or purchases made contrary to this provision.
2. Such actions include, but are not limited to, providing educational guidance, imposing disciplinary measures, termination of employment, and/or holding individuals personally liable for such contracts or purchases.

G. Purchasing from City Employees or Employees' Immediate Family

Prohibited. No contract shall be entered into with or purchase made from any city employee or employee's immediate family member, or any business with which the employee is associated, unless:

1. The contract or purchase is expressly authorized and approved by the city council; or
2. The need for the contract or purchase occurs during a state of emergency, and the city manager finds, in writing, that the acquisition from the employee, employee's immediate family member or business with which the employee is associated is the most expeditious means to eliminate the threat to public health, safety and welfare.

1.10.040. Preferences.

A. Discretionary Local Preference. If the solicitation is in writing, the city manager may provide a specified percentage preference of not more than ten percent (10%) for goods fabricated or processed entirely in Oregon or services performed entirely in Oregon.

1. When a preference is provided under this subsection, and more than one offeror qualifies for the preference, the city manager may give further preference to a qualifying offeror that resides in or is headquartered in Oregon.
2. The city manager may establish a preference percentage of ten percent (10%) or higher if the city manager makes a written determination that good cause exists to establish the higher percentage, explains the reasons, and provides evidence of good cause.
3. The preference described in this subsection cannot be applied to a contract for emergency work, minor alterations, and ordinary repairs or maintenance of public improvements.

B. Mandatory Tie Breaker Preference. If offers are identical in price, fitness, availability and the quality is identical, and the city desires to award the contract, the preferences provided in ORS 279A.120 shall be applied prior to the contract award.

C. Reciprocal Preference. Reciprocal preferences must be given when evaluating bids, if applicable under ORS 279A.120.

- D. Preference for Recycled Materials and Supplies.** Preferences for recycled goods shall be given when comparing goods, if applicable under ORS 279A.125. The city manager shall adopt standards to determine if goods are manufactured from recycled materials.

1.10.050. General Provisions.

- A. Public Notice.** Unless otherwise specifically provided by this Code, any notice required to be published by this Code may be published using any method the city manager deems appropriate, including but not limited to, mailing notice to persons that have requested notice in writing, placing notice on the city's website, or publishing in statewide trade or local publications.
- B. Procedure for Competitive Verbal Quotes and Proposals.** Where allowed by this Code, solicitations by competitive verbal quotes and proposals shall be based on a description of the quantity of goods or services to be provided, and may be solicited and received any reasonable method of communication if authorized by the city manager.
1. A good faith effort shall be made to contact at least three (3) potential providers.
 2. If three (3) potential providers are not reasonably available, fewer will suffice, provided the reasons three potential providers are not reasonably available is documented, in writing, as part of the procurement file.
- C. Procedure for Informal Written Solicitation.** Where allowed by this Code, informal written solicitations shall be made by a solicitation document sent to not less than three (3) prospective providers.
1. The solicitation document shall request competitive price quotes or competitive proposals, and include:
 - a. The date, time and place that price quotes or proposals are due;
 - b. A description or quantity of the good or service required;
 - c. Any statement of period for which price quotes or proposals must remain firm, irrevocable, valid and binding on the offeror. If no time is stated in the solicitation document, the period shall be thirty (30) days;
 - d. Any required contract terms or conditions; and
 - e. Any required bid form or proposed format.
 2. Price quotes or proposals shall be received by the city manager at the date, time and place established in the solicitation document.
 - a. The city manager, or their designee, shall keep a written record of the sources of the quotes or proposals.
 - b. If three (3) quotes or proposals are not reasonably available, fewer

shall suffice, but the city manager, or their designee, shall make a written record of the effort made to obtain quotes or proposals as part of the procurement file.

- D. Procurement Methods for Professional Services and Public Improvements.** The city shall apply the Public Contracting Code and the Model Rules when procuring professional services and public improvements and processing protests thereof.
- E. Training.** At least once per year, the Office of the City Attorney shall arrange and provide training on procurement law, policies, and best practices.
- F. Procurement Management.** The City, and each department thereof, shall maintain a list of its active contracts, and shall include within such list, the amount of the contract, and the date of expiration thereof. A payment to any contractor that exceeds the lesser of fifteen percent (15%) or fifty-thousand dollars (\$50,000) of the previously agreed upon contract amount, shall require the approval of the City Manager and City Attorney. Nothing in this section shall be construed to allow a contract of more than \$150,000 to be executed without Council approval.
- G. Retroactive Approval.** Retroactive approval of a contract means the award or execution of a contract where work was commenced without final award or execution. The city manager may make a retroactive approval of a contract only if the responsible employee submits a copy of the proposed contract to the city manager, along with a written request for contract retroactive approval, that contains:
 - 1. An explanation of the reason work was commenced before the contract was finally awarded or executed;
 - 2. A description of steps being taken to prevent similar occurrences in the future;
 - 3. Evidence that, but for the failure to finally award or execute the contract, the employee complied with all other steps required to properly select a contractor and negotiate the contract; and
 - 4. A proposed form of contract.

1.10.060. Source Selection Methods for Goods or Services, Other Than Personal or Professional Services.

- A. Small Procurements.** Contracts for or purchases of goods or services with a contract price of \$10,000 or less are small procurements.
 - 1. Purchases less than \$10,000. The city manager may use any procurement method the city manager deems practical or convenient, including direct negotiation or award, for small procurements of goods or services with a contract price of less than \$10,000.

2. Negotiations. The city manager may negotiate with an offeror to clarify competitive verbal quotes or proposals or informal written proposals, or to make modifications that will make the quote or proposal acceptable or more advantageous to the city.
3. Award. If a contract is awarded, the award shall be made to the offeror whose verbal quote or proposal the city manager determines will best serve the interests of the city, taking into account price as well as any other relevant considerations, including but not limited to, experience, expertise, product functionality, suitability for a particular purpose, delivery, and contractor responsibility.
4. Amendments. Small procurement contracts may be amended if the cumulative amendments do not increase the total contract price to more than twenty-five percent (25%) of the original contract price.
5. Public notice. No public notice of small procurements is required.

B. Intermediate Procurements. Contracts for goods or services with a contract price greater than \$10,000 and less than or equal to \$150,000 are intermediate procurements.

1. Intermediate procurements shall be by informal written solicitation.
2. Negotiations. The city manager may negotiate with an offeror to clarify an informal written solicitation, or to make modifications that will make the quote, proposal or solicitation acceptable or more advantageous to the city.
3. Award. If a contract is awarded, the award shall be made to the offeror whose competitive verbal quote or proposal or informal written solicitation the city manager determines will best serve the interests of the city, taking into account price or any other relevant considerations, including but not limited to, experience, expertise, product functionality, suitability for a particular purpose, delivery and contractor responsibility.
4. Amendments. Intermediate procurement contracts may be amended if the cumulative amendments do not increase the total contract price by more than twenty-five percent (25%) of the original contract price.

C. Large Procurements. Contracts for goods or services with a contract price greater than \$150,000 are large procurements.

1. The city manager may use competitive sealed bidding as set forth in ORS 279B.055, or competitive sealed proposals as set forth in ORS 279B.060.
2. When using either competitive sealed bidding or competitive sealed proposals, the city manager shall follow the applicable procedures set out in the Model Rules.
3. The city shall apply the applicable procedure set out in the Model Rules for processing protests of large procurements.

1.10.070. Personal Services Contracts.

A. Classification of Services as Personal Services. In addition to the classes of

personal services contracts identified in the definition of personal services contracts, the city manager may classify additional specific types of services as personal services. In determining whether a service is a personal service, the city manager shall consider:

1. Whether the work requires specialized skills, knowledge and resources in the application of technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment;
2. Whether the city intends to rely on the contractor's specialized skills, knowledge and expertise to accomplish the work; and
3. Whether selecting a contractor primarily on the basis of qualifications, rather than price, would most likely meet the city's needs and result in obtaining satisfactory contract performance and optimal value.
4. A service shall not be classified as personal services for the purposes of this Code if:
 - a. The work has traditionally been performed by contractors selected primarily on the basis of price; or
 - b. The services do not require specialized skills, knowledge and resources in the application of highly technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment.

B. Requests for Qualifications. At the city manager's discretion, a request for qualifications may be used to determine whether competition exists to perform the needed personal services or to establish a non-binding list of qualified contractors for individual negotiation, informal written solicitations or requests for proposals.

1. A request for qualifications shall describe the particular type of personal services that will be sought, the qualifications the contractor must have to be considered, and the evaluation factors and their relative importance.
2. A request for qualifications may require information including, but not limited to:
 - a. The contractor's particular capability to perform the required personal services;
 - b. The number of experienced personnel available to perform the required personal services;
 - c. The specific qualifications and experience of personnel;
 - d. A list of similar personal services the contractor has completed;
 - e. References concerning past performance; and
 - f. Any other information necessary to evaluate the contractor's qualifications.
3. A voluntary or mandatory qualifications pre-submission meeting may be held for all interested contractors to discuss the proposed personal services. The request

for qualifications shall include the date, time and location of the meeting.

4. Unless the responses to a request for qualifications establish that competition does not exist, the request for qualifications is canceled, or all responses to the request for qualifications are rejected, and all respondents who meet the qualifications set forth in the request for qualifications shall receive notice of any required personal services and have an opportunity to submit a proposal in response to request for proposals.

C. Direct Negotiations. Personal services may be procured through direct negotiations if:

1. The contract price does not exceed \$75,000 and the work is within a budgetary appropriation or approved by the city council; or
2. The confidential personal services, including special counsel, or professional or expert witnesses or consultants, are necessary to assist with pending or threatened litigation or other legal matters in which the city may have an interest; or
3. The nature of the personal service is not project-driven but requires an ongoing, long-term relationship of knowledge and trust.
4. Amendments. Personal services contracts procured by direct negotiation pursuant to this section may be amended, provided the amendment is within the scope of the original contract and the cumulative amount of the amendments does not increase the total contract price by more than twenty- five percent (25%) over the original contract price; or the amendment is necessary to complete the work being performed and it would be unreasonable or impracticable to seek another provider within the time frames needed to complete the work.
5. Public Notice. No public notice of personal services contracts procured by direct negotiations is required.

D. Informal Written Solicitations. An informal written solicitation process may be used for personal services when the contract price is less than \$150,000.

1. An informal written solicitation shall solicit proposals from at least three (3) qualified providers. If the city manager determines three (3) qualified providers are not reasonably available, fewer shall suffice if the reasons three (3) providers are not reasonably available are documented in the procurement file.
2. The solicitation document shall include:
 - a. The date, time and place that proposals are due;
 - b. A description of personal services sought, or the project to be undertaken;

- c. Any statement of the time period for which proposals must remain firm, irrevocable, valid and binding on the offeror. If no time is stated in the solicitation document, the period shall be thirty (30) days;
 - d. Any required contract terms or conditions; and
 - e. Any required bid form or proposal format.
- 3. Selection and ranking of proposals may be based on the following criteria:
 - a. Particular capability to perform the personal services required;
 - b. Experienced staff available to perform the personal services required, including the proposer's recent, current and projected workloads;
 - c. Performance history;
 - d. Approach and philosophy used in providing personal services;
 - e. Fees or costs;
 - f. Geographic proximity to the project or the area where the services are to be performed; and
 - g. Such other factors deemed appropriate, including a desire to ensure an equitable distribution of work among highly qualified contractors.
- 4. The city manager shall maintain written documentation of the solicitation, including solicitation attempts, responses, and provider names and addresses in the procurement file.
- 5. Amendments. Personal services contracts procured by informal written solicitations pursuant to this section may be amended, provided the amendment is within the scope of the original contract and the cumulative amount of the amendments does not increase the total contract price by more than twenty-five percent (25%) over the original contract price; or the amendment is necessary to complete the work being performed and it would be unreasonable or impracticable to seek another provider within the time frames needed to complete the work.
- 6. Public Notice. No public notice of personal services contracts procured by informal written solicitations pursuant to this section is required.
- 7. The selection procedures described in this section may be waived by the Contracting Agency where 1) an emergency exists that could not have been reasonably foreseen and requires such prompt execution of a contract to remedy the situation that there is not sufficient time to permit utilization of the selection procedures, 2) selection is from a list of providers with similar qualifications in which selection is determined based upon a regularly scheduled pre-qualification process, not to exceed three years, or 3) a change in contractor to do follow-up work would clearly result in increased costs or increased time.

E. Requests for Proposals. A request for proposals shall be used to procure personal services when the contract price is \$150,000 or more or the complexity of the project requires the use of a formal competitive process to determine whether a particular proposal is most advantageous to the city.

1. Request for Proposal. The request for proposal shall include:
 - a. Notice of any pre-offer conference, including:
 - i. The time, date and location;
 - ii. Whether attendance at the pre-offer conference is mandatory or voluntary; and
 - iii. A provision that statements made by representatives of the city at the pre-offer conference are not binding unless confirmed by written addendum.
 - b. The form and instructions for submission of proposals, including the location where proposals must be submitted, the date and time by which proposals must be received and any other special information, e.g., whether proposals may be submitted by electronic means;
 - c. The name and title of the person designated for the receipt of proposals and the person designated as the contact person for the procurement, if different;
 - d. A date, time and place that pre-qualification applications, if any, must be filed and the classes of work, if any, for which proposers must be pre-qualified;
 - e. A statement that the city may cancel the procurement or reject any or all proposals;
 - f. The date, time and place of opening;
 - g. The office where the request for proposals may be reviewed;
 - h. A description of the personal services to be procured;
 - i. The evaluation criteria;
 - j. The anticipated schedule, deadlines, evaluation process and protest process;
 - k. The form and amount of any proposal security deemed reasonable and prudent by the city manager to protect the city's interests;
 - l. A description of the manner in which proposals will be evaluated, including the relative importance of price and other evaluation factors used to rate the proposals;
 - m. If more than one tier of competitive evaluation will be used, a description of the process under which the proposals will be evaluated in the subsequent tiers;
 - n. If contracts will be awarded to more than one personal services contractor, an identification of the manner in which the city will determine the number of

contracts to be awarded, or that the manner will be left to the city's discretion at time of award;

- o. If contracts will be awarded to more than one personal services contractor, the criteria to be used to choose from the multiple contracts when acquiring personal services shall be identified;
 - p. All required contract terms and conditions, including the statutorily required provisions in ORS 279B.220, 279B.230 and 279B.235; and
 - q. Any terms and conditions authorized for negotiation.
- 2. Public Notice. The city manager shall provide public notice of a request for proposals for personal services.
 - a. Public notice shall be given not less than twenty-one (21) days prior to closing for the request for proposals, unless the city manager determines that a shorter interval is in the public's interest, or a shorter interval will not substantially affect competition.
 - b. The city manager shall document the specific reasons for the shorter public notice period in the procurement file.
- 3. Amendments. Personal services contracts procured by requests for proposals pursuant to this section may be amended, provided the amendment is within the scope of the original contract and the cumulative amount of the amendments does not increase the total contract price by more than twenty- five percent (25%) over the original contract price; or the amendment is necessary to complete the work being performed and it would be unreasonable or impracticable to seek another provider within the time frames needed to complete the work.

1.10.080. Alternative Source Selection Methods for Goods or Services & Personal Services.

- A. Sole-Source Procurements.** A contract may be awarded as a sole-source procurement without competition pursuant to this section.
 - 1. Determination of Sole Source. Before a sole-source contract may be awarded, the city manager shall make written findings that the goods or services, personal services or professional services are available from only one source, based on one or more of the following criteria:
 - a. The efficient use of existing goods or services, personal services or professional services requires the acquisition of compatible goods or services, personal services or professional services that are available from only one source;
 - b. The goods or services, personal services or professional services are available from only one source and required for the exchange of software or data with other public or private agencies;
 - c. The goods or services, personal services or professional services are available from only one source, and are needed for use in a pilot or an experimental project; or

- d. Other facts or circumstances exist that support the conclusion that the goods or services, personal services or professional services are available from only one source.
2. Negotiations. To the extent reasonably practical, contract terms advantageous to the city shall be negotiated with the sole source provider.
3. Notice. The city manager, or designee, shall post notice of any determination that the sole source selection method will be used on the city's website not less than five (5) days prior to the date a sole source contract will be awarded. The notice shall describe the goods or services, personal services or professional services to be procured, identify the prospective contractor and include the date and time when, and place where, protests of the use of a sole source selection method must be filed.

B. Special Procurements. In its capacity as contract review board for the city, the city council, upon its own initiative or upon request of the city manager, may create special selection, evaluation and award procedures for, or may exempt from competition, the award of a specific contract or class of contracts as provided in this section.

1. Basis for Approval. The approval of a special solicitation method or exemption from competition must be based upon a record before the city council that contains the following:
 - a. The nature of the contract or class of contracts for which the special solicitation or exemption is requested;
 - b. The estimated contract price or cost of the project, if relevant;
 - c. Findings to support the substantial cost savings, enhancement in quality or performance, or other public benefit anticipated by the proposed selection method or exemption from competitive solicitation;
 - d. Findings to support the reason that approval of the request would be unlikely to encourage favoritism or diminish competition for the public contract or class of public contracts, or would otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with the solicitation requirements that would otherwise be applicable under these regulations;
 - e. A description of the proposed alternative contracting methods to be employed; and
 - f. The estimated date by which it would be necessary to let the contract(s).
2. In making a determination regarding a special selection method, the city council may consider the type, cost, amount of the contract or class of contracts, number of persons available to make offers, and such other factors as it may deem appropriate.
3. Hearing. The city shall approve the special solicitation or exemption after a public hearing before the city council.

- a. At the public hearing, the city shall offer an opportunity for any interested party to appear and present comment.
 - b. The city council shall consider the findings and may approve the exemption as proposed or as modified by the city council after providing an opportunity for public comment.
- C. **Contracts.** Subject to award at the city manager's discretion, the following classes of contracts may be awarded in any manner that the city manager deems appropriate to the city's needs, including by direct appointment or purchase. Except where otherwise provided, the city manager shall make a record of the method of award.
 1. Amendments. Contract amendments shall not be considered to be separate contracts if made in accordance with the Code.
 2. Architectural. Procurement of architectural, engineering, photogrammetric mapping, transportation planning, and land surveying services, and/or related services less than or equal to \$50,000.00 subject to approval by the Community Development Director, and up to \$150,000.00 subject to approval of the City Manager.
 3. Copyrighted Materials; Library Materials. Contracts for the acquisition of materials entitled to copyright, including but not limited to, works of art and design, literature and music, or materials even if not entitled to copyright, purchased for use as library lending materials.
 4. Equipment Repair. Contracts for equipment repair or overhauling, provided the service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing.
 5. Government-Regulated Items. Contracts for the purchase of items for which prices or selection of suppliers are regulated by a governmental authority. Price Regulated Items and/or under established price agreements, gasoline, diesel fuel, heating oil, lubricants and asphalt, investment contracts, insurance contracts, office copier purchases, sole source contracts, and oil or hazardous material removal.
 6. Non-Owned Property. Contracts or arrangements for the sale or other disposal of abandoned property or other personal property not owned by the city.
 7. Software and Computer Equipment. Contracts for the purchase of computer equipment and software, which may be by requests for quotations, the solicitation of which may be by advertisement or oral requests for offers.
 8. Specialty Goods for Resale. Contracts for the purchase of specialty goods by the city for resale to consumers.
 9. Sponsorship Agreements. Sponsorship agreements, under which the city receives a gift or donation in exchange for recognition of the donor.
 10. Structures. Contracts for the disposal of structures or signs located on city-owned property.

11. Renewals. Contracts that are being renewed in accordance with their terms, or within 6 months thereof, are not considered to be newly issued contracts and are not subject to competitive procurement procedures.
12. Temporary Extensions or Renewals. Contracts for a single period of one (1) year or less, for the temporary extension or renewal of an expiring and non-renewable, or recently expired, contract, other than a contract for public improvements.
13. Temporary Use of City-Owned Property. The city may negotiate and enter into a license, permit or other contract for the temporary use of city-owned property without using a competitive selection process if:
 - a. The contract results from an unsolicited proposal to the city based on the unique attributes of the property or the unique needs of the proposer;
 - b. The proposed use of the property is consistent with the city's use of the property and the public interest; and
 - c. The city reserves the right to terminate the contract without penalty, in the event that the city determines that the contract is no longer consistent with the city's present or planned use of the property or the public interest.
14. Used Property. The city manager may contract for the purchase of used property by negotiation if such property is suitable for the city's needs and can be purchased for a lower cost than substantially similar new property.
 - a. For this purpose, the cost of used property shall be based upon the life-cycle cost of the property over the period for which the property will be used by the city.
 - b. The city manager shall record the findings that support the purchase.
15. Utilities. Contracts for the purchase of steam, power, heat, water, telecommunications services, and other utilities.
16. Conference/Meeting Room Contracts. Contracts entered into for meeting room rental, hotel rooms, food and beverage, and incidental costs related to conferences and city-sponsored workshops and trainings.

D. Emergency Procurements. When the city manager determines that immediate execution of a contract within the city manager's authority is necessary to prevent substantial damage or injury to persons or property, the city manager may execute the contract without competitive selection and award or city council approval, but, where time permits, competitive quotes should be sought from at least three (3) providers.

1. When the city manager enters into an emergency contract, the city manager shall, as soon as possible in light of the emergency circumstances, document the nature of the emergency, the method used for selection of the particular contractor, and the reason why the selection method was deemed in the best interest of the city and the public.
2. The city manager shall also notify the city council of the facts and

circumstances surrounding the emergency execution of the contract.

- E. Cooperative Procurement Contracts.** Cooperative procurements may be made without competitive solicitation as provided in the Public Contracting Code.

1.10.090. Surplus Property.

- A. General Methods.** Surplus property may be disposed of by any of the following methods upon a determination by the city manager that the method of disposal is in the best interest of the city. Factors that may be considered by the city manager include costs of sale, administrative costs, and public benefits to the city.
1. Governments. Without competition, by transfer or sale to another government department or public agency.
 2. Auction. By publicly advertised auction to the highest bidder.
 3. Bids. By publicly advertised invitation to bid.
 4. Liquidation Sale. By liquidation sale using a commercially recognized third-party liquidator selected in accordance with this Code for the award of personal services contracts.
 5. Fixed Price Sale. The city manager may establish a selling price based upon an independent appraisal or published schedule of values generally accepted by the insurance industry, schedule and advertise a sale date, and sell to the first buyer meeting the sales terms.
 6. Trade-In. By trade-in, in conjunction with acquisition of other price-based items under a competitive solicitation. The solicitation shall require the offer to state the total value assigned to the surplus property to be traded.
 7. Donation. By donation to any organization operating within or providing a service to residents of the state of Oregon, which is recognized by the Internal Revenue Service as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended.
- B. Disposal of Property with Minimal Value.** Surplus property which has a value of less than \$500, or for which the costs of sale are likely to exceed sale proceeds, may be disposed of by any means determined to be cost-effective, including by disposal as waste. The employee making the disposal shall make a record of the value of the item and the manner of disposal.
- C. Personal-Use Items.** An item (or indivisible set) of specialized and personal use with a current value of less than \$500 may be sold to the employee or retired or terminated employee for whose use it was purchased. These items may be sold for fair market value without bid and by a process deemed most efficient by the city manager.
- D. Restriction on Sale to City Employees.** Unless subject to an open and public bid process, City employees shall not compete, as members of the public, for the purchase of publicly sold surplus property.
- E. Conveyance to Purchaser.** Upon the consummation of a sale of surplus personal

property, the city shall make, execute and deliver a bill of sale or similar instrument signed on behalf of the city, conveying the property in question to the purchaser and delivering possession, or the right to take possession, of the property to the purchaser. All property sold pursuant to this section shall be sold as-is without any warranty, either express or implied, of any kind, including but not limited to warranties of title or fitness for any purpose.

1.10.100. Protest and Appeal Procedures.

A. Appeal of Debarment or Prequalification Decision.

1. Right to Hearing. Any person who has been debarred from competing for the city's contracts or for whom prequalification has been denied, revoked or revised may appeal the city's decision to the city council as provided in this section.
2. Filing of Appeal. The person shall file a written notice of appeal with the city manager within five (5) business days after the prospective contractor's receipt of notice of the determination of debarment or denial of prequalification.
3. Notification of City Council. Immediately upon receipt of such notice of appeal, the city manager shall notify the city council of the appeal.
4. Hearing. The procedure for appeal from a debarment or denial, revocation or revision of prequalification shall be as follows:
 - a. Promptly upon receipt of notice of appeal, the city shall notify the appellant of the date, time and place of the hearing;
 - b. The city council shall conduct the hearing and decide the appeal within thirty (30) days after receiving notice of the appeal from the city manager; and
 - c. At the hearing, the city council shall reconsider, without regard to the underlying decision giving rise to the appeal, the notice of debarment, or the notice of denial, revocation or revision of prequalification, the standards of responsibility upon which the decision on prequalification was based, or the reasons listed for debarment, and any evidence provided by the parties.
5. Decision. The city council shall set forth in writing the reasons for the decision.
6. Costs. The city council may allocate its costs for the hearing between the appellant and the city.
 - a. The allocation shall be based upon facts found by the city council and stated in the city council's decision that, in the city council's opinion, warrant such allocation of costs.
 - b. If the city council does not allocate costs, the costs shall be paid by the appellant if the decision is upheld, or by the city if the decision is overturned.
 - c. Judicial Review. The decision of the city council may be reviewed only upon a petition in the circuit court of Washington County filed within fifteen (15) days after the date of the city council's decision. The appeal must be filed in accordance with all applicable state laws and trial court procedures.

B. Protests and Judicial Review of Special Procurements. An affected person may

protest the request for approval of a special procurement as provided in this section.

1. **Delivery; Late Protests.** An affected person shall deliver a written protest to the city manager within seven (7) days after the first date of public notice of a proposed special procurement, unless a different period is provided in the public notice.
 - a. The written protest shall include a fee in an amount established in a schedule adopted by the city manager to cover the costs of processing the protest.
 - b. A protest submitted after the timeframe established under this subsection is untimely and shall not be considered.
2. **Content of Protest.** The written protest shall include:
 - a. Identification of the requested special procurement;
 - b. A detailed statement of the legal and factual grounds for the protest;
 - c. Evidence or documentation supporting the grounds on which the protest is based;
 - d. A description of the resulting harm to the affected person; and
 - e. The relief requested.
3. **Additional Information.** The city manager may allow any person to respond to the protest in any manner the city manager deems appropriate, by giving such persons written notice of the time and manner whereby any response shall be delivered.
4. **City Response.** The city manager, or their designee, shall issue a written disposition of the protest in a timely manner.
 - a. If the city manager upholds the protest, in whole or in part, the city manager may, in the city manager's sole discretion, implement the protest in the approval of the special procurement, deny the request for approval of the special procurement, or revoke any approval of the special procurement.
 - b. If the city manager upholds the protest, in whole or in part, the city shall refund the fee required to be delivered with the protest.
5. **Judicial Review.** An affected person may not seek judicial review of a denial of a request for a special procurement.
 - a. Before seeking judicial review of the approval of a special procurement, an affected person shall exhaust all administrative remedies.
 - b. Judicial review shall be in accordance with ORS 279B.400.

C. Protests and Judicial Review of Sole-Source Procurements. An affected person may protest the determination that goods or services or a class of goods or services are available from only one source as provided in this section.

1. **Delivery; Late Protests.** An affected person shall deliver a written protest to the city manager within seven (7) days after the first date of public notice of a proposed sole source procurement is placed on the city's website, unless a different period is provided in the public notice.

- a. The written protest shall include a fee in an amount established in a schedule adopted by the city manager to cover the costs of processing the protest.
 - b. A protest submitted after the timeframe established under this subsection is untimely and shall not be considered.
- 2. Content of Protest. The written protest shall include:
 - a. A detailed statement of the legal and factual grounds for the protest;
 - b. Evidence or documentation supporting the grounds on which the protest is based;
 - c. A description of the resulting harm to the affected person; and
 - d. The relief requested.
- 3. Additional Information. The city manager may allow any person to respond to the protest in any manner the city manager deems appropriate by giving such person written notice of the time and manner whereby any response shall be delivered.
- 4. City Manager Response. The city manager shall issue a written disposition of the protest in a timely manner.
 - a. If the city manager upholds the protest, in whole or in part, the proposed sole-source contract shall not be awarded.
 - b. If the city manager upholds the protest, in whole or in part, the city shall refund the fee required to be delivered with the protest.
- 5. Judicial Review. An affected person may not seek judicial review of an election not to make a sole-source procurement.
 - a. Before seeking judicial review of the approval of a sole-source procurement, an affected person shall exhaust all administrative remedies.
 - b. Judicial review shall be in accordance with ORS 279B.400.

D. Protests and Judicial Review of Personal Services Procurements. An affected person may protest the procurement of a personal services contract as provided in this section.

- 1. Delivery. Unless otherwise specified in the solicitation document, the protest shall be in writing and delivered to the city manager.
 - a. The written protest shall include a fee in an amount established in a schedule adopted by the city manager to cover the costs of processing the protest.
 - b. Protests of the procurement of a specific contract as a personal services contract shall be made prior to closing.
 - c. Protests to the award or an intent to award a personal services contract shall be made within seven (7) days after issuance of the intent to award, or if no notice of intent to award is given, within forty-eight (48) hours after award.
 - d. Protests submitted after the timeframe established under this subsection are untimely and shall not be considered.

2. Contents of Protest. The written protest shall:
 - a. Specify all legal or factual grounds for the protest as follows:
 - i. A person may protest the solicitation on the grounds that the contract is not a personal services contract or was otherwise in violation of this Code or applicable law. The protest shall identify the specific provision of this Code or applicable law that was violated.
 - ii. A person may protest award or intent to award for the reason that:
 - All proposals ranked higher than the affected persons are nonresponsive;
 - The city failed to conduct the evaluation of proposals in accordance with the criteria or processes described in the solicitation document;
 - The city abused its discretion in rejecting the affected person's proposal as nonresponsive; or
 - The evaluation of proposals or the subsequent determination of award is otherwise in violation of this Code or applicable law.
 - iii. The protest shall identify the specific provision of this Code or applicable law that was violated by the city's evaluation or award;
 - b. Include evidence or supporting documentation that supports the grounds on which the protest is based;
 - c. A description of the resulting harm to the affected person; and
 - d. The relief requested.
 3. Additional Information. The city manager may allow any person to respond to the protest in any manner the city manager deems appropriate by giving such person written notice of the time and manner whereby any response shall be delivered.
 4. City Manager Response. The city manager shall issue a written disposition of the protest in a timely manner.
 - a. If the city manager upholds the protest, in whole or in part, the proposed personal services contract procurement shall be cancelled, or the contract shall not be awarded, as the case may be.
 - b. If the city manager upholds the protest, in whole or in part, the city shall refund the fee required to be delivered with the protest.
 5. Judicial Review. Before seeking judicial review, an affected person shall exhaust all administrative remedies. Judicial review shall be in accordance with ORS 279B.420.
- E. Protests of Cooperative Procurements.** Protests of the cooperative procurement process, contents of a solicitation document, or award may be filed with the city only if the city is the administering agency and under the applicable procedure described herein.

TO: Sherwood City Council

FROM: Joy Chang, Senior Planner

Through: City Manager Keith D. Campbell, Ryan Adams, City Attorney, Eric Rutledge, Community Development Director, Erika Palmer, Planning Manager

SUBJECT: **Ordinance 2023-005, Approving a minor land partition of Tax Lot 400 of Washington County Assessor Map 2S129CD and an amendment to the City's General Plan and Zoning Map to rezone the ±3.3 acre portion of the site to High Density Residential (HDR) from Retail Commercial (RC)**

Issue:

Shall the City Council approve or deny a minor land partition of ±13.25 acres of Tax Lot 400 of Washington County Assessor Map 2S129CB and a rezone of the ±3.3 acre portion of the site to High Density Residential (HDR) from Retail Commercial (RC)?

Background:

The applicant proposes a two-parcel partition to create a ±3.3-acre parcel intended for a concurrent zone change from Retail Commercial (RC) to High Density Residential (HDR). The ±3.3-acre parcel is the vacant eastern portion of Sherwood Plaza site. The size of Tax Lot 400 before the partition is ±13.25 total acres.

The City of Sherwood Planning Commission held the initial evidentiary hearing on the Zone Change and Minor Land Partition for Sherwood Plaza on April 25, 2023. The Commission heard presentations from City staff and the applicant, followed by an opportunity for testimony from the public. No members of the public came forward for testimony. After considering all the information in the record, the Commission unanimously recommended approval of the proposed zone change and minor land partition to City Council.

Under SZCDC 16.72, Planning Procedures, City Council must make the final decision on this zone change application. The minor land partition is being processed concurrently with the zone change.

This Ordinance would approve the requested zone change to amend the City's General Plan and Zoning Map and create the two-lot partition. After conducting a hearing and considering all evidence in the record, City Council can either approve the zone change and minor land partition by approving this Ordinance, or Council can deny the zone change and minor land partition by not approving this Ordinance. A second hearing on this Ordinance has been scheduled for June 6, 2023.

Financial Impacts:

There are no direct financial impacts as a result of either approval or denial of the zone change request. The applicant or another interested party may or may not decide to appeal the decision to the Oregon

Land Use Board of Appeals (LUBA). If the decision is appealed to LUBA, there will be costs associated with that appeal, including at minimum assembly of the record.

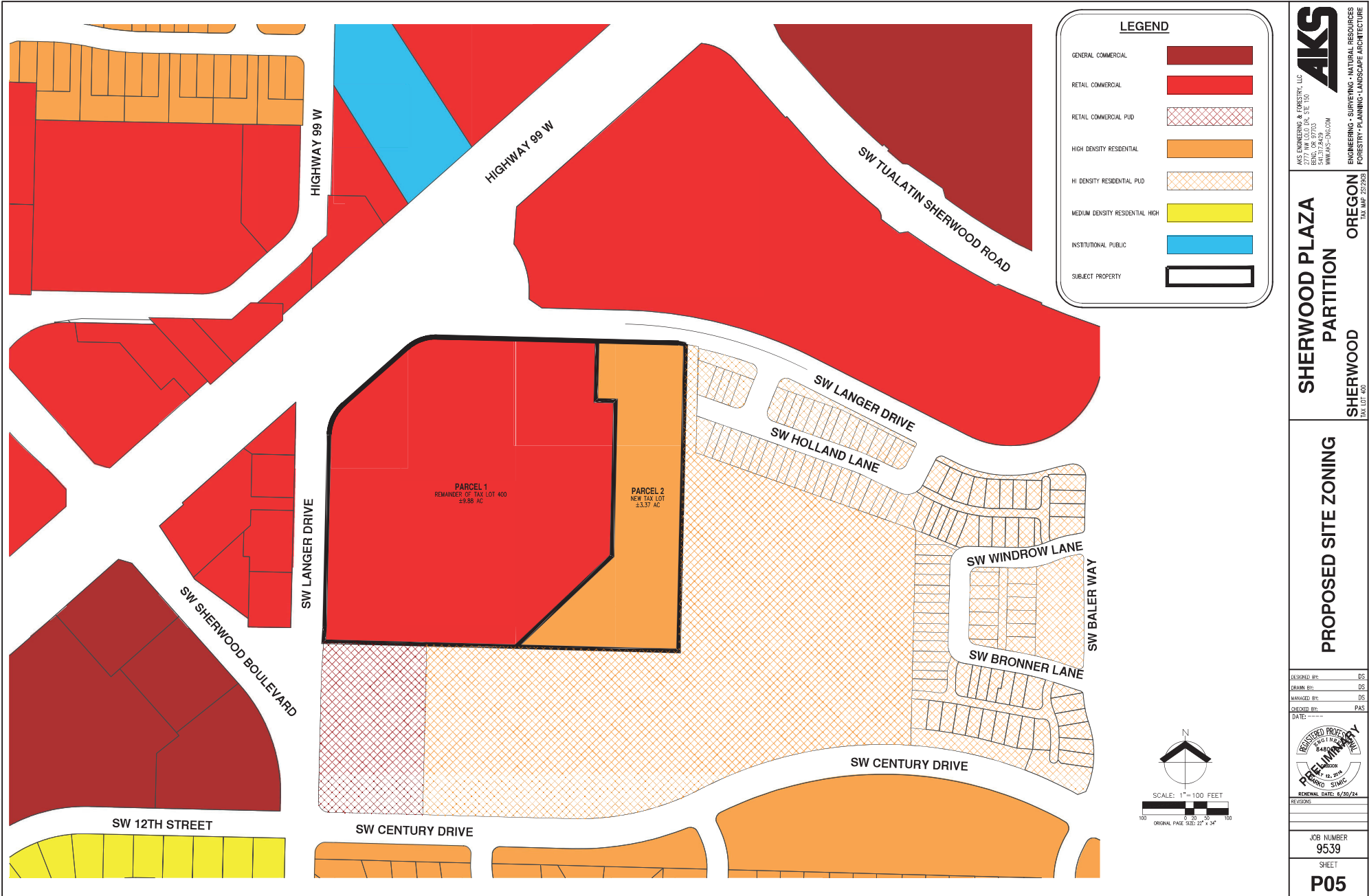
Recommendation:

Staff respectfully recommends that the City Council hold the first public hearing on Ordinance 2023-005, approving a minor land partition of Tax Lot 400 of Washington County Assessor Map 2S129CD and an amendment to the City's General Plan and Zoning Map to rezone the ±3.3 acre portion of the site to High Density Residential (HDR) from Retail Commercial (RC).

Attachment

1. Proposed Zone Change and Partition

AKS DRAWING FILE: 9539 NEW ZONING | LAYOUT P05





ORDINANCE 2023-005

APPROVING A MINOR LAND PARTITION OF TAX LOT 400 OF WASHINGTON COUNTY ASSESSOR MAP 2S129CD AND AN AMENDMENT TO THE CITY'S GENERAL PLAN AND ZONING MAP TO REZONE THE ±3.3 ACRE PORTION OF THE SITE TO HIGH DENSITY RESIDENTIAL (HDR) FROM RETAIL COMMERCIAL (RC)

WHEREAS, the city received a land use application, LU 2023-005 PA / MLP, requesting a general plan and zoning map amendment and minor land partition on an approximately 13.25-acre property located at 16112 / 16440 SW Langer Drive and identified on Washington County Tax Assessor's map as 2S129CB 00400; and

WHEREAS, the applicant seeks to rezone a portion of the site, approximately 3.3-acres (Parcel 2), from Retail Commercial to High Density Residential; and

WHEREAS, the application also seeks a two-lot partition of approximately 13.25-acre property. Parcel 1 will be is approximately 9.88 acres and Parcel 2 is approximately 3.3 acres in size; and

WHEREAS, the proposed map amendment and minor land partition were reviewed by planning staff for compliance and consistency with the Comprehensive Plan and regional and state regulations and found to be fully compliant, and planning staff recommended approval; and

WHEREAS, the proposed amendment was subject to full and proper notice and review and a public hearing held before the Planning Commission on April 25, 2023; and

WHEREAS, after testimony from staff and the applicant, the Sherwood Planning Commission recommended approval of the proposed map amendment and minor land partition; and

WHEREAS, the Sherwood City Council held public hearings on May 16, 2023, and June 6, 2023, and determined that the proposed map amendment and minor land partition met the applicable Comprehensive Plan criteria and continued to be consistent with the regional and state standards, based on the staff analysis and findings in Exhibit 1.

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. After complete and due consideration of the application, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearings, the Sherwood City Council adopts the staff analysis and findings of fact contained in the Planning Staff Report to the Sherwood City Council, dated May 3, 2023, attached hereto as Exhibit 1.

Section 2. The proposed map amendment and minor land partition is hereby APPROVED.

Section 3. The Planning Department is hereby directed to take such action as may be necessary to document this amendment to the City's General Plan & Zoning Map, including notice of adoption to the Department of Land Conservation and Development in accordance with City ordinances and regulations.

Section 4. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 6th day of June, 2023.

Tim Rosener, Mayor

Date

Attest:

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Standke	_____	_____
Giles	_____	_____
Scott	_____	_____
Young	_____	_____
Brouse	_____	_____
Mays	_____	_____
Rosener	_____	_____

CITY OF SHERWOOD
PLANNING COMMISSION RECOMMENDATION TO THE CITY COUNCIL
April 28, 2023



Sherwood Plaza
Zoning Map Amendment and Minor Land Partition
Case File No: LU 2023-005 PA / MLP

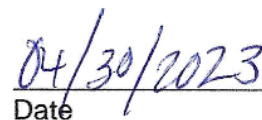
Pre-App. Meeting:	September 29, 2022
Neighborhood Meeting:	January 26, 2023
App. Submitted:	February 20, 2023
App. Complete:	March 23, 2023
Planning Commission Hearing:	April 25, 2023
120-Day Deadline:	July 21, 2023

The City of Sherwood Planning Commission (Commission) held the initial evidentiary hearing on the Zone Change and Minor Land Partition for Sherwood Plaza on April 25, 2023. The Commission heard presentations from City staff and the applicant, followed by an opportunity for testimony from the public. No members of the public came forward for testimony.

The applicant agreed to all the conditions of approval in the staff report. A few scrivener errors in the staff report were corrected and are indicated in this report document.

After considering all of the information in the record, the Commission unanimously recommended approval of the proposed zone change and minor land partition to City Council based on the findings in the staff report dated April 18, 2023.


Jean Simson, Planning Commission Chair

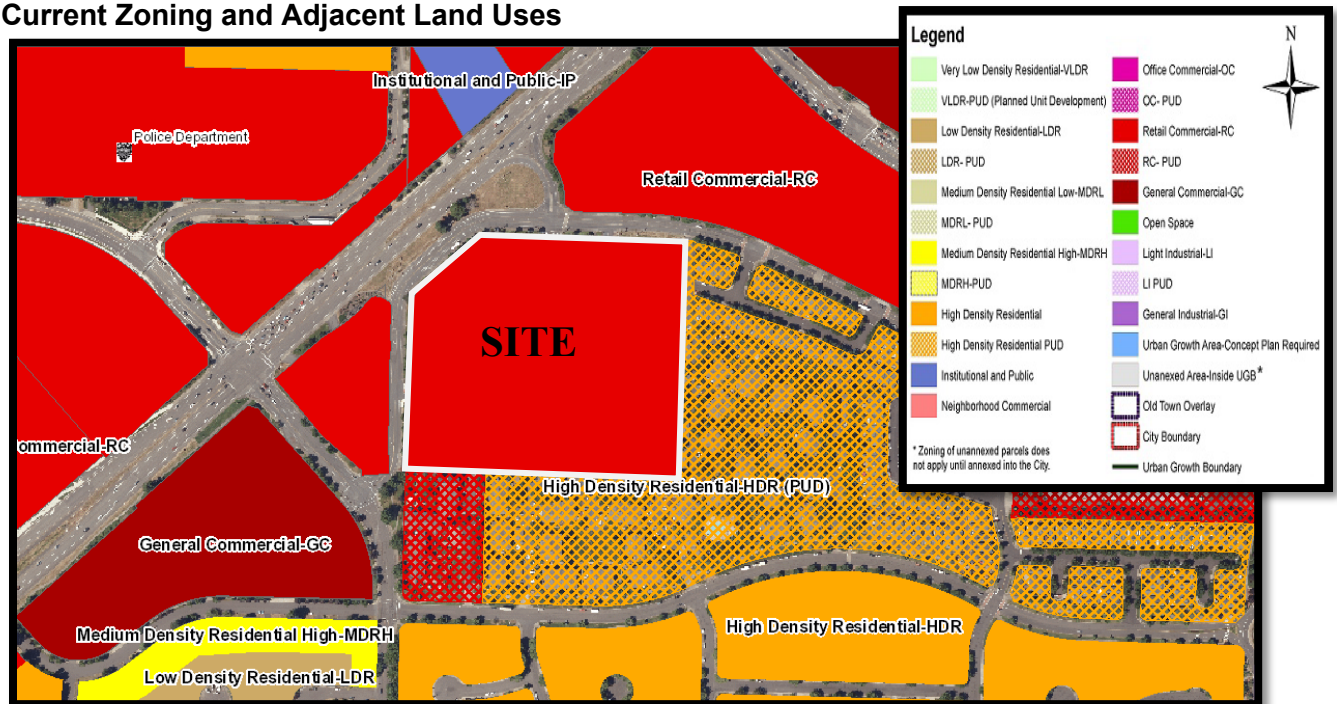

Date

Proposal: The applicant proposes a two-parcel partition to create a ± 3.3 -acre parcel intended for a subsequent zone change from Retail Commercial (RC) to High Density Residential (HDR). The ± 3.3 -acre parcel is the vacant eastern portion of Sherwood Plaza site. The size of Tax Lot 400 before the partition is ± 13.25 total acres.

SECTION I. BACKGROUND

- A. Applicant/Owner:** Six Corners, LLC
121 SW Morrison St. Suite 600
Portland, OR 97204
- Owner's Representative:** Marie Holladay, AKS Engineering & Forestry
12965 SW Herman Rd, Suite 100
Tualatin, OR 97062
- B. Location:** Located along SW Langer Drive south of Oregon HWY 99-W and north of SW Sherwood Boulevard. Washington County Tax Lot 2S1 29CB 00400.
- C. Address:** 16112 / 16440 SW Langer Drive
- D. Parcel Size:** The site is approximately 13.25 acres.
- E. Zoning:** The parcel has a zoning designation of Retail Commercial (RC). The applicant is requesting a zone change for the vacant eastern portion of the site, ±3.3-acre, from RC to High Density Residential (HDR).
- F. Existing Development and Site Characteristics:** The site is improved with the Sherwood Plaza shopping mall and associated commercial entities. The ±3.3-acre eastern portion of the property is vacant, currently a grassy field. This portion of the site is envisioned for a zone change to HDR.
- G. Site History:** The site received land use approval for development of the Plaza in 1977 (SR 77-04). Several other site plan approvals have been granted since that time and includes the Taco Bell Site Plan approval in 2008 (SP 07-10) and Dutch Bros. in 2012 (SP 12-02) and Wells Fargo ATM (MMSP 19-01). Most recently, a Site Plan Review, Case File SP 16-04, was approved for the Sherwood Plaza Apartments in July 2016. At that time, the proposal included an ±82-unit apartment complex located east of the Sherwood Plaza building and commercial entities. Although SP 16-04 was approved with conditions, the site plan approval expired in 2018, and the ±3.3-acre property remains vacant.
- H. Adjacent Zoning and Land Use:** The properties north and west of the subject site are also zoned Retail Commercial (RC) with land uses consisting of retail shops, restaurants, fast food, service stations, salon, etc. The properties to the east are zoned High Density Residential Planned Unit Development (HDR-PUD) with land uses of attached townhomes and apartment complex. The properties to the south are zoned HDR-PUD and RC-PUD, with land uses consisting of a residential care facility and an apartment complex.

Current Zoning and Adjacent Land Uses



I. Review Type:

Applicant's Request	Review Type
Comprehensive Plan Zone Map Amendment	Type V review
Minor Land Partition	Type II review

This request requires the Planning Commission to make a recommendation to the City Council who will make the final decision per SZCDC 16.72, Planning Procedures.

There will be a 21-day appeal period after the City Council issues their decision. Any appeal of the City Council decision would go directly to the Oregon Land Use Board of Appeals (LUBA).

After preliminary Minor Land Partition approval, the applicant will be required to submit for Final Partition approval which will be a Type I Administrative Review.

- J. Public Notice and Hearing:** Notice of the application was mailed to property owners within 1,000 feet, posted on the property and distributed in five locations throughout the City on April 5, 2023. The notice was published in the *Times* (a newspaper of general circulation) on April 6 and April 20, 2023 in accordance with § 16.72.020 of the SZCDC.

K. Review Criteria:

SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE (SZCDC):

Division II. - LAND USE AND DEVELOPMENT SECTIONS: 16.12 - RESIDENTIAL LAND USE DISTRICTS;

Division III. - ADMINISTRATIVE PROCEDURES SECTIONS: 16.70 - GENERAL PROVISIONS; 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS;

Division IV. - PLANNING PROCEDURES SECTIONS: 16.80 - PLAN AMENDMENTS.

Division VI. - PUBLIC INFRASTRUCTURE SECTIONS: 16.104 - GENERAL PROVISIONS; 16.106 - TRANSPORTATION FACILITIES; 16.108 - IMPROVEMENT PLAN REVIEW; 16.110 - SANITARY SEWERS; 16.112 - WATER SUPPLY; 16.114 - STORM WATER; 16.116 - FIRE PROTECTION; 16.118 - PUBLIC AND PRIVATE UTILITIES.

Division VII. - LAND DIVISIONS, SUBDIVISIONS, PARTITIONS, LOT LINE ADJUSTMENTS AND MODIFICATIONS SECTIONS: 16.122 – LAND PARTITION; 16.128 - LAND DIVISION DESIGN STANDARDS.

COMPREHENSIVE PLAN CRITERIA: Strategic and Collaborative Governance; Attractive and Attainable Housing

METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN: Title 1. Housing Capacity

STATEWIDE PLANNING GOALS: Goal 1- Citizen Involvement; Goal 2- Land Use Planning; Goal 10- Housing; and Goal 12-Transportation including Oregon Transportation Planning Rule (OAR 660-012-0060)

SECTION II. PUBLIC COMMENTS

Public notice was mailed, posted on the property, and posted in five locations throughout the City on April 5, 2023. No public comments have been received as of April 18, 2023. Public comments are welcome up to the public hearing scheduled for Tuesday, April 25, 2023, at 7PM.

SECTION III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on April 4, 2023. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: The Sherwood Engineering Department has provided comments that are included in this report and attached as **Exhibit B**.

Clean Water Services (CWS): A CWS Pre-Screening Site Assessment dated September 8, 2022 (Case File No. 22-002509) states that the project will not significantly impact the existing or potentially sensitive area(s) found near the site, see **applicant's Exhibit F**. Jackie Humphreys memorandum dated April 11, 2023, reviewed the proposal, and requires a CWS Storm Water Connection Permit Authorization prior to plat approval and recordation. This is further discussed in this report and conditioned. **Exhibit C**

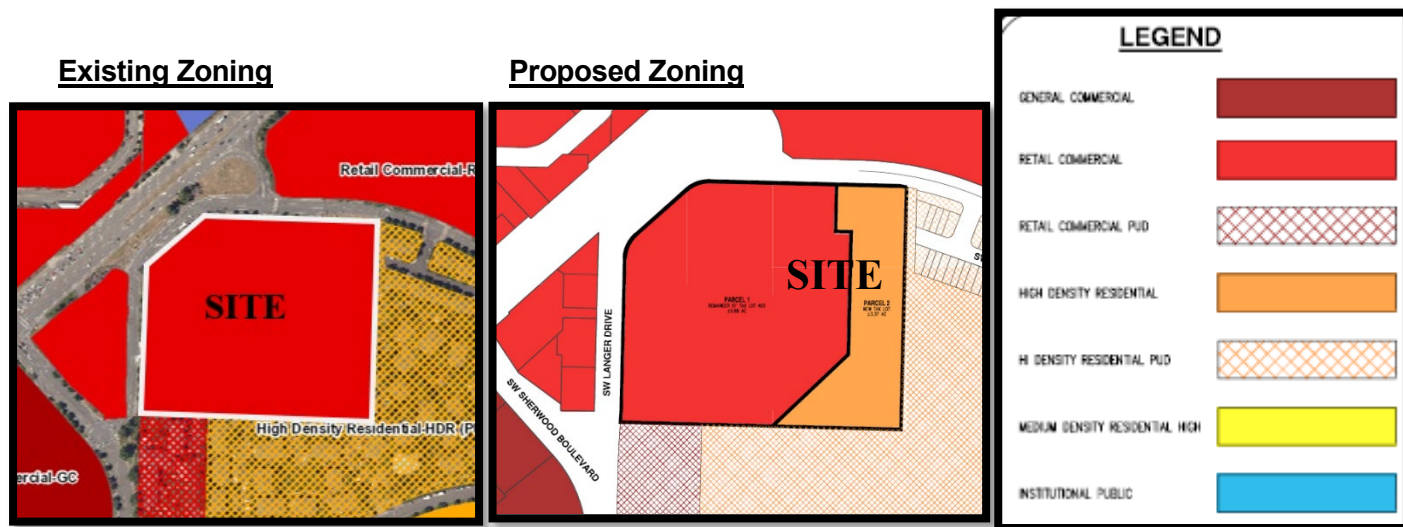
Tualatin Valley Fire and Rescue (TVF&R): TVF&R Service Provider Permit, No. 2023-0027 dated March 8, 2023, was submitted with approved fire service plans, see **applicant's Exhibit K**.

Oregon Department of Transportation (ODOT): Marah Danielson, Sr. Planner provided email correspondence on March 13, 2023, stating ODOT has reviewed the Transportation Planning Rule analysis and concurs with the applicants' findings that the zone change from Retail Commercial (RC) to High Density Residential (HRD) will result in a reduction of trips and therefore will not have a significant effect on State highway facilities. See **Exhibit D**.

Washington County, Pride Disposal, ODOT Rail, METRO, NW Natural Gas and Portland General Electric did not respond or provided no comments to the request for agency comments by the date of this report.

SECTION IV. MAP AMENDMENT REQUIRED FINDINGS

(SZCDC DIVISION IV. - PLANNING PROCEDURES: A) SZCDC CHAPTERS: 16.80 - PLAN AMENDMENTS; B) APPLICABLE REGIONAL (METRO) AND STATE STANDARDS



A. SZCDC 16.80.030.B – Map Amendment

An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all the applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that [Items 1-4 below].

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation Plan.

ANALYSIS: The eastern portion of the site is currently designated as Retail Commercial (RC). The following responses and findings address the City of Sherwood Comprehensive Plan Policies and are intended for consideration in the Type V Plan Map Amendment to replace the RC zoning designation with High Density Residential (HDR) on the vacant eastern ±3.37-acre portion of the property. The applicable sections of the Sherwood Comprehensive Plan include Strategic and Collaborative Governance and Attractive and Attainable Housing.

Sherwood Comprehensive Plan

Governance and Growth Management

Goal 1 - Coordinate with adjacent jurisdictions, local service providers and regional and state governmental agencies to manage growth and development in Sherwood.

POLICY 1.3 Routinely verify whether the City's supply of developable land is sufficient to meet short- and long-term employment and housing needs and coordinate with Metro and Washington County to request additional lands for urbanization when Sherwood's growth areas will not accommodate the 20-year projected demand for employment and/or housing.

APPLICANT'S RESPONSE: This project involves a Type V Plan Map Amendment from RC to HDR. As demonstrated in the Economic Need Analysis prepared by Johnson Economics, Inc. (Exhibit G), the City's supply of HDR land is insufficient to meet housing needs. This application will rezone ±3.37 acres of commercial land to provide additional residential land for multi-family residential homes. Therefore, the application is consistent with Goal 1 and Policy 1.3 above.

ANALYSIS: The Housing Needs Analysis (HNA) 2019-2039 concluded Sherwood has a deficit of approximately 608 homes in its 20-year supply. Of the 608 homes, there is a deficit of 145 High Density Residential units. The proposed zone change is on a piece of land that is currently vacant and will be developed with high multi-family housing in the future.

FINDING: Based on the analysis above and the applicant's response, the criteria are ~~not~~ met.

Goal 3 - Ensure that the rate, amount, type, location and cost of new development will preserve and enhance Sherwood's quality of life so that it is accessible to all community members.

POLICY 3.2 Designate land uses in a manner that accommodates projected population and employment growth and ensure development is consistent and compatible with the community's needs and resources.

APPLICANT'S RESPONSE: The subject site's location and geometry/configuration present challenges to retail use in terms of visibility, access, and effective site planning. As such, this application plans to redesignate ±3.37 acres of commercial land for residential use to accommodate new housing. This project will ensure that the cost of new development at this location is consistent with the surrounding area and compatible with the community's needs for additional housing, as discussed in Economic Need Analysis (Exhibit G). Therefore, this application supports Goal 3 and Policy 3.2, above.

ANALYSIS: As stated before, the Housing Needs Analysis (HNA) 2019-2039 concluded Sherwood has a deficit of approximately 608 homes in its 20-year supply, of which the HDR zone has a deficit of 145 homes. The proposed zone change from Retail Commercial (RC) to High Density Residential (HCR) will assist in accommodating housing needs from projected population and employment growth.

FINDING: Based on the analysis above and the applicant's response, the criteria are ~~not~~ met.

Attractive and Attainable Housing

Goal 1 - Preserve and enhance the character of existing neighborhoods.

POLICY 1.1 Plan for a 20-year supply of suitable land for Sherwood to meet housing needs.

APPLICANT'S RESPONSE: The Sherwood 2018 *Housing Needs Analysis* (HNA) identified a significant shortage of residential land capacity across all zoning categories. According to the Economic Need Analysis (Exhibit G), "the HDR zone was found to have land capacity for 253 housing units, vs. a 20-year demand for 398 units." Upon approval, this application will add ±3.37 acres of land to the HDR zoning district, accommodating a range of approximately 56 to 80 units at a density of 16 to 24 units per acre. Therefore, this application will aid Sherwood's 20-year supply of land needed for housing. Goal 1 and Policy 1.1 are satisfied.

ANALYSIS: Staff concurs with the applicant's analysis.

FINDING: Based on the analysis above and the applicant's response, the criteria are ~~not~~ met.

POLICY 1.2 Identify opportunities to address land deficits shown in the Housing Needs Analysis within the existing city limits.

APPLICANT'S RESPONSE: The HNA asserts "Sherwood can accommodate about 65 percent of the forecast for new housing on areas within the City limits and Brookman Planning Area." The subject site is within Sherwood's existing city limits and the eastern ±3.37-acre portion of the site is starkly vacant in contrast to the surrounding area, as illustrated on the Preliminary Plans (Exhibit A). The HNA also acknowledges "if the City wants more multifamily housing growth in core areas of Sherwood, the City should evaluate whether to make policy changes that either increase the capacity of MDRH/HDR land or designate more land for these uses." Further, the Economic Need Analysis (Exhibit G) validates many factors that likely contribute to the site's vacant nature today, including poor business visibility, restricted access, irregular lot configuration, and retail market conditions. As discussed, an efficient site plan and updated zoning could bring life to this uniquely vacant property.

ANALYSIS: The HNA also states the City's supply of HDR land is very limited, with 17 vacant acres of HDR. The proposed zone change from RC to HDR will increase the supply of HDR land and will provide opportunities for housing growth in the core area of Sherwood.

FINDING: Based on the analysis above and the applicant's response, the criteria are ~~not~~ met.

POLICY 1.10 Maintain the quality of existing neighborhoods and ensure that new neighborhoods fit with Sherwood's character, landform, and urban framework.

APPLICANT'S RESPONSE: The property is located along a bustling mixed-use corridor, south of OR 99W and north of SW Century Drive. North of the site, properties are generally zoned with commercial districts, and south of the site, residential. The surrounding area is characterized by established, high-density residential developments including Sunfield Lakes Apartments, Avamere at Sherwood, Arbor Terrace, and Sherwood Village. This application will provide needed housing that fits with Sherwood's character and urban framework. Further, this area provides many walkable amenities for residents, including restaurants, commercial services, schools, and parks. Therefore, this application supports Policy 1.10.

ANALYSIS: Staff concurs with the applicant's analysis.

FINDING: Based on the analysis above and the applicant's response, the criteria are ~~not~~ met.

POLICY 1.12 Encourage infill residential development in areas near shopping, parks, transit and other major public facilities and services, with a focus on opportunities in the Old Town.

APPLICANT'S RESPONSE: This property is located north of the Old Town overlay boundary, but nonetheless encourages infill residential development in line with Policy 1.12, above. As shown on the Preliminary Plans (Exhibit A), the western portion of the site is improved with the existing Sherwood Plaza strip mall and associated commercial entities. The eastern ±3.37-acre portion of the site is vacant, wedged between the backside of the shopping mall (to the west) and the carports associated with Sunfield Lakes Apartments (to the south and east). Although the vacant area of the property does not have ideal visibility or lot configuration for commercial business, it could provide an optimal residential community. Further, TriMet's Bus Line 97 route runs along the site's frontage. An eastbound transit stop is present to the west of the site's driveway approach and a westbound transit stop is available across SW Langer Drive. The surrounding area is improved with major roadways (i.e., SW Langer Drive and SW Tualatin-Sherwood Road) and pedestrian facilities, sidewalks, benches, bus stops, etc. to accommodate Sherwood residents.

ANALYSIS: Staff concurs with the applicant's analysis.

FINDING: Based on the analysis above and the applicant's response, the criteria are ~~not~~ met.

POLICY 1.13 Encourage housing that is of a design and quality compatible with the neighborhood in which it is located.

APPLICANT'S RESPONSE: This project involves a Plan Map Amendment from RC to HDR. A future site plan review application will be submitted to determine compliance with specific design standards. The Conceptual Site Plan (Exhibit A) is included to illustrate a potential multi-family residential layout and demonstrate the site is planned to serve a diverse housing market. As designed, the community is anticipated to provide a variety of housing types including upper-floor and ground-level one-, two-, and three-bedroom units to accommodate a diverse range of future residents. The lot dimensional, building height, and design standards for multi-family developments are equivalent across the RC and HDR zoning districts. As such, multi-family housing will be compatible with existing high-density neighborhoods surrounding the site, including two-story townhomes and apartments.

ANALYSIS: Staff concurs with the applicant's analysis.

FINDING: Based on the analysis above and the applicant's response, the criteria are ~~not~~ met.

Goal 2 - Plan new residential developments to integrate with existing Sherwood as complete neighborhoods where community members can live, learn, shop and recreate.

POLICY 2.1 Foster complete neighborhoods that provide housing choice, serve daily needs, and are walkable, connected, safe and integrated with the natural landscape.

APPLICANT'S RESPONSE: The subject site is ideal for the envisioned multi-family use and is anticipated to be compatible with the surrounding pattern of development in the area. The ±3.37-acre vacant property is nearby walkable commercial amenities and adjacent to existing residential

neighborhoods, including attached townhomes and apartments. Nearby restaurants, shopping opportunities, service establishments, and other activities will serve daily needs of residents and foster a complete neighborhood. As shown on the Preliminary Existing Conditions Plan (Exhibit A), a tree grove exists along the rear of the shopping center. Existing trees and vegetation are planned to be preserved to the greatest extent possible to shield the site from neighboring commercial activity and integrate the natural landscape into the future site plan. Therefore, the Plan Map Amendment is consistent with Goal 2 and Policy 2.1.

ANALYSIS: Staff concurs with the applicant's analysis.

FINDING: Based on the analysis above and the applicant's response, the criteria are ~~not~~ met.

Goal 3 - Provide the opportunity for a variety of housing types in locations and at price points that meet the needs of current and future residents.

POLICY 3.1 Provide opportunities for the development of a range of housing types that are attainable to current and future households at all income levels, as described in the Sherwood Housing Needs Analysis, to maintain Sherwood's high quality of life.

POLICY 3.2 Identify opportunities to support the city's housing mix, to ensure the housing supply includes a variety of housing types and unit sizes that support a range of housing prices.

APPLICANT'S RESPONSE: Upon approval of this Zone Change application, the applicant plans to submit a site plan review application to accommodate multi-family housing. As shown on the Conceptual Site Plan (Exhibit A), the campus is envisioned to include a variety of housing options including upper-floor and ground-level studio, one-, two-, and three-bedroom units that will provide an array of price points for future residents. The subject site is surrounded by walkable amenities, parks, and services that will attract young couples, families, and seniors at a range of incomes. As discussed in greater detail in the Economic Need Analysis (Exhibit G), the City has a deficit of residential housing supply in every category, including HDR. An efficient site plan (subsequent to this application) will bring life to this vacant property and contribute needed housing to the City's inventory. Therefore, this application is consistent with the goals and policies above.

ANALYSIS: Staff concurs with the applicant's analysis.

FINDING: Based on the analysis above and the applicant's response, the criteria are ~~not~~ met.

2. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.

APPLICANT'S RESPONSE: As discussed in this written document, the property is currently zoned RC, which permits multi-family housing at an equivalent density to the HDR district if all buildings' ground floors are put to commercial uses. However, as discussed in the Economic Need

Analysis (Exhibit G), the site's location and configuration present challenges to retail use in terms of access, visibility, and cost of development. Further, according to the Sherwood's HNA, the City has a deficit of HDR designated land necessary for multifamily units. As such, although the site is unsuitable for commercial development, the Conceptual Site Plan (Exhibit A), illustrates a residential multi-family campus that has potential to thrive at this location. Therefore, this application will benefit the City by providing needed housing for current and future residents. The criterion is met.

FINDING: The applicant proposes to amend the Comprehensive Plan and Zoning Map designation for ±3.37 acres in the Retail Commercial (RC) to High Density Residential (HDR).

Demonstrable Need for Zoning Proposed

The Economic Needs Analysis by Johnson Economics, LLC, March 14, 2023, **applicant's Exhibit G**, identified the following:

- The subject site's location and configuration present challenges to retail use in terms of visibility and access, as well as effective site planning. Retail uses at this ±3.3 site would be unlikely to form a cohesive retail environment with the existing nearby shopping centers which are oriented away from the subject site.
- Residential uses at the site do not face similar challenges and are likely feasible as evidenced by the existing multi-family development in the adjoining HDR zones to the east and south. Multi-family development is a common transitional use found at the border of residential and commercial areas with proper buffering.
- Vertical mixed-use residential/commercial development is currently allowed in the RC zone at the density of the HDR zone, but this mixed-use building type is highly infeasible in this location due to increased cost of development, and low chances of success for the ground floor uses.
- Recent studies of 20-year land need adopted by the City forecasted a likely shortage of residential land in all zoning categories, including HDR, and recommended a range of strategies to address this shortage, including possible rezoning.
- The study of employment land needs forecasted slow growth in retail space demand in coming years, and a likely surplus of retail commercial zoned land to accommodate it. Recent retail market trends support a finding of relatively steady retail need in Sherwood in recent decades and slow growth in total retail space use. There is currently vacant retail space available in Sherwood's major shopping centers that would likely outcompete retail offered at the subject site with much better visibility and access.

FINDING: Based on the Economic Needs Analysis and applicant's response, staff finds that there is a demonstrated need for High Density Residential zoned property in City limits. The High Density Residential zoning designation allows for multi-family development with current standards and HDR housing is also identified as a community need. This criterion is satisfied.

3. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.

APPLICANT'S RESPONSE: As discussed in this written document, this application involves a Zone Change from RC to HDR. This project will provide land for needed housing to the City of Sherwood where there is currently a demonstrable deficit of housing units. The Economic Need Analysis (Exhibit G) further details the City's housing and economic need in relation to the planned

multi-family project. Additionally, the ±3.37-acre vacant property is near walkable commercial amenities and adjacent to existing residential neighborhoods, including attached townhomes and apartments. As such, this location is ideal for the envisioned use and is anticipated to be compatible with the surrounding pattern of development in the area. As discussed at the pre-application conference, public utilities and infrastructure are currently, or will be, made available to serve the use. The criterion is satisfied.

ANALYSIS: As previously discussed, there is a need for additional higher density residential development. Public infrastructure is available and utilities can be constructed to serve the site when development is proposed.

The applicant has addressed the transportation system to ensure consistency with the Transportation Planning Rule. Based on that analysis and confirmed by the City's Engineering Department, the existing system can serve the site should the rezone and partition be approved.

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

4. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to the location, size, or other factors.

APPLICANT'S RESPONSE: According to the Sherwood HNA (2018) a significant shortage of residential land across all zoning categories was identified. More specifically, the city has 17 acres of HDR land and the HNA supports the on-going need for residential land at all densities, including HDR zoning. As such, alternative sites are limited due to availability. This project will provide needed housing to Sherwood where there is currently a demonstrable deficit of housing units. For further information, the Economic Need Analysis (Exhibit G) details the City's housing and economic need in relation to the planned Zone Change and subsequent multi-family project.

Although not relevant to the approval criteria, the property is currently zoned RC, which permits multi-family housing only if the ground floors of all buildings are restricted to commercial use only. However, as discussed in the Economic Need Analysis (Exhibit G), the site's location and configuration present challenges to retail use in terms of access, visibility, and cost of development. Further, according to the Sherwood's HNA, the city has a deficit of 145 HDR units. Therefore, although the site is unsuitable for immediate commercial development, the Conceptual Site Plan (Exhibit A) illustrates a residential multi-family campus has potential to thrive at this location.

ANALYSIS: Per the HNA (Planning Case File, LU 2020-018), the City's supply of HDR land is very limited, with 17 vacant acres of HDR (14 acres of land within city limits and 3 acres of land within Brookman and other unincorporated areas). Since the adoption of the HNA, two parcels of HDR zoned have received land use approval, that total 1.66 acres that reduce the inventory of HDR land.

Table 5. Inventory of suitable buildable residential land, net acres, Sherwood city limits and areas within the UGB, 2014

Zone	Gross Acres	Percent of Total
Land within City Limits		
Very Low Density Residential (VLDR)	24	14%
Very Low Density Residential Planned Unit Development (VLDR-PUD)	1	1%
Low Density Residential (LDR)	22	13%
Medium Density Residential-Low (MDRL)	14	8%
Medium Density Residential-High (MDRH)	21	12%
High Density Residential (HDR)	14	8%
Subtotal	96	55%
Brookman and Other Unincorporated Areas		
Very Low Density Residential (VLDR)	1	1%
Medium Density Residential-Low (MDRL)	52	30%
Medium Density Residential-High (MDRH)	8	4%
Medium Density Residential- Low/High* (MDRL/H)	15	8%
High Density Residential (HDR)	3	2%
Subtotal	79	45%
Total	175	100%

Source: City of Sherwood

*Note: There is one lot split between MDRL and MDRH.

Planning staff is not aware of any immediate plans to develop other vacant developable High Density Residential zoned land.

FINDING: Based on the above discussion and applicant's narrative, staff finds that this criterion is satisfied.

Consistency with the City's Transportation Systems Plan

1. The applicant shall demonstrate consistency with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060. If required, a Traffic Impact Analysis (TIA) shall be prepared pursuant to Section 16.106.080.

ANALYSIS: The applicant submitted a technical memorandum from Kittelson & Associates dated January 24, 2023, see Exhibit E of Application Materials. This memo evaluates the transportation impacts resulting from a zone change of approximately 3.3 acres from Retail Commercial (RC) to High Density Residential (HDR).

As summarized within the technical memorandum, the proposed change in zoning from RC to HDR would not result in a significant effect on the transportation system, as defined by the TPR because fewer vehicle trips could be realized assuming site development under the proposed zoning compared to the existing zoning. Zone change from Retail Commercial to High Density Residential will result in traffic volumes consistent with the City's adopted plans and the Transportation Planning Rule is satisfied.

Furthermore, ODOT has reviewed the Transportation Planning Rule analysis and concurs with the applicants' findings that the zone change from Retail Commercial (RC) to High Density

Residential (HRD) will result in a reduction of trips and therefore will not have a significant effect on State highway facilities (Exhibit D).

FINDING: Based on Kittelson’s evaluation and ODOT’s review, the proposed zone change from Retail Commercial to ~~High~~ High Density Residential is consistent with the City of Sherwood’s Comprehensive Plan and Transportation Plan.

Applicable Regional (Metro) Standards

ANALYSIS: The only applicable Urban Growth Management Functional Plan criteria are found in Title 1 – Housing Capacity. The City of Sherwood is currently in compliance with the Functional Plan and any amendment to the Comprehensive Plan and Zoning Map must show that the community continues to comply.

The proposed zoning map amendment has the potential to increase Sherwood’s overall housing capacity by providing the opportunity for multi-family development.

FINDING: Based on the analysis above, the Zoning Map amendment is consistent with the Metro Functional Plan criteria and the City would continue to comply if the request were approved.

Applicable State Standards

The applicable Statewide Planning Goals include Goals 1, 2, 10, and 12. Statewide Planning Goals 3, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, and 19 do not specifically apply to this proposed plan amendment.

Goal 1: Citizen Involvement

ANALYSIS: Staff utilized the public notice requirements of the Code to notify the public of this proposed plan amendment. The City’s public notice requirements have been found to comply with Goal 1 and therefore, this meets Goal 1. A neighborhood meeting was held on January 26, 2023, prior to the applicant’s submittal to the City.

The application is being discussed and decided by the City Council after a public hearing and recommendation from Planning Commission, made after holding a public hearing.

Finding: The proposal is consistent with Goal 1.

Goal 2: Land Use

ANALYSIS: The Sherwood Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals and provides, goals, policies and strategies, and procedures for reviewing and evaluating land use request. The proposed map amendment, as demonstrated in this staff report, is processed in compliance with local, regional and state requirements.

FINDING: Based on the above discussion, staff finds that Goal 2 is satisfied.

GOAL 10: Housing

ANALYSIS: Goal 10 requires cities to complete an inventory of buildable residential lands and to encourage the availability of adequate numbers of housing units in price and rent ranges commensurate with the financial capabilities of its households. Sherwood has recently adopted a HNA for the 20-year planning period of 2019-2039 (Planning Case File LU 2020-018). Sherwood's primary obligations under Goal 10 are to: Designate land in a way that 50% of new housing could be either multi-family or single-family attached (e.g. townhomes); Provide opportunities to achieve an average density of six dwelling units per net acre; and provide opportunities for development of needed housing types: single-family detached, single-family attached, and multi-family housing. Sherwood has designated land through its existing zoning map that allows for 50% of new housing to be either multi-family or single-family attached. Sherwood has a deficit of land for housing (HNA Table 9, below). Sherwood has a deficit of land for 608 dwelling units. The largest deficits are in Medium Density Residential-Low (154 dwelling units), Medium Density Residential-High (252 dwelling units), and High Density Residential (145 dwelling units). The conclusion from Table 9 is that the current inventory of buildable residential land is not sufficient to accommodate Sherwood's expected growth. To comply with Goal 10, the City will need to either change its policies to allow for more development on the inventory of vacant land, request a UGB expansion from Metro, or both.

The zone change proposal will allow for more inventory of HDR zoned land to meet housing demands for HDR housing types. In addition, the zone change supports the ongoing need to provide housing for all income levels within the Sherwood community.

Table 9. Comparison of capacity of existing residential land with demand for new dwelling units, dwelling units, Sherwood planning area, 2019-2039

Zone	Capacity (Needed Densities)	Housing Demand	Comparison Capacity minus Demand (dwelling units)
Very Low Density Residential	76	95	-19
Low Density Residential	144	182	-38
Medium Density Residential-Low	382	536	-154
Medium Density Residential-High	266	518	-252
High Density Residential	253	398	-145
Total	1,121	1,729	-608

Source: ECONorthwest
Note: DU is dwelling unit.

FINDING: The City of Sherwood meets Goal 10 requirements, and the proposal supports housing needs of the community.

Goal 12: Transportation

FINDING: As discussed earlier in this report, the proposed amendment is consistent with the "Transportation Planning Rule" which implements Goal 12. The proposed amendment does not affect the functional classification of any streets within the City's TSP.

Staff Assessment and Recommendation on Proposed Zoning Map Amendment

Based on the analysis above, the applicant's submittal information to make findings in support of the proposed amendment. Staff recommends that the Planning Commission forward a recommendation of **APPROVAL** of the proposed Zoning Map Amendment to the City Council as proposed, in Section IV, of this staff report.

V. PARTITION REVIEW REQUIRED FINDINGS (16.122 Land Partitions and 16.128 Land Division Design Standards)

Chapter 16.122- Land Partitions

Partitions shall not be approved unless:

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

FINDING: The applicable zoning district are Retail Commercial (RC) and High Density Residential (HDR). The applicable zoning districts and design standards are discussed in this staff report. This standard is met.

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

ANALYSIS: As discussed in detail below, the applicant is required to dedicate right-of-way frontage along SW Langer Drive. Furthermore, an 8-foot Public Utilities Easement (PUE) is required along SW Langer Drive frontage. No other park, floodplain, sanitary sewer, storm water or water supply system dedication is necessary with this project.

FINDING: This criterion is satisfied as conditioned below in Section 16.106.

- C. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land, as determined by the City and are in compliance with City standards. For the purposes of this section:**

- 1. Connection to the City water supply system shall be deemed to be adequate water service.**

ANALYSIS: As discussed in detail below, the existing shopping center on Parcel 1 is served by public water. The proposed eastern parcel, Parcel 2, has access to a nearby public water line within SW Langer Drive.

FINDING: This criterion is satisfied as condition below in Section 16.112.

- 2. Connection to the City sewer system shall be deemed to be adequate sanitary sewer service if sewer lines are within three-hundred (300) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within three-hundred (300) feet.**

ANALYSIS: As discussed in detail below, the existing shopping center on Parcel 1 is served by public sanitary sewer. The proposed eastern parcel, Parcel 2, has access to a nearby public sanitary sewer within SW Langer Drive.

FINDING: This criterion is satisfied as condition below in Section 16.110.

- 3. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.**

ANALYSIS: As discussed in detail below, the existing shopping center on Parcel 1 is served by public storm sewer. The proposed eastern parcel, Parcel 2, has access to a nearby public storm sewer within SW Langer Drive. Both parcels have access to a public street, SW Langer Drive.

FINDING: This criterion is satisfied as condition below in Sections 16.106 and 16.114.

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

FINDING: Neighboring lots to Parcels 1 and 2 are fully developed with existing access from SW Langer Drive. This criterion is met.

E. Future Development Ability

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

FINDING: Both parcels are more than one acre in size. Parcel 1 is fully developed with a retail mall and Parcel 2 will be fully developed once the future multi-family development is built. Future development ability is met.

F. 16.122.030 - Final Partition Plat....

FINDING: The final plat will be submitted and reviewed in accordance with all standards and procedures upon approval of the preliminary plat.

16.122.040 - Future Subdivision Compliance... FINDING:

Not applicable.

G. 16.122.050 - Filing and Recording Requirements

A. Generally

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

B. Time Limit

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

C. Extension

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

CONDITION: A5 Within 12 months of approval of this land partition, the final plat shall be submitted to the County in accordance with final plat standards and/or conditions and all required recording requirements.

Chapter 16.128 - LAND DIVISION DESIGN STANDARDS

16.128.10 - Blocks

A. Connectivity

1. Block Size

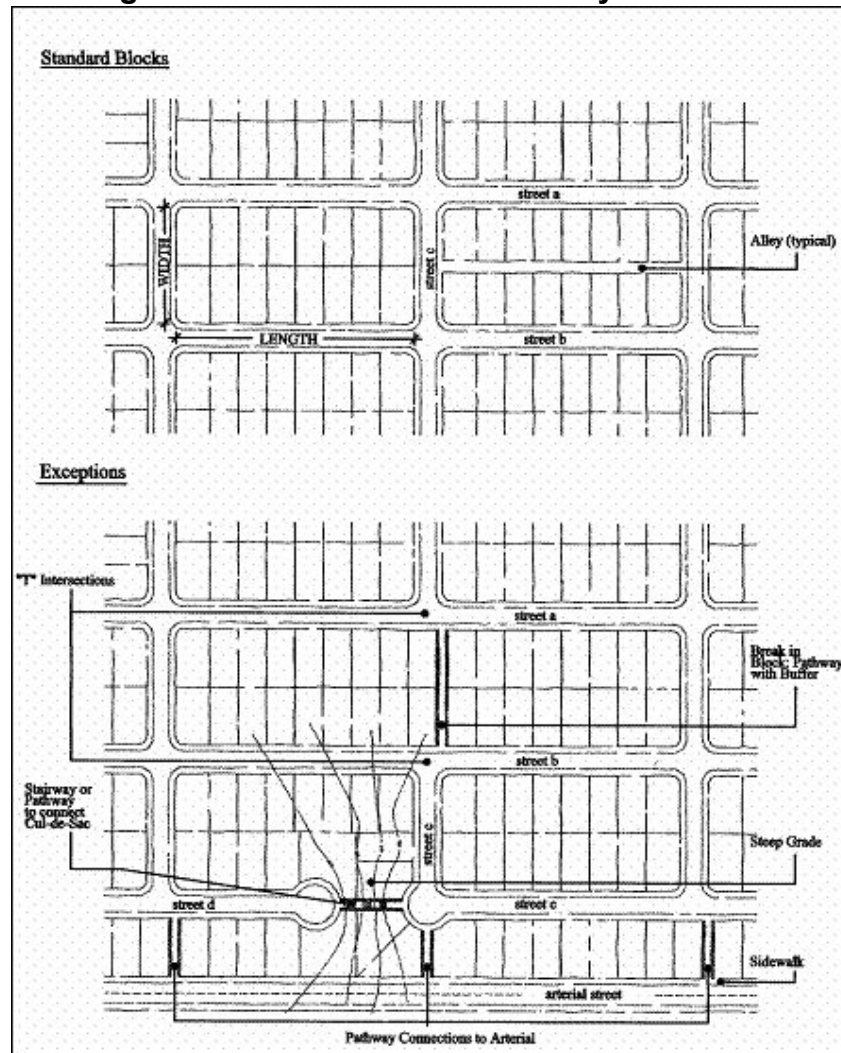
The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.

2. Block Length

Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.

3. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.

Figure 7.401 — Block Connectivity



ANALYSIS: ANALYSIS: The proposal is for a two-lot partition and no new streets or blocks will be created. Access for both parcels are obtained from SW Langer Drive. Parcel 1 is fully developed with a shopping mall and internal sidewalks connects to the public street system. To fully develop Parcel 2 in the future, a site plan land use review will be required, and site access and pedestrian connections will be reviewed then.

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

- B. Utilities Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.**

ANALYSIS: As discussed in detail below, Division VI-Public Improvement, utility easements for sewer, drainage, and water will be dedicated and reflected on the plat. An 8-foot wide

Public ~~Utility~~ Utilities Easement is also required along SW Langer Drive frontage.

FINDING: This standard is met as conditioned under Division IV-Public Improvements.

C. Drainages

Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.

FINDING: Watercourse, drainage ways, or channels are not present on the property. The criteria does not apply.

16.128.020 - Pedestrian and Bicycle Ways

Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.

ANALYSIS: Parcel 1 is fully developed with a shopping mall with internal pedestrian circulation. Parcel 2 development will be required to go through a Site Plan land use review and pedestrian and bicycle circulation will be addressed then.

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

16.128.30 - Lots

A. Size and Shape

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

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

ANALYSIS: The parcels proposed within the two-lot partition are designed to conform to the applicable zoning district requirement. As described in this report, both parcels meet the lot size and shape requirements. Both parcels do will be served by public sewer and water.

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

B. Access

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

ANALYSIS: As shown in the Preliminary Plat both parcels abut a public street (SW Langer Drive).

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

C. Double Frontage

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

FINDING: Based on the Preliminary Plat, Parcel 2 does not have double or reverse frontage. The criterion is not applicable.

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

ANALYSIS: All side lot lines run at right angles, as far as practicable, to SW Langer Drive.

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

E. Grading

Grading of building sites shall conform to the following standards, except when topography of physical conditions warrants special exceptions:

1. Cut slopes shall not exceed one (1) and one-half (1 1/2) feet horizontally to one (1) foot vertically.
2. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

ANALYSIS: The application involves dividing the property into two separate parcel and does not currently include physical site alterations. Parcel 1 has an existing retail mall and Parcel 2 is vacant however, the applicant has stated a land use proposal for site development will be forthcoming. Preliminary site grading design and private and public infrastructure improvements will be reviewed at time of future site plan review for Parcel 2.

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

VI. APPLICABLE CODE PROVISIONS

A. Division II– Land Use and Development

Chapter 16.12 - RESIDENTIAL LAND USE DISTRICTS

16.12.010 Purpose and Density Requirements

16.12.010.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.

16.12.020 Allowed Residential Land Uses

A. Residential Land Uses

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

USES	HDR
• Multi-Family Dwellings	P

ANALYSIS: This proposal is for a zone change, from RC to HDR) and a two-lot partition. The applicant's narrative states that Parcel 2 will ultimately be developed with multi-family housing, a permitted use within the HDR zone. This proposal does not include development on Parcel 2. A Site Plan Land Use Review will be required for the future multi-family and density compliance will be determined then.

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

16.12.030 Residential Land Use Development Standards

C. Development Standards per Residential Zone

Development Standard by Residential Zone-	HDR
Minimum Lot areas: (in square ft.)	
• Multi-Family Dwelling: for the first 2 units	8,000
• Multi-Family Dwelling: each additional unit after first 2	1,500
Minimum Lot width at front property line: (in feet)	25
Minimum Lot width at building line ² : (in feet)	
• Multi-Family dwelling	60
Minimum Lot Depth	80

ANALYSIS: If the zone change from RC to High Density Residential (HDR) is approved, development standards of the HDR would apply. Proposed Parcel 2 is ±3.37 acres in size and has a lot width at least 25 feet and a lot depth of at least 80 feet, meeting the minimum lot dimensions required above. A Site Plan Review will be required for future development of Parcel 2 and specific development standards related to building siting will be reviewed then.

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

16.12.050 - Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply.

FINDING: The site is not within a flood plain; neither this section nor Section 16.134.020 apply to this development. This criterion is not applicable.

Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS

ANALYSIS: Since the retail mall was approved in 1977 and changes to the retail mall are not proposed, the applicable Retail Commercial development standards addresses the proposed partition, creating Parcel 1.

16.22.030 - Development Standards

A. Generally

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Variance and Adjustments)

B. Development Standards

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

	Retail Commercial Standards	Proposed Parcel 1
Lot area	5,000 sq. ft	±9.88 acres
Lot width at front property line	40 ft	±200 ft.
Lot width at building line	40 ft	±200 ft.
Rear yard setback ⁹	0	±10 ft

Chapter 16.70 General Provisions

16.70.010 Pre-Application Conference

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

ANALYSIS: Although not a requirement, the applicant requested and attended a pre-application conference (PAC 2022-007) with City staff on September 29, 2022 to discuss a zone change, partition and developing the property with multi-family dwellings.

16.70.020 Neighborhood Meeting

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

ANALYSIS: The applicant held a neighborhood meeting on January 26, 2023 at the Marjorie Stewart Community Center (21907 SW Sherwood Blvd). One individual signed the Sign-In sheet. As stated in the applicant's narrative, questions were related to proposed development, site access, and limitations of the existing RC zone for multi-family housing.

FINDING: The applicant held a neighborhood meeting on January 26, 2023 and provided the materials along with this application that demonstrate that they complied with the requirements for neighborhood meetings.

B. Division VI – PUBLIC IMPROVEMENTS

STAFF RESPONSE: Engineering staff has reviewed the information provided by the applicant. Final construction plans will need to meet the standards established by the City of Sherwood and Clean Water Services (CWS), in addition to requirements established by other jurisdictional agencies providing land use comments.

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 15.

ANALYSIS: Craig Christensen, City of Sherwood Engineering Department provided the following Transportation comments as reflected in Exhibit B.

As part of the land use zone change submission for the subject property, a memorandum showing that the proposed use for the site will generate less traffic than a commercial development was included. Since no traffic is generated by a partition nor by a zone change, there are no traffic impacts to the public street system that require construction of public improvements at this time.

The subject property has street frontage along SW Langer Drive (Collector Street). The majority of the site has 50 feet of half street right-of-way except the eastern portion which has 33 feet of half street right-of-way. The city standard for a 3-lane collector status street is 38 feet in a residential area. Therefore, the subject development will need to dedicate right-of-

way as necessary to meet a minimum 38-foot half street right-of-way width.

The proposed new eastern parcel, Parcel 2, due to existing driveway layouts along SW Langer Drive, can't have direct access onto SW Langer Drive. Therefore, the subject development will need to provide an access easement(s) as necessary to allow for future vehicular access to the eastern parcel.

FINDINGS: The criteria are not met as discussed above but can be satisfied as conditioned below.

CONDITION OF APPROVAL: B1 Prior to Final Plat, the developer shall dedicate right-of-way along the subject property frontage of SW Langer Drive as necessary for a 38-foot half street right-of-way section meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL: B2 Prior to Final Plat, the developer shall dedicate an 8-foot wide PUE along the subject property frontage of SW Langer Drive meeting the approval of the Sherwood Engineering Department unless otherwise approved by the City Engineer.

CONDITION OF APPROVAL: B3 Prior to Final Plat, the developer shall dedicate/obtain a private access easement(s) to the benefit of the proposed Parcel 2 for vehicular access to SW Langer Drive meeting the approval of the Sherwood Engineering Department.

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.

ANALYSIS: No development is proposed with this application. This criterion is satisfied as discussed and conditioned above.

C. Proposed Streets

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

ANALYSIS: No development is proposed with this application. This criterion is satisfied as discussed and conditioned above.

D. Extent of Improvements

1. Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards. Streets shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicant may be required to dedicate land for required public improvements only when the exaction is directly related to and roughly proportional to the impact of the development, pursuant

to Section 16.106.090.

ANALYSIS: No development is proposed with this application. This criterion is satisfied as discussed and conditioned above.

2. If the applicant is required to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist, as determined by the City:
 - a. A partial improvement is not feasible due to the inability to achieve proper design standards;
 - b. A partial improvement may create a potential safety hazard to motorists or pedestrians.
 - c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;
 - d. The improvement would be in conflict with an adopted capital improvement plan;
 - e. The improvement is associated with an approved land partition on property zoned residential use and the proposed land partition does not create any new streets; or
 - f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project that would contribute only a minor portion of the anticipated future traffic on the street.

ANALYSIS: The applicant is not required to provide street improvements at this time. Therefore, these criteria are not applicable.

16.110 – SANITARY SEWERS

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

ANALYSIS: The following items have been identified from the application submittal:

Currently, the existing shopping center on Parcel 1 is served by public sanitary sewer. The proposed eastern parcel, Parcel 2, has access to a nearby public sanitary sewer within SW Langer Drive.

Since both new parcels have public sanitary sewer service or access to public sanitary sewer service, there are no public sanitary sewer extensions necessary as a result of this land use unless otherwise required by Clean Water Services (CWS).

Currently, there is an 8-inch diameter public sanitary sewer within the southwest corner of the subject property. This public sanitary sewer will need a public sanitary sewer easement dedicated to the city of Sherwood.

FINDING: The applicant does not meet this standard but can as conditioned below.

CONDITION OF APPROVAL: B4 Prior to Final Plat, any public sanitary sewer located within the subject property that is not within a public sanitary sewer easement shall have a public sanitary sewer easement dedicated to the city of Sherwood meeting the approval of the Sherwood Engineering Department.

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.

Currently, the existing shopping center on Parcel 1 is served by public water. The proposed eastern parcel, Parcel 2, has access to a nearby public water line within SW Langer Drive. Since both new parcels have public water service or access to public water service, there are no public water line extensions necessary as a result of this land use.

Currently, there is an 8-inch diameter public water main west of the commercial building within private property. This public water line will need a public water line easement dedicated to the City of Sherwood.

Currently, there is a 6-inch diameter fire line east of the commercial building within private property. A backflow device within a vault shall be installed on this water line as near as possible to the public right-of-way. Fire line beyond this new backflow will be privately owned. This water line will need a public water line easement dedicated to the city of Sherwood.

FINDING: The applicant does not meet this standard but can as conditioned below.

CONDITION OF APPROVAL: C1 Prior to Approval of the Engineering Public Improvement Plans, a backflow device within a vault shall be installed on the existing water line east of the existing commercial building meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL: B5 Prior to Final Plat, any public water line located within the subject property that is not within a public water line easement shall have a public water line easement dedicated to the city of Sherwood meeting the approval of the Sherwood Engineering Department.

16.114 – STORM WATER

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

ANALYSIS: The following items have been identified from the applicant's submittal:

Currently, the existing shopping center on Parcel 1 is served by public storm sewer. The proposed eastern parcel, Parcel 2, has access to a nearby public storm sewer within SW Langer Drive. Since both new parcels have public storm sewer service or access to public storm sewer service, there are no public storm sewer extensions necessary as a result of this land use unless otherwise required by Clean Water Services (CWS).

Currently, there is an 18-inch diameter public storm sewer within the southwest corner of the subject property. This public storm sewer will need a public storm sewer easement dedicated to the City of Sherwood.

Currently, there are two catch basins within SW Langer Drive that have storm sewer piping that connects to on-site private storm sewer piping. This public storm sewer will need a public storm sewer easement dedicated to the City of Sherwood. Also, the private storm sewer on-site receiving storm runoff from these catch basins will need a public drainage easement dedicated to the City of Sherwood to allow for this storm runoff conveyance.

No new/modified impervious area is part of this land use application, therefore no conditions for water quality/hydro-modification facilities is required at this time unless otherwise conditioned by CWS.

The applicant included a CWS Pre-Screening Site Assessment dated September 8, 2022 (Case File No. 22-002509) stating that the project will not significantly impact the existing or potentially sensitive area(s) found near the site, see **applicant's Exhibit F**. Furthermore, Jackie Humphreys memorandum dated April 11, 2023, reviewed the proposal, and requires a CWS Storm Water Connection Permit Authorization prior to plat approval and recordation. **Exhibit C**

FINDING: The applicant does not meet this standard but can as conditioned below.

CONDITION OF APPROVAL: B6 Prior to Final Plat, any private storm sewer lines within the subject property receiving water from a public catch basin shall have a public storm drainage easement dedicated to the city of Sherwood meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL: B7 Prior to Final Plat, any public storm sewer located within the subject property that is not within a public storm sewer easement shall have a public storm sewer easement dedicated to the city of Sherwood meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL: B8 Prior to Final Plat, a CWS Storm Water Connection Permit Authorization shall be obtained.

CONDITION OF APPROVAL: B9 9 Prior to Final Plat, an Engineering Compliance Agreement shall be executed between the developer and the City of Sherwood.

16.116 FIRE PROTECTION

16.116.010 Required Improvements

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

ANALYSIS: The applicant provided a Service Provider Permit from TVF&R, No. 2023-0027 dated March 8, 2023, **applicant's Exhibit K**. The proposed partition was approved by Jason Arn, Deputy Fire Marshall.

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

16.118 PUBLIC AND PRIVATE UTILITIES

16.118.010 Purpose

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

16.118.020 Standard

- A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.
- B. Public utility easements shall be a minimum of eight (8) feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.

ANALYSIS: There are currently overhead utility lines along the subject property frontage, however, since no site development is occurring at this time, undergrounding of the overhead utilities is not required.

Since the subject development does not include land use for a site plan, no Sherwood Broadband improvements will be required at this time.

FINDING: Based on the analysis above, these standards will be met when a land use application is submitted and is reviewed for compliance with this standard.

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 Zone Change and Partition does not fully comply with the standards but can be conditioned to comply.

Therefore, staff recommends **APPROVAL** of Sherwood Plaza Zone Change and Minor Land Division Land Use Application (Case File No: LU 2023-005 PA/MLP) with the following conditions of approval:

VII. CONDITIONS OF APPROVAL

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. This land use approval shall substantially comply with the submitted preliminary site plans and narrative dated March 23, 2023 and prepared by AKS Engineering & Forestry, except as indicated in the following conditions of the Notice of Decision.
3. The developer/owner/applicant is responsible for all costs associated with private/public facility improvements.
4. 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.
5. Within 12 months of approval of this land partition, the final plat shall be submitted to the County in accordance with final plat standards and/or conditions and all required recording requirements.

B. Prior to Recording of Final Plat

1. Prior to Final Plat, the developer shall dedicate right-of-way along the subject property frontage of SW Langer Drive as necessary for a 38-foot half street right-of-way section meeting the approval of the Sherwood Engineering Department.
2. Prior to Final Plat, the developer shall dedicate an 8-foot wide PUE along the subject property frontage of SW Langer Drive meeting the approval of the Sherwood Engineering Department unless otherwise approved by the City Engineer.
3. Prior to Final Plat, the developer shall dedicate/obtain a private access easement(s) to the benefit of the proposed Parcel 2 for vehicular access to SW Langer Drive meeting the approval of the Sherwood Engineering Department.
4. Prior to Final Plat, any public sanitary sewer located within the subject property that is not within a public sanitary sewer easement shall have a public sanitary sewer easement dedicated to the city of Sherwood meeting the approval of the Sherwood Engineering Department.
5. Prior to Final Plat, any public water line located within the subject property that is not within a public water line easement shall have a public water line easement dedicated to the city of Sherwood meeting the approval of the Sherwood Engineering Department.
6. Prior to Final Plat, any private storm sewer lines within the subject property receiving water from a public catch basin shall have a public storm drainage easement dedicated to the city of Sherwood meeting the approval of the Sherwood Engineering Department.
7. Prior to Final Plat, any public storm sewer located within the subject property that is not within a public storm sewer easement shall have a public storm sewer easement dedicated to the city of Sherwood meeting the approval of the Sherwood Engineering Department.
8. Prior to Final Plat, a CWS Storm Water Connection Permit Authorization shall be obtained.
9. Prior to Final Plat, an Engineering Compliance Agreement shall be executed between the developer and the City of Sherwood.

C. Prior to Engineering Plan Approval of the Public Improvement Plans:

1. Prior to Approval of the Engineering Public Improvement Plans, a backflow device within a vault shall be installed on the existing water line east of the existing commercial building meeting the approval of the Sherwood Engineering Department.

VIII. Exhibits

- A. Applicant's submittal with narrative and supporting documents dated March 23, 2023
- B. Engineering comments dated April 23, 2019
- C. Clean Water Services comments dated April 11, 2023
- D. ODOT comments dated April 12, 2019



March 23, 2023

Joy Chang, Senior Planner
 Planning Department
 City of Sherwood
 22560 SW Pine Street
 Sherwood, OR 97140

**RE: Sherwood Plaza Apartments, Zone Change and Partition
 Case File LU 2023-005 PA / MLP – Completeness Review**

Dear Joy,

Thank you for reviewing the Zone Change and Partition application for the Sherwood Plaza Apartments. This letter and accompanying information respond to your request for additional information that we received in the letter dated March 14, 2023 (attached). The list of additional information requested is shown below in italics, with the Applicant's response directly below.

Required Information

1. *Existing Conditions Plan – The application has included an existing conditions plan. The existing conditions plan needs to show the public water line and easements. Furthermore, the plans need to show any sanitary sewer easements within the property to the east.*

Response: As discussed with engineering staff, the offsite public water and sanitary sewer lines described above were not able to be field located and do not appear to be within public utility easements (i.e. only a 30-foot public ingress-egress easement is shown). An as-built request form was submitted to the City on March 21 and staff provided the Sunfield Lakes Apartments Water and Sanitary Sewer Plans dated June 6, 1996 (i.e. as-builts were not found). The Existing Conditions Plan (Exhibit A) has been updated to show the items above, as described in Note 7. It is worth noting feasible connection to public services is planned to be made on the north side of the site along SW Langer Drive, as discussed in the application materials. All of the requested information has been provided.

2. *Transportation – Of any access easements are necessary through Parcel 1 of the partition, add to the preliminary partition plan.*

Response: Please see the Preliminary Partition Plan (Exhibit A) updated to show a proposed access easement through Parcel 1. All of the requested information has been provided.

3. *Water – Show the public water line that is located within the property to the east of the subject property.*

Response: As discussed with engineering staff, the offsite public water and sanitary sewer lines described above were not able to be field located and do not appear to be within public utility easements (i.e. only a 30-foot public ingress-egress easement is shown). An as-built request form was submitted to the City on March 21 and staff provided the Sunfield Lakes Apartments Water and Sanitary Sewer Plans dated June 6, 1996 (i.e. as-builts were not

found). The Existing Conditions Plan (Exhibit A) has been updated to show the items above, as described in Note 7. It is worth noting feasible connection to public services is planned to be made on the north side of the site along SW Langer Drive, as discussed in the application materials. All of the requested information has been provided.

Advisory Comments

4. *Economic Needs Analysis (Exhibit G) and the Narrative – Staff has reviewed the applicant's Economic Needs Analysis and compared the data to the Adopted HNA. Some of the data quoted are incorrect. The analysis and narrative needs to be updated with the correct data. See attached Ordinance 2020-010 Adopted HNA pages 41-42.*

Response: Please see the updated Economic Needs Analysis (Exhibit G) and revised narrative reflecting the comment above. All of the requested information has been provided.

Thank you for your review of the updated materials for the Zone Change and Partition application involving the Sherwood Plaza Apartments site. With this information, we believe the application is now complete. Due to project time constraints, we respectfully request, per Oregon Revised Statute (ORS) 227.178(2)(a), below, that the subject application be deemed complete with this resubmittal so that the land use review process may proceed.

If you have any questions, please contact me at (503) 563-6151. We appreciate your assistance in reviewing our application.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC



Marie Holladay, Land Use Planner
12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151 | holladaym@aks-eng.com

Attachments: Case File LU 2023-005 PA / MLP – Completeness Review (letter dated March 14, 2023)
Updated Zone Change and Partition Land Use Application (ten copies)

- Updated Written Narrative
- Updated Exhibit A – Preliminary Plans
- Updated Exhibit G – Economic Need Analysis
- Updated Exhibit K – Tualatin Valley Fire & Rescue Service Provider Letter
 - o Dated March 8, 2023 and submitted to the City on March 9, 2023





City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.sherwoodoregon.gov

Mayor
Tim Rosener

Council President
Keith Mays

Councilors
Renee Brouse
Taylor Giles
Doug Scott
Dan Standke
Kim Young

City Manager
Keith Campbell

March 14, 2023

Applicant/Owner
Six Corners LLC
121 SW Morrison Road, Suite 600
Portland OR 97204

Applicant's Representative
Marie Holladay, AKS Engineering & Forestry LLC
12965 SW Herman Rd, Suite 100
Tualatin, OR 97062

RE: Sherwood Plaza Apartments, Zone Change and Partition
Case File LU 2023-005 PA / MLP - Completeness Review

This letter is to confirm that the City received your application for a Plan Amendment (Zone Change) and Partition Reviews on February 20, 2023. A review by staff has determined that your application is **incomplete** at this time. Please provide the following for staff to deem the application complete and schedule this matter for a hearing.

Sherwood Engineering Department reviewed your application and deemed the application incomplete per comments dated March 7, 2023 (attached).

- **Existing Conditions Plan** -The application has included an existing conditions plan. The existing condition plans needs to the public water line and easements. Furthermore, the plans need to show any sanitary sewer easement within the property to the east.
- **Transportation** – Of any access easements are necessary through Parcel 1 of the partition, add to preliminary partition plan.
- **Water** – Show the public water line that is located within the property to the east of the subject property.

While not specifically a completeness issue, the following must be addressed to comply with City requirements:

- **Economic Needs Analysis (Exhibit G) and the Narrative** – Staff has reviewed the applicant's Economic Needs Analysis and compared the data to the Adopted HNA. Some of the data quoted are incorrect. The analysis and narrative needs to be updated with the correct data. See attached Ordinance 2020-010 Adopted HNA pages 41-42.

Once your application is complete, we will schedule this matter for a hearing. Note that once the application is deemed complete, the applicant will need to provide ten (10) folded sets of the application along with one full electronic copy of the application including all associated materials at least 14 days prior to the scheduled hearing date.

If you have any questions, please contact me at 503-625-4214 or changj@sherwoodoregon.gov.

In accordance with ORS 227.178(2) your application will be deemed complete once we have received:

1. All of the missing information noted; or
2. Some of the missing information and written notice that no additional information will be provided; or
3. Written notice that no additional information will be provided.

Please note that you have 180-days from the date of this letter to bring your application into completeness or the application becomes void per ORS 227.178(4).

Sincerely,



Joy L. Chang, Senior Planner
City of Sherwood

Attachments: Engineering Department Completeness Review Comments
Ordinance 2020-010 Adopted HNA Pages 41-42

CC: Craig Christensen, Engineering Department
Case File

Engineering Department Land Use Application Completeness Review Comments



Home of the Tualatin River National Wildlife Refuge

To: Joy Chang, Senior Planner
From: Craig Christensen P.E., Civil Engineer
Project: Sherwood Plaza Apartments LU 2023-005
Date: March 7, 2023

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

Engineering Department – Overall Completeness Review Decision

Based on the individual public infrastructure reviews listed below, the LU submittal for the Sherwood Plaza Apartments (LU 2023-005) is **deemed incomplete** at this time.

General Description

The subject site has consists of 1 parcel with an existing retail center on the western portion. The parcel is approximately 13.26 acre in size. The proposed work is to partition the eastern portion of the parcel (approximately 3.37 acres) and rezone for a future apartment complex.

Existing Conditions Plan

The application has included an existing conditions plan. There is an existing public water line within the property to the east of the subject property that has a 2-inch service line extending to the subject property that is not show on the existing conditions plan. **Show the public water line and easement.** There is a public sanitary sewer within the property east of the subject property. The existing conditions plan does not show a public easement around this manhole that would allow for extension/connection of the sanitary sewer to the subject property. **Show any sanitary sewer easement within the property to the east.**

Review and Conclusion: For the purposes of the Existing Condition Plan section, the application is **deemed incomplete** for Engineering LU review.

Grading and Erosion Control

The application has not included a grading plan and erosion control plan, however since site development is not part of this application these plans are not needed.

Review and Conclusion: For the purposes of Grading and Erosion Control, the application is **deemed complete** for Engineering LU review.

Transportation

Currently the proposed parcel 2 (future apartments) shows having right of access from the driveway within the property to the east via an existing easement. It appears from some of the sheets submitted that the future apartment complex on parcel 2 will obtain access through parcel 1. No easement(s) are shown on the preliminary partition plat to convey this access. A trip analysis has been submitted by the applicant showing that a residential use will produce

less traffic than a retail development. If any access easements are necessary through parcel 1 of the partition, add to preliminary partition plan.

Review and Conclusion: For the purposes of the Transportation section, the application is deemed incomplete for Engineering LU review.

Sanitary Sewer

The proposed new parcel has no public sanitary sewer along its frontage, however, there is a nearby sanitary sewer within SW Langer Drive that is approximately 30 feet from the eastern property line of the subject property.

Review and Conclusion: For the purposes of the Sanitary Sewer section, the application is deemed complete for Engineering LU review.

Storm Sewer

The existing conditions plan show that a public storm sewer exists along the subject property frontage of SW Langer Drive.

Review and Conclusion: For the purposes of the Storm Sewer section, the application is deemed complete for Engineering LU review.

Water

The existing conditions plan show that a public water line exists near the northwest corner of the subject property frontage of SW Langer Drive. Show the public water line that is located within the property to the east of the subject property.

Review and Conclusion: For the purposes of the Water section, the application is deemed incomplete for Engineering LU review.

Natural Resources

A Clean Water Services Service Provider Letter has been included in the application.

Review and Conclusion: For the purposes of the Natural Resources section, the application is deemed complete for Engineering LU review.

POTENTIAL GROWTH IN SHERWOOD WEST

Development capacity in Sherwood West will vary from 3,300 to 6,500 dwelling units. The Concept Plan will begin to identify housing types and development scenarios that fit with the community's vision for Sherwood West and that are possible, given likely development and infrastructure costs

The Concept Planning work for Sherwood West is ongoing. The results of the Concept Planning work and later concept and master planning phases will determine more precisely the type and amount of housing in Sherwood West. Table 10 presents estimates of capacity in Sherwood West based on a range of density assumptions, from an average of 6.0 to 12.0 dwelling units per acre. The purpose of the information in Table 10 is to provide some idea of potential development capacity in Sherwood West.

The timing of development in Sherwood West is being discussed through the Concept Planning process. A number of factors will affect the timing of development in Sherwood West, such as when the area is brought into the Metro UGB, provisions of services, and future concept planning for the area. Sherwood West may not be fully built out until 2065. The areas expected to develop first in Sherwood West are Areas A, B, and a portion of C in the Concept Plan, which are located in the southeast part of Sherwood West, adjacent to the Brookman Area. The Sherwood School District has plans to develop a high school in Area A in the next few years.

Table 10. Potential residential development capacity, Sherwood West

	Dwelling Units	Notes
Estimate of Buildable Land		
Gross Acres	670	
Net Acres	546	We assumed an average net-to-gross factor of 18.5% for rights-of-way, regardless of parcel size.
Potential Capacity based on Density Assumptions		
Required average from OAR 660-007 - 6 DU/net acre	3,276	Under this assumption, Sherwood West would be primarily built-out with single-family detached housing. Given Sherwood's historical development densities and the City's requirement to provide opportunity that half of new development is single-family attached and multifamily, this density seems too low for Sherwood West. Issues related to costs of services and development density will be discussed in the pre-concept planning process (and again in the concept planning process) may indicate that this density assumption is too low to support development costs for Sherwood West.
Historical Development Density* - 7.8 DU/net acre	4,259	Issues related to costs of services and development density will be discussed in the pre-concept planning process (and again in the concept planning process) may indicate that this density assumption is too low to support development costs for Sherwood West.
10 DU/net acre	5,460	Metro's forecast for capacity in Sherwood West (4,844) would be accommodated at an average of 10 dwelling units per acre, with some additional capacity for other development.
12 DU/net acre	6,552	

Source: Buildable Lands Estimate from OTAK and analysis by ECONorthwest

*Note: Historical Development Density includes only development in residential zones over the 2000-2014 period.

CONCLUSIONS AND RECOMMENDED OPTIONS

The key findings and recommendations from the housing needs analysis are as follows:

Sherwood is able to accommodate 65% of the forecast for growth within the Sherwood Planning Area.

- **Sherwood is able to meet state requirements for housing mix and density.** The City's primary obligations are to (1) designate land in a way that 50% of new housing could be either multifamily or single-family attached housing (e.g., townhouses) and (2) achieve an average density of six dwelling units per net acre. Put another way, the City is required to plan that 50% of their new housing will have the opportunity to be multifamily or single-family attached housing (e.g., townhouses), with all housing at an average density of 6 dwelling units per net acre. Sherwood is able to meet these requirements.
- **Sherwood is meeting its obligation to plan for needed housing types for households at all income levels.** Sherwood's residential development policies include those that allow for development of a range of housing types (e.g., duplexes, manufactured housing, and apartments) and that allow government-subsidized housing. This conclusion is supported by the fact that Metro's 2016 *Compliance Report* concluded that Sherwood was in compliance with Metro Functional Plan and Title 7 (Housing Choice). Sherwood will have an ongoing need for providing affordable housing to households with all income levels.
- **Sherwood has a deficit of land for housing.** Sherwood can accommodate about 65% of the forecast for new housing on areas within the city limits and Brookman Area. However, Sherwood has a deficit of land for 608 dwelling units. The largest deficits are in Medium Density Residential-Low (154 dwelling units), Medium Density Residential-High (252 dwelling units), and High Density Residential (145 dwelling units).
- **To provide adequate supply, Sherwood will need to continue to annex the Brookman area.** Sherwood will need to continue to annex the Brookman area in order to accommodate the City's forecast of residential growth. The City recently annexed about 98 acres in the Brookman Area. The annexed land is in the center of the Brookman Area and has relatively few owners (about 8 property owners). Annexing and developing other parts of the Brookman area, with a larger number of owners, may be more challenging, to the extent that the property owners have to come to agreement about development.
- **Sherwood will need Sherwood West to accommodate future growth beyond the existing city limits and Brookman Area.** The growth rate of Metro's forecast for household growth (1.1% average annual growth) is considerably lower than the City's historical population growth rate over the last two decades (8% average annual growth). Metro's forecast only includes growth that can be accommodated with the Sherwood Planning area, which does not include Sherwood West.

Sherwood Plaza Apartments Partition and Zone Change Application

Date: *Updated* March 2023

Submitted to: City of Sherwood
Planning Department
22560 SW Pine Street
Sherwood, OR 97140

Applicant: Six Corners, LLC
121 SW Morrison Street, Suite 600
Portland, OR 97204

AKS Job Number: 9539



12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151

Table of Contents

I. Executive Summary.....2

II. Site Description/Setting2

III. Background Information3

IV. Applicable Review Criteria3

FINDINGS FOR TRANSPORTATION PLANNING RULE COMPLIANCE 3

 OAR 660-012-0060..... 3

CITY OF SHERWOOD 2040 COMPREHENSIVE PLAN..... 6

 Strategic and Collaborative Governance 6

 Attractive and Attainable Housing..... 7

SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE 9

 Title 16 - Zoning and Community Development Code..... 9

 Division II. - LAND USE AND DEVELOPMENT..... 9

 Chapter 16.12 - RESIDENTIAL LAND USE DISTRICTS 9

 Division III. - ADMINISTRATIVE PROCEDURES 11

 Chapter 16.70 - GENERAL PROVISIONS 11

 Chapter 16.72 - PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS 12

 Division IV. - PLANNING PROCEDURES..... 14

 Chapter 16.80 - PLAN AMENDMENTS..... 14

 Division VI. - PUBLIC INFRASTRUCTURE 16

 Chapter 16.106 - TRANSPORTATION FACILITIES..... 16

 Chapter 16.108 - IMPROVEMENT PLAN REVIEW 20

 Chapter 16.110 - SANITARY SEWERS 21

 Chapter 16.112 - WATER SUPPLY* 21

 Chapter 16.114 - STORM WATER* 22

 Chapter 16.116 - FIRE PROTECTION* 22

 Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES 23

 Division VII. - LAND DIVISIONS, SUBDIVISIONS, PARTITIONS, LOT LINE ADJUSTMENTS AND MODIFICATIONS..... 24

 Chapter 16.122 - LAND PARTITIONS 24

 Chapter 16.128 - LAND DIVISION DESIGN STANDARDS..... 27

V. Conclusion29

Tables

Table 1: Description of Surrounding Area 3

Exhibits

- Exhibit A [*Updated March 2023*]: Preliminary Plans
- Exhibit B: City of Sherwood Land Use Application Forms & Checklists
- Exhibit C: Washington County Assessor’s Map
- Exhibit D: Title Insurance Policy
- Exhibit E: Transportation Documentation
- Exhibit F: Clean Water Services (CWS) Service Provider Letter
- Exhibit G [*Updated March 2023*]: Economic Need Analysis
- Exhibit H: Mailing Labels
- Exhibit I: Pre-Application Conference Notes
- Exhibit J: Neighborhood Meeting Documentation
- Exhibit K [*Updated March 2023*]: Tualatin Valley Fire & Rescue (TVF&R) Service Provider Letter

Sherwood Plaza Apartments

Partition and Zone Change Application

Submitted to:	City of Sherwood Planning Department 22560 SW Pine Street Sherwood, OR 97140
Applicant/ Property Owner:	Six Corners, LLC 121 SW Morrison Street, Suite 600 Portland, OR 97204
Applicant's Consultant:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062 Contact: Marie Holladay Email: holladaym@aks-eng.com Phone: (503) 563-6151
Applicant's Transportation Consultant:	Kittelson & Associates, Inc. 851 SW 6 th Avenue, Suite 600 Portland, OR 97204 Contact: Chris Brehmer Email: cbrehmer@kittelson.com Phone: (503) 228-5230
Applicant's Land Use Economics Consultant:	Johnson Economics 621 SW Alder Street Portland, OR 97205 Contact: Brendan Buckley Email: bwb@johnsoneconomics.com Phone: (503) 295-7832
Site Location:	16440 SW Langer Drive
Washington County Assessor's Map:	2S129CB, Tax Lot 400
Site Size:	±13.25 total acres
City Zoning:	Existing: Retail Commercial (RC) Future: High Density Residential (HDR)

I. Executive Summary

This land use application for Partition and Zone Change is submitted on behalf of Six Corners, LLC (Applicant) to facilitate the development of needed housing. The subject property is within Sherwood and is located south of Oregon Route (OR) 99W and northeast of SW Sherwood Boulevard, more specifically addressed 16440 SW Langer Drive. The site is currently zoned Retail Commercial (RC), totals ± 13.25 acres in size, and is improved with the Sherwood Plaza shopping mall and associated commercial entities. The ± 3.37 -acre eastern portion of the site is vacant and envisioned for a Zone Change to High Density Residential (HDR) to provide multi-family homes. As such, this project involves a Partition to divide the vacant site area from the remainder of the improved property and a Type V Plan Map Amendment (from RC to HDR).

This Partition application will divide the property into two parcels, matching the site plan boundary for future needed housing. The Partition is intended to facilitate an ownership transaction to help fund site and infrastructure improvements associated with the residential project. However, this application does not include alterations to the site or the construction of improvements. Therefore, after the Partition is completed, the site's physical appearance will remain the same. A conceptual site plan is included to illustrate a potential multi-family residential layout and demonstrate the site is planned to serve a diverse housing market. As designed, the community is anticipated to provide a variety of housing types including upper-floor and ground-level one-, two-, and three-bedroom units to accommodate future residents at an array of incomes. The thriving neighborhoods adjacent to the subject site demonstrate this area is a suitable location for homes within proximity to walkable retail amenities and service establishments available to nearby residents. The City of Sherwood (City) will benefit from the addition of needed housing and residential infill this project will ultimately provide.

This application is consistent with the relevant goals and policies within the December 2021 City of Sherwood *Comprehensive Plan* and satisfies the City of Sherwood Zoning and Community Development Code (SZCDC). This application includes the City application forms, written materials, and preliminary plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence supports the City's approval of the application.

II. Site Description/Setting

The subject property (Tax Lot 400 of Washington County Assessor's Map 2S129CB) is ± 13.25 acres and located along SW Langer Drive south of OR 99W and north of SW Sherwood Boulevard. The property is currently zoned Retail Commercial (RC) district and is improved with the Sherwood Plaza shopping mall and associated commercial entities. The ± 3.37 -acre east side of the property is vacant, currently a grassy field, and envisioned for a Zone Change to High Density Residential (HDR). The properties surrounding the subject site are characterized in the table below.

Table 1: Description of Surrounding Area

Area	Jurisdiction	Zoning	Land Uses
North	City of Sherwood	Retail Commercial (RC)	Retail shops, restaurants, fast-food, service stations, etc.
East	City of Sherwood	High Density Residential Planned Unit Development (HDR-PUD)	Attached townhomes, apartment complex, etc.
South	City of Sherwood	High Density Residential Planned Unit Development (HDR-PUD)	Congregational care facility, apartment complex, etc.
		Retail Commercial Planned Unit Development (RC-PUD)	
West	City of Sherwood	Retail Commercial (RC)	Service stations, salon, medical facility, etc.

III. Background Information

This property has been the subject of previous land use permits over the years. Most relevantly, a site plan review (Sherwood Local File No. SP16-04) for the Sherwood Plaza Apartments was approved in July 2016. At that time, the proposal included an ±82-unit apartment complex located behind (east of) the Sherwood Plaza building and commercial entities. Although SP16-04 was approved with conditions, the site plan approval expired in 2018, and the ±3.3-acre property remains vacant. Since that time, transportation improvements along SW Langer Drive and the OR 99W right-in/right-out access road were implemented as part of a City-initiated project, including Americans with Disabilities Act (ADA) improvements and a pedestrian crosswalk.

IV. Applicable Review Criteria

FINDINGS FOR TRANSPORTATION PLANNING RULE COMPLIANCE

Response: Oregon Administrative Rules (OAR) Chapter 660, Division 12, is the Transportation Planning Rule (TPR) adopted by the Land Conservation & Development Commission (LCDC). The TPR implements Goal 12, Transportation, and is an independent approval standard in addition to Goal 12 for map amendments. OAR 660-012-0060(1) and (2) apply to amendments to acknowledged maps, and applies to this application's Plan Map Amendment.

The TPR requires a two-step analysis. First, under OAR 660-012-0060(1), the Applicant must determine if the application has a "significant affect," as that term is defined in OAR 660-012-0060(1). The City may rely on transportation improvements found in transportation system plans (TSPs), as allowed by OAR 660-012-0060(3)(a), (b), and (c), to show that failing intersections are not made worse or intersections not now failing will not fail. If there is a "significant affect," then the Applicant must demonstrate appropriate mitigation under OAR 660-012-0060(2), et seq.

OAR 660-012-0060

- (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
 - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
 - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.
- (2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.
- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
 - (c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
 - (d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.
 - (e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:
 - (A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;

- (B) The providers of facilities being improved at other locations provide written statements of approval; and
- (C) The local jurisdictions where facilities are being improved provide written statements of approval.

Response: As described in the Transportation Documentation prepared by Kittelson & Associates, Inc. (Exhibit E), this application will comply with OAR 660-012-0060 (1) and (2) because the change in zoning will result in a decrease in potential trip generation. Please refer to Exhibit E for further information. Therefore, the criteria are met.

- (4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.
 - (a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.
 - (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:
 - (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.
 - (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.
 - (C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.
 - (D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.
 - (E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.
 - (c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:
 - (A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on

- the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or
- (B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.
- (d) As used in this section and section (3):
- (A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;
- (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and
- (C) Interstate interchange area means:
- (i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or
- (ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.
- (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

Response: This section of the TPR requires coordination with affected transportation service providers. The City provides the roads that directly serve the subject property. The City TSP designates SW Langer Drive as a Collector facility. The roadway is under the jurisdiction of the City of Sherwood. The Applicant met with City staff prior to submitting this application to discuss the effect of the application on City roads. The City will ensure coordination of the application with the applicable transportation providers (e.g. Washington County, TriMet, Oregon Department of Transportation [ODOT], etc.) as required by ORS 197.015 by providing timely notice of this application, allowing comment on the application, and including the comments as is reasonable in the decision. Therefore, the criteria of OAR 660-012-0060 (4) are met. For additional information, please refer to the Transportation Documentation (Exhibit E).

CITY OF SHERWOOD 2040 COMPREHENSIVE PLAN

Response: The eastern portion of the site is currently designated Retail Commercial (RC) district. Pursuant to SZCDC Section 16.80.030(B)(1), the following responses and findings address the City of Sherwood *Comprehensive Plan* Policies and are intended for consideration in the Type V Plan Map Amendment to replace the RC zoning designation with HDR on the eastern ±3.37-acre portion of the property.

Strategic and Collaborative Governance

- Goal 1** Coordinate with adjacent jurisdictions, local service provides and regional and state governmental agencies to manage growth and development in Sherwood.

POLICY 1.3 Routinely verify whether the City's supply of developable land is sufficient to meet short- and long-term employment and housing needs and coordinate with Metro and Washington County to request additional lands for urbanization when Sherwood's growth areas will not accommodate the 20-year projected demand for employment and/or housing.

Response: This project involves a Type V Plan Map Amendment from RC to HDR. As demonstrated in the Economic Need Analysis prepared by Johnson Economics, Inc. (Exhibit G), the City's supply of HDR land is insufficient to meet housing needs. This application will rezone ± 3.37 acres of commercial land to provide additional residential land for multi-family residential homes. Therefore, the application is consistent with Goal 1 and Policy 1.3 above.

Goal 3 Ensure that the rate, amount, type, location and cost of new development will preserve and enhance Sherwood's quality of life so that it is accessible to all community members.

POLICY 3.2 Designate land uses in a manner that accommodates projected population and employment growth and ensure development is consistent and compatible with the community's needs and resources.

Response: The subject site's location and geometry/configuration present challenges to retail use in terms of visibility, access, and effective site planning. As such, this application plans to redesignate ± 3.37 acres of commercial land for residential use to accommodate new housing. This project will ensure that the cost of new development at this location is consistent with the surrounding area and compatible with the community's needs for additional housing, as discussed in Economic Need Analysis (Exhibit G). Therefore, this application supports Goal 3 and Policy 3.2, above.

Attractive and Attainable Housing

Goal 1 Preserve and enhance the character of existing neighborhoods.

POLICY 1.1 Plan for a 20-year supply of suitable land for Sherwood to meet housing needs.

Response: The Sherwood 2018 *Housing Needs Analysis* (HNA) identified a significant shortage of residential land capacity across all zoning categories. According to the Economic Need Analysis (Exhibit G), "the HDR zone was found to have land capacity for 253 housing units, vs. a 20-year demand for 398 units." Upon approval, this application will add ± 3.37 acres of land to the HDR zoning district, accommodating a range of approximately 56 to 80 units at a density of 16 to 24 units per acre. Therefore, this application will aid Sherwood's 20-year supply of land needed for housing. Goal 1 and Policy 1.1 are satisfied.

POLICY 1.2 Identify opportunities to address land deficits shown in the Housing Needs Analysis within the existing city limits.

Response: The HNA asserts "Sherwood can accommodate about 65 percent of the forecast for new housing on areas within the City limits and Brookman Planning Area." The subject site is within Sherwood's existing city limits and the eastern ± 3.37 -acre portion of the site is starkly vacant in contrast to the surrounding area, as illustrated on the Preliminary Plans (Exhibit A). The HNA also acknowledges "if the City wants more multifamily housing growth in core areas of Sherwood, the City should evaluate whether to make policy changes that either increase the capacity of MDRH/HDR land or designate more land for these uses." Further, the Economic Need Analysis (Exhibit G) validates many factors that

likely contribute to the site's vacant nature today, including poor business visibility, restricted access, irregular lot configuration, and retail market conditions. As discussed, an efficient site plan and updated zoning could bring life to this uniquely vacant property.

POLICY 1.10 Maintain the quality of existing neighborhoods and ensure that new neighborhoods fit with Sherwood's character, landform, and urban framework.

Response: The property is located along a bustling mixed-use corridor, south of OR 99W and north of SW Century Drive. North of the site, properties are generally zoned with commercial districts, and south of the site, residential. The surrounding area is characterized by established, high-density residential developments including Sunfield Lakes Apartments, Avamere at Sherwood, Arbor Terrace, and Sherwood Village. This application will provide needed housing that fits with Sherwood's character and urban framework. Further, this area provides many walkable amenities for residents, including restaurants, commercial services, schools, and parks. Therefore, this application supports Policy 1.10.

POLICY 1.12 Encourage infill residential development in areas near shopping, parks, transit and other major public facilities and services, with a focus on opportunities in the Old Town.

Response: This property is located north of the Old Town overlay boundary, but nonetheless encourages infill residential development in line with Policy 1.12, above. As shown on the Preliminary Plans (Exhibit A), the western portion of the site is improved with the existing Sherwood Plaza strip mall and associated commercial entities. The eastern ±3.37-acre portion of the site is vacant, wedged between the backside of the shopping mall (to the west) and the carports associated with Sunfield Lakes Apartments (to the south and east). Although the vacant area of the property does not have ideal visibility or lot configuration for commercial business, it could provide an optimal residential community. Further, TriMet's Bus Line 97 route runs along the site's frontage. An eastbound transit stop is present to the west of the site's driveway approach and a westbound transit stop is available across SW Langer Drive. The surrounding area is improved with major roadways (i.e. SW Langer Drive and SW Tualatin-Sherwood Road) and pedestrian facilities, sidewalks, benches, bus stops, etc. to accommodate Sherwood residents.

POLICY 1.13 Encourage housing that is of a design and quality compatible with the neighborhood in which it is located.

Response: This project involves a Plan Map Amendment from RC to HDR. A future site plan review application will be submitted to determine compliance with specific design standards. The Conceptual Site Plan (Exhibit A) is included to illustrate a potential multi-family residential layout and demonstrate the site is planned to serve a diverse housing market. As designed, the community is anticipated to provide a variety of housing types including upper-floor and ground-level one-, two-, and three-bedroom units to accommodate a diverse range of future residents. The lot dimensional, building height, and design standards for multi-family developments are equivalent across the RC and HDR zoning districts. As such, multi-family housing will be compatible with existing high-density neighborhoods surrounding the site, including two-story townhomes and apartments.

Goal 2 Plan new residential developments to integrate with existing Sherwood as complete neighborhoods where community members can live, learn, shop and recreate.

POLICY 2.1 Foster complete neighborhoods that provide housing choice, serve daily needs, and are walkable, connected, safe and integrated with the natural landscape.

Response: The subject site is ideal for the envisioned multi-family use and is anticipated to be compatible with the surrounding pattern of development in the area. The ±3.37-acre vacant property is nearby walkable commercial amenities and adjacent to existing residential neighborhoods, including attached townhomes and apartments. Nearby restaurants, shopping opportunities, service establishments, and other activities will serve daily needs of residents and foster a complete neighborhood. As shown on the Preliminary Existing Conditions Plan (Exhibit A), a tree grove exists along the rear of the shopping center. Existing trees and vegetation are planned to be preserved to the greatest extent possible to shield the site from neighboring commercial activity and integrate the natural landscape into the future site plan. Therefore, the Plan Map Amendment is consistent with Goal 2 and Policy 2.1.

Goal 3 Provide the opportunity for a variety of housing types in locations and at price points that meet the needs of current and future residents.

POLICY 3.1 Provide opportunities for the development of a range of housing types that are attainable to current and future households at all income levels, as described in the Sherwood Housing Needs Analysis, to maintain Sherwood's high quality of life.

POLICY 3.2 Identify opportunities to support the city's housing mix, to ensure the housing supply includes a variety of housing types and unit sizes that support a range of housing prices.

Response: Upon approval of this Zone Change application, the applicant plans to submit a site plan review application to accommodate multi-family housing. As shown on the Conceptual Site Plan (Exhibit A), the campus is envisioned to include a variety of housing options including upper-floor and ground-level studio, one-, two-, and three-bedroom units that will provide an array of price points for future residents. The subject site is surrounded by walkable amenities, parks, and services that will attract young couples, families, and seniors at a range of incomes. As discussed in greater detail in the Economic Need Analysis (Exhibit G), the City has a deficit of residential housing supply in every category, including HDR. An efficient site plan (subsequent to this application) will bring life to this vacant property and contribute needed housing to the City's inventory. Therefore, this application is consistent with the goals and policies above.

SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE

Title 16 - Zoning and Community Development Code

Division II. - LAND USE AND DEVELOPMENT

Chapter 16.12 - RESIDENTIAL LAND USE DISTRICTS

16.12.010 - Purpose and Density Requirements

E. High Density Residential (HDR)

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

16.12.020 - Allowed Residential Land Uses

A. Residential Land Uses

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

Uses	HDR
Multi-Family Dwellings	P

Response: This project involves a Partition and Zone Change (from RC to HDR) that does not require/involve physical improvements to the property. As shown on the Conceptual Site Plan (Exhibit A), the site is planned to accommodate multi-family housing, a permitted use in the HDR district. A future site plan review application will be submitted to determine compliance with specific density standards.

16.12.030 - Residential Land Use Development Standards

A. Generally

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Variance and Adjustments)

B. Development Standards

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.

...

C. Development Standards per Residential Zone

Development Standards by Residential Zone	HDR
Minimum Lot Areas:	
• 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:	25 feet
Minimum lot width at building line:	
• Multi-family dwelling	60 feet
Lot depth	80 feet
Maximum height ³	40 feet or 3 stories
Setbacks:	
Front yard setback ⁵	14 feet
Face of garage	20 feet
Interior side yard setback ⁶	
• Multi-family dwelling	
• 18 feet or less in height	5
• Between 18-24 feet in height	7
• If over 24 feet in height	See 16.68 Infill
Rear yard	20 feet
Corner lot street side	
• Multi-family dwelling	30 feet
Notes:	
1. For townhomes, interior units may have different lot sizes than exterior or corner units, as long as the average of all lots is not greater than 1,500 square feet.	
2. Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard.	
3. Maximum height is the lesser of feet or stories.	
4. Some accessory structures, such as chimneys, stacks, water towers, radio or television antennas, etc. may exceed these height limits with a conditional use permit, per Chapter 16.62 (Chimneys, Spires, Antennas and Similar Structures).	
5. Reductions in front yard setbacks for architectural features as described in 16.50.050 are not permitted in the MDRL, MDRH, or HDR zoning districts.	
6. Adjustments and Variances to interior side yard setbacks for all housing types are not allowed.	

Response: This application involves a Partition and Zone Change (from RC to HDR). The minimum lot area in the HDR district varies with the specific number of dwelling units provided. As shown on the Conceptual Site Plan (Exhibit A), the site is envisioned to include ±80 multi-family units. Therefore, the minimum lot area required is ±125,000 square feet (8,000 square feet for the first two units plus an additional 117,000 square feet for the remaining 78 units). As shown on the Preliminary Partition Plan (Exhibit A), the planned area for the new parcel totals ±3.37 acres or ±143,000 square feet and includes a lot width of at least 25 feet and a lot depth of at least 80 feet. Therefore, the Partition will result in a new parcel that meets the minimum lot dimensions required, above. A future site plan review application will be submitted in the future to review specific development standards related to building siting within the multi-family complex.

Division III. - ADMINISTRATIVE PROCEDURES

Chapter 16.70 - GENERAL PROVISIONS

16.70.010 - Pre-Application Conference

Pre-application conferences are encouraged and shall be scheduled to provide applicants with the informational and procedural requirements of this Code;

to exchange information regarding applicable policies, goals and standards of the Comprehensive Plan; to provide technical and design assistance; and to identify opportunities and constraints for a proposed land use action. An applicant may apply at one time for all permits or zone changes needed for a development project as determined in the pre-application conference.

Response: A pre-application conference (PAC 2022-007) was held on September 29, 2022. The requirement above is satisfied.

16.70.020 - Neighborhood Meeting

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

Response: This application involves a Plan Map Amendment from RC to HDR, to be reviewed through a Type V procedure. As such, a neighborhood meeting was held on January 26, 2023, and the applicable Neighborhood Meeting Documentation is included as Exhibit J in accordance with the standards above. The requirement is met.

- 1. Projects requiring a neighborhood meeting in which the City or Urban Renewal District is the property owner or applicant shall also provide published and posted notice of the neighborhood meeting consistent with the notice requirements in 16.72.020.

Response: The property is not owned by the City or Urban Renewal District. The requirement above is not applicable.

Chapter 16.72 - PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 - Generally

A. Classifications

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

1. Residential Design Checklist Review

The Community Development Director, or designee, without public notice and without a public hearing, makes ministerial decisions through the Residential Design Checklist Review procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion (i.e., they are clear and objective standards).

The Community Development Director, or designee, reviews proposals for all residential housing types, except for multi-dwelling development that are subject to Section

16.90, requiring a clear and objective review using the Residential Design Checklist. The Residential Design Checklist is a preliminary review that is intended to ensure a project proposal meets the basic requirements of Chapter 16.14 before more detailed plans are prepared and before the City authorizes the Building Official to issue a building permit.

...

3. Type II

The following administrative actions shall be subject to a Type II review process:

- a. Land Partitions (creation of 3 or fewer lots within 1 calendar year)

...

6. Type V

The following legislative actions shall be subject to a Type V review process:

- a. Plan Map Amendments.

B. Hearing and Appeal Authority

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

...

- f. The Type V Hearing Authority is the City Council, upon recommendation from the Planning Commission and the Appeal Authority is the Land Use Board of Appeals (LUBA).

- 2. Each quasi-judicial development permit application shall potentially be subject to two (2) levels of review, with the first review by a Hearing Authority and the second review, if an appeal is filed, by an Appeal Authority. The decision of the Hearing Authority shall be the City's final decision, unless an appeal is properly filed within fourteen (14) days after the date on which the Hearing Authority took final action. In the event of an appeal, the decision of the Appeal Authority shall be the City's final decision.

- 3. Each Type V legislative land use action shall be reviewed at a public hearing by the Planning Commission with a recommendation made to the City Council. The City Council shall conduct a public hearing and make the City's final decision.

Response: This application includes a Partition and Zone Change, to be reviewed concurrently through a Type V procedure in accordance with the standards above. The process described above is understood.

C. Approval Criteria

- 1. The approval criteria for each development permit application shall be the approval standards and requirements for such applications as contained in this Code. Each decision made by a Hearing Authority or Appeal

Authority shall list the approval criteria and indicate whether the criteria are met. It is the applicant's burden to demonstrate to the Hearing Authority and Appeal Authority how each of the approval criteria are met. An application may be approved with conditions of approval imposed by the Hearing Authority or Appeal Authority. On appeal, the Appeal Authority may affirm, reverse, amend, refer, or remand the decision of the Hearing Authority.

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

Response: The criteria above are understood. This application includes a Partition and Zone Change, to be reviewed concurrently through a Type V procedure. The applicable approval criteria are found in Sections 16.80.030 and 16.122.020 and are addressed specifically in this written narrative.

Division IV. - PLANNING PROCEDURES

Chapter 16.80 - PLAN AMENDMENTS

16.80.020 - Amendment Procedures

Zoning Map or Text Amendment

- A. **Application** - An application for a Zoning Map or text amendment shall be on forms provided by the City and shall be accompanied by a fee pursuant to Section 16.74.010.
- B. **Public Notice** - Public notice shall be given pursuant to Chapter 16.72.
- C. **Commission Review** - The Commission shall conduct a public hearing on the proposed amendment and provide a report and recommendation to the Council. The decision of the Commission shall include findings as required in Section 16.80.030.
- D. **Council Review** - Upon receipt of a report and recommendation from the Commission, the Council shall conduct a public hearing. The Council's decision shall include findings as required in Section 16.80.030. Approval of the request shall be in the form of an ordinance.

Response: This application involves a Zoning Map Amendment. The City's Land Use Application Form and Checklist are included within Exhibit B. Public noticing will be performed by the City of Sherwood, and the procedural review process described above is understood. The procedural requirements will be met.

16.80.030 - Review Criteria

...

B. Map Amendment

An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.

Response: As demonstrated by the responses above, this Zoning Map Amendment is consistent with the applicable goals and policies of the Sherwood *Comprehensive Plan*. Further, the Transportation Documentation (Exhibit E) prepared by Kittelson & Associates, Inc. provides a detailed discussion of the project in relation to the TSP and the Oregon TPR found in OAR 660-012-0060. Therefore, this Zoning Map Amendment is consistent with the criterion above.

2. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.

Response: As discussed in this written document, the property is currently zoned RC, which permits multi-family housing at an equivalent density to the HDR district if all buildings' ground floors are put to commercial uses. However, as discussed in the Economic Need Analysis (Exhibit G), the site's location and configuration present challenges to retail use in terms of access, visibility, and cost of development. Further, according to the Sherwood's HNA, the City has a deficit of HDR designated land necessary for multifamily units. As such, although the site is unsuitable for commercial development, the Conceptual Site Plan (Exhibit A), illustrates a residential multi-family campus that has potential to thrive at this location. Therefore, this application will benefit the City by providing needed housing for current and future residents. The criterion is met.

3. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.

Response: As discussed in this written document, this application involves a Zone Change from RC to HDR. This project will provide land for needed housing to the City of Sherwood where there is currently a demonstrable deficit of housing units. The Economic Need Analysis (Exhibit G) further details the City's housing and economic need in relation to the planned multi-family project. Additionally, the ±3.37-acre vacant property is near walkable commercial amenities and adjacent to existing residential neighborhoods, including attached townhomes and apartments. As such, this location is ideal for the envisioned use and is anticipated to be compatible with the surrounding pattern of development in the area. As discussed at the pre-application conference, public utilities and infrastructure are currently, or will be, made available to serve the use. The criterion is satisfied.

4. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.

Response: According to the Sherwood HNA (2018) a significant shortage of residential land across all zoning categories was identified. More specifically, the city has 17 acres of HDR land and the HNA supports the on-going need for residential land at all densities, including HDR zoning. As such, alternative sites are limited due to availability. This project will provide needed housing to Sherwood where there is currently a demonstrable deficit of housing units. For further information, the Economic Need Analysis (Exhibit G) details the City's housing and economic need in relation to the planned Zone Change and subsequent multi-family project.

Although not relevant to the approval criteria, the property is currently zoned RC, which permits multi-family housing only if the ground floors of all buildings are restricted to commercial use only. However, as discussed in the Economic Need Analysis (Exhibit G), the site's location and configuration present challenges to retail use in terms of access, visibility, and cost of development. Further, according to the Sherwood's HNA, the city has a deficit of 145 HDR units. Therefore, although the site is unsuitable for immediate commercial development, the Conceptual Site Plan (Exhibit A) illustrates a residential multi-family campus has potential to thrive at this location.

C. Transportation Planning Rule Consistency

1. The applicant shall demonstrate consistency with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060. If required, a Traffic Impact Analysis (TIA) shall be prepared pursuant to Section 16.106.080.

Response: As described in the Transportation Documentation, this Comprehensive Plan Map/Zoning Map Amendment complies with OAR 660-012-0060 (1) and (2) because it will not result in a significant effect on the transportation system because the change in zoning will result in a decrease in potential trip generation. Please refer to Exhibit E for further information. Therefore, the criteria are met.

Division VI. - PUBLIC INFRASTRUCTURE

Chapter 16.106 - TRANSPORTATION FACILITIES

16.106.080 - Traffic Impact Analysis (TIA)

A. Purpose

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

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

Manual to provide street design standards and construction specifications for improvements and projects that may be constructed as part of the proposal and mitigation measures approved for the proposal.

B. Applicability

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

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

C. Requirements

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

1. **Pre-application Conference.** The applicant shall meet with the City Engineer prior to submitting an application that requires a TIA. This meeting will be coordinated with Washington County and ODOT when an approach road to a County road or Highway 99W serves the property, so that the TIA will meet the requirements of all relevant agencies.
2. **Preparation.** The TIA shall be prepared by an Oregon Registered Professional Engineer qualified to perform traffic Engineering analysis and will be paid for by the applicant.
3. **Typical Average Daily Trips and Peak Hour Trips.** The latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE), shall be used to gauge PM peak hour vehicle trips, unless a specific trip generation study that is approved by the City Engineer indicates an alternative trip generation rate is appropriate.
4. **Intersection-level Analysis.** Intersection-level analysis shall occur at every intersection where the analysis shows that fifty

(50) or more peak hour vehicle trips can be expected to result from the development.

5. **Transportation Planning Rule Compliance.** The requirements of OAR 660-012-0060 shall apply to those land use actions that significantly affect the transportation system, as defined by the Transportation Planning Rule.

D. Study Area

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

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

E. Analysis Periods

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

1. **Existing Year.**
2. **Background Conditions in Project Completion Year.** The conditions in the year in which the proposed land use action will be completed and occupied, but without the expected traffic from the proposed land use action. This analysis should account for all City-approved developments that are expected to be fully built out in the proposed land use action horizon year, as well as all planned transportation system improvements.
3. **Full Buildout Conditions in Project Completion Year.** The background condition plus traffic from the proposed land use action assuming full build-out and occupancy.
4. **Phased Years of Completion.** If the project involves construction or occupancy in phases, the applicant shall assess the expected roadway and intersection conditions resulting from major development phases. Phased years of analysis will be determined in coordination with City staff.
5. **Twenty-Year or TSP Horizon Year.** For planned unit developments, comprehensive plan amendments or zoning map amendments, the applicant shall assess the expected future roadway, intersection, and land use conditions as compared to approved comprehensive planning documents.

F. Approval Criteria

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

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

G. Conditions of Approval

The City may deny, approve, or approve a development proposal with conditions needed to meet operations and safety standards and provide the necessary right-of-way and improvements to ensure consistency with the future planned transportation system. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities, pursuant to Section 16.106.090. Findings in the development approval shall indicate how the required improvements are directly related to and are roughly proportional to the impact of development.

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.

Response: As described in the Transportation Documentation, this Comprehensive Plan Map/Zoning Map Amendment complies with OAR 660-012-0060 (1) and (2) because it will not result in a significant effect on the transportation system because the change in zoning will result in a decrease in potential trip generation. Please refer to Exhibit E for further information. Further, a transportation impact study will be prepared and submitted with the site plan review application to reflect planned trip generation and potential associated impacts from the project. Therefore, the criteria are met.

Chapter 16.108 - IMPROVEMENT PLAN REVIEW

16.108.010 - Preparation and Submission

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

A. Review Fee

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

B. Engineering Agreement

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

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

Response: Physical improvements to the site are not anticipated to be necessary as part of this Map Amendment or Partition. That said, in the future after a site plan application is submitted and approved, plans prepared by a registered civil engineer certifying compliance with City specifications can be submitted as part of construction permit submittal.

Chapter 16.110 - SANITARY SEWERS

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.

Response: According to comments provided by the City's Engineering Department in conjunction with the pre-application conference (PAC 2022-007), sanitary sewer service is available within SW Langer Drive to the northeast of the project site. There is also an existing private sanitary sewer line within the west side of the developed property. Further, all surrounding properties are improved with public sanitary sewer service whose existing laterals can be used, and a public sanitary sewer main extension is not anticipated. Therefore, sanitary sewer service is available to serve the site and the applicable standards are met. Specific planned improvements related to sanitary sewer will be shown and reviewed through the subsequent site design review application process.

Chapter 16.112 - WATER SUPPLY*

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.

Response: According to comments provided by the City’s Engineering Department in conjunction with the pre-application conference (PAC 2022-007), there is currently a 10-inch diameter public water line within SW Langer Drive along the full length of the project site frontage. Therefore, water service is available to the site and the applicable standards are met. Specific planned improvements related to water lines will be shown and reviewed through the subsequent site design review application process.

Chapter 16.114 - STORM WATER*

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.

Response: According to comments provided by the City’s Engineering Department in conjunction with the pre-application conference (PAC 2022-007), there is currently a 12-inch diameter public storm sewer main within SE Langer Drive, along the north side of the project site. There is also an existing private storm sewer line within the west side of the developed property. Further, all surrounding properties are improved with public storm sewer service and therefore existing laterals can be used, and a public storm sewer main extension is not anticipated. Additionally, a Service Provider Letter (SPL) from Clean Water Services (CWS) is included as Exhibit F. As such, storm sewer service is available to the site and the applicable standards are met. Specific planned improvements related to stormwater infrastructure will be shown and reviewed through the subsequent site design review application process.

Chapter 16.116 - FIRE PROTECTION*

Response: This application involves a Zone Change and Partition that will not result in physical improvements to the property. Adequate water supply is currently available to the subject site. Existing fire hydrants are illustrated on the Existing Conditions Plan (Exhibit A), located east of the easternmost existing driveway and behind (east of) the Sherwood Plaza building. No serviceability deficiencies were identified at the pre-application conference (PAC 2022-007). An SPL from Tualatin Valley Fire & Rescue (TVF&R) will be included with the subsequent site plan review application that will demonstrate adequate access and flows are met for the future multi-family structures. The applicable criteria are met.

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.

Response: These standards are understood, and fire protection installation will be timed so as to be serviceable prior to or at the time that combustible construction begins on the project site. These criteria are met or will be met as applicable.

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.

Response: This application involves a Zone Change and Partition that will not result in physical improvements to the property. According to comments provided by the City's Engineering Department in conjunction with the pre-application conference (PAC 2022-007), an 8-foot-wide public utility easement (PUE) will likely be required along the property's frontage on SW Langer Drive. Franchise utilities are anticipated to be located and installed consistent with SZCDC, City, and utility company standards. These criteria

can be met and reviewed for compliance with the subsequent site plan review application.

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.

Response: Existing on-site utilities are located underground and new utilities are not anticipated to be necessary.

Division VII. - LAND DIVISIONS, SUBDIVISIONS, PARTITIONS, LOT LINE ADJUSTMENTS AND MODIFICATIONS

Chapter 16.122 - LAND PARTITIONS

16.122.010 - Generally

A. Approval Required

A tract of land or contiguous tracts under a single ownership shall not be partitioned into two (2) or more parcels until a partition application has been approved by the City Manager or his/her designee.

Response: This application involves a Partition application to create an additional parcel as shown on the Preliminary Partition Plan (Exhibit A).

16.122.020 - Approval Criteria: Preliminary Plat

Partitions shall not be approved unless:

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

Response: This application involves a Zoning Map Amendment from RC to HDR and a “paper” Partition to create a parcel for future needed housing. Upon approval, this application will result in no physical improvements to the property. As such, the applicable HDR district standards are addressed previously in this narrative. Pursuant to feedback received at the pre-application conference (PAC 2022-007), a subsequent site plan review application will be submitted to ensure compliance with specific design standards of Division II, as well as provision of public infrastructure, community design, etc. listed above. Chapter 16.128 is addressed later in this narrative.

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

Response: As shown on the Preliminary Partition Plan (Exhibit A), appropriate right-of-way is planned to be provided for a complete 36-foot half-street dedication. Dedication of other common improvements listed above will be reviewed at the time of future site plan review. The criterion is met, as applicable.

- C. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land, as determined by the City and are in compliance with City standards. For the purposes of this section:

1. Connection to the City water supply system shall be deemed to be adequate water service.

Response: A 10-inch diameter public water main exists within SW Langer Drive along the property's frontage and currently serves the western portion of the site. According to the Pre-application Conference Notes (Exhibit I) a new public water main is not anticipated to be necessary and adequate connection to the new parcel (future multi-family site) can be made. A future site plan review application will demonstrate compliance with SZCDC Chapter 16.112 Water Supply and provide verification of necessary easements. The criterion is met, as applicable.

2. Connection to the City sewer system shall be deemed to be adequate sanitary sewer service if sewer lines are within three-hundred (300) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within three-hundred (300) feet.

Response: An 8-inch diameter private sanitary sewer main currently serves the western portion of the site. This application involves a Partition to facilitate a new parcel for needed housing, and as such, connection to a public sewer main is planned in the future. A future site plan review application will demonstrate compliance with the provisions of SZCDC Chapter 16.110 Sanitary Sewers and provide verification of necessary easements. The criterion is met, as applicable.

3. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.

Response: Pursuant to feedback received at the pre-application conference (PAC 2022-007), there were no serviceability deficiencies identified that would preclude approval of the two-parcel Partition shown on the Preliminary Partition Plan (Exhibit A). As discussed above, the property can be adequately served by public facilities and adequate right-of-way dedication is planned to be provided. Compliance with specific public infrastructure

standards will be reviewed through the subsequent site plan review process. Therefore, the criterion above is satisfied, as applicable.

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

Response: As shown on the Existing Conditions Plan (Exhibit A), adjoining land is developed, and this application will not preclude development on adjacent properties.

- E. Future Development Ability**

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

Response: As shown on the Preliminary Partition Plan (Exhibit A), future Parcel 2 is approximately 3.37 acres in size. The property is envisioned to accommodate future multi-family housing, as demonstrated by the Conceptual Site Plan (Exhibit A). Further, the City may find that re-division of this property is not feasible due to the site dimensions and configuration, Collector facility access standards, and size. It is understood that a condition of approval may be imposed that no further division may occur.

16.122.030 - Final Partition Plat

By means of a Type I procedure, the City shall review the final plat based on findings regarding compliance with the following criteria:

...

Response: The final partition plat process is understood and does not require action by the Applicant at this time.

16.122.040 - Future Subdivision Compliance

If a partition exceeds two (2) acres and within one (1) year is re-partitioned into more than two (2) parcels, and any single parcel is less than one (1) acre in size, full compliance with the subdivision regulations of this Code may be required.

Response: As discussed previously, following approval of this Zone Change and Partition application, a subsequent site plan review application for multi-family housing is planned to be submitted. The Conceptual Site Plan (Exhibit A) illustrates the envisioned community and demonstrates future division of the property is not desired or planned. The criterion above is understood and is not relevant.

16.122.050 - Filing and Recording Requirements

- A. Generally**

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

B. Time Limit

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

C. Extension

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

Response: The City's process above is understood and can be met within the timeframe allotted.

Chapter 16.128 - LAND DIVISION DESIGN STANDARDS

16.128.010 - Blocks

A. Connectivity

1. Block Size

The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.

2. Block Length

Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.

3. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.

Response: This application involves a two-parcel Partition and does not include the creation of new streets or blocks. The Conceptual Site Plan (Exhibit A) illustrates access is planned from the property's existing easternmost driveway on SW Langer Drive and internal sidewalks will connect to the public street system. Specific community design standards will be reviewed for compliance at time of future site plan review. As relevant, the connectivity standards are satisfied.

B. Utilities Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be

six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.

Response: This application involves dividing the property into two separate parcels by way of a Partition. It does not include physical site alterations or require public or private improvements at this time. As discussed above, the property can be adequately served by public facilities and compliance with specific public infrastructure standards, including provision of necessary easements, will be reviewed through the subsequent site plan review process. Therefore, the criterion above is satisfied, as applicable.

C. Drainages

Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.

Response: Watercourses, drainage ways, and channels are not present on the property. The criterion is not applicable.

16.128.020 - Pedestrian and Bicycle Ways

Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.

Response: Pedestrian and bicycle connections are planned to provide adequate circulation to the public street system along SW Langer Drive. The specific alignment of facilities will be reviewed through the subsequent site plan review process. The criterion is satisfied, as applicable.

16.128.030 - Lots

A. Size and Shape

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

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

Response: As discussed previously in this narrative, the new parcel is designed with appropriate lot dimensions for the HDR district and planned use. Additionally, the property is planned to be served by public sewer and water, as discussed above. The criteria above are met.

B. Access

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

Response: This application does not involve a subdivision. As shown on the Preliminary Partition Plan (Exhibit A), the new parcel has frontage on SW Langer Drive, a public street.

C. Double Frontage

Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development

from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.

Response: As shown on the Preliminary Plans (Exhibit A), the new parcel does not have double or reversed frontage. The criterion is not applicable.

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

Response: As shown on the Preliminary Partition Plan (Exhibit A), the new parcel is designed with side lot lines that are oriented 90 degrees (as far as practicable) to SW Langer Drive. The criterion is met.

E. Grading

Grading of building sites shall conform to the following standards, except when topography of physical conditions warrants special exceptions:

1. Cut slopes shall not exceed one (1) and one-half (1 1/2) feet horizontally to one (1) foot vertically
2. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

Response: This application involves dividing the property into two separate parcels by way of a Partition. It does not include physical site alterations or require public or private improvements at this time. Preliminary site grading design and private and public infrastructure improvements will be reviewed at time of future site plan review application submittal.

V. Conclusion

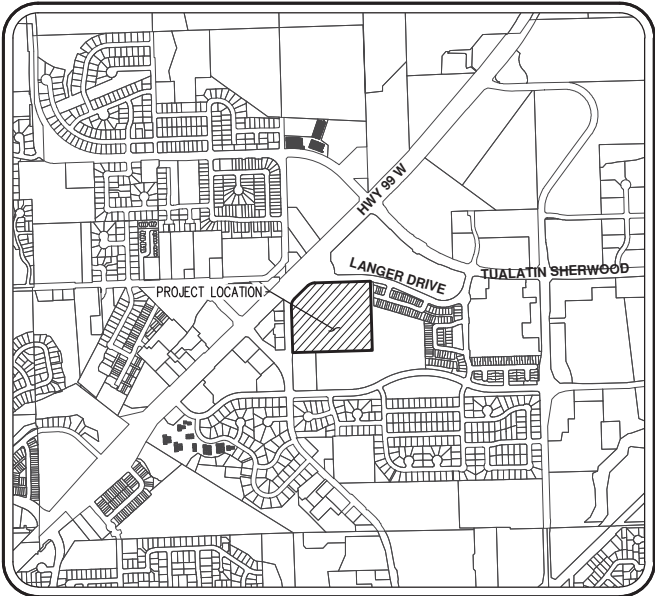
The required findings have been made, and this narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the City of Sherwood Zoning and Community Development Code. The evidence in the record is substantial and supports approval of the application. The City of Sherwood can rely upon this information in its approval of the application.



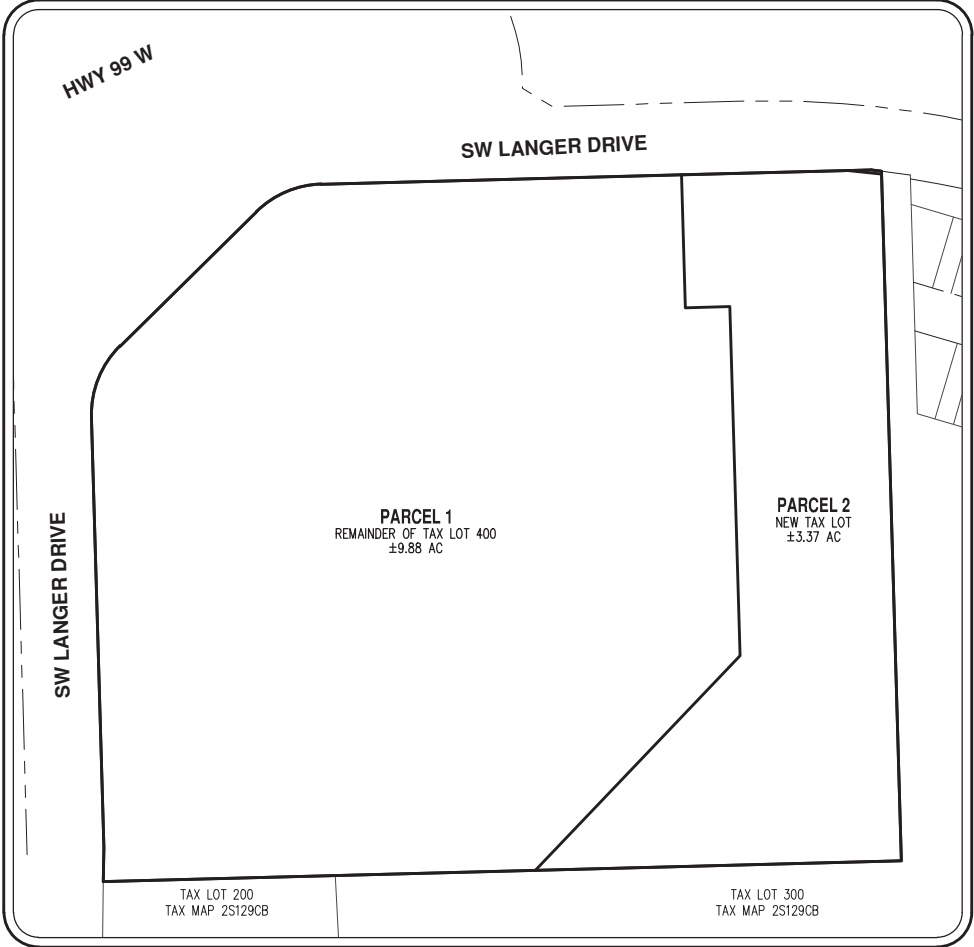
Exhibit A [Updated March 2023]: Preliminary Plans

SHERWOOD PLAZA

PRELIMINARY PARTITION AND ZONE CHANGE PLANS



VICINITY MAP



SITE MAP
1"=80'

APPLICANT/
PROPERTY OWNER

SIX CORNERS, LLC
121 SW MORRISON ROAD, SUITE 600
PORTLAND, OR 97204

PLANNING/CIVIL
ENGINEERING/SURVEYING/
NATURAL RESOURCE/
ARBORIST/LANDSCAPE
ARCHITECTURE FIRM

AKS ENGINEERING & FORESTRY, LLC
CONTACT: MARIE HOLLADAY
12965 SW HERMAN ROAD, SUITE 100
TUALATIN, OR 97062
PH: 503-563-6151

PROJECT LOCATION

LOCATED SOUTH AND EAST OF SW LANGER DRIVE IN THE CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

PROPERTY DESCRIPTION

TAX LOT 400 (WASHINGTON COUNTY ASSESSOR'S MAP 2S 129 CB) LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON

EXISTING LAND USE

COMMERCIAL SITE AND OPEN SPACE

EXISTING ZONING

RETAIL COMMERCIAL

UPDATED ZONING

HIGH DENSITY RESIDENTIAL

PROJECT PURPOSE

A TWO-PARCEL PARTITION AND SUBSEQUENT ZONE CHANGE

VERTICAL DATUM

ELEVATIONS ARE BASED ON WASHINGTON COUNTY BENCHMARK NO. 39, LOCATED AT THE SOUTH SIDE OF EASTBOUND HWY 99W AND WEST SIDE OF SW LANGER DRIVE. ELEVATION = 210.23 FEET (NGVD 29).

LEGEND

EXISTING	PROPOSED	EXISTING	PROPOSED
DECIDUOUS TREE		STORM DRAIN CLEAN OUT	
CONIFEROUS TREE		STORM DRAIN CATCH BASIN	
FIRE HYDRANT		STORM DRAIN AREA DRAIN	
WATER BLOWOFF		STORM DRAIN MANHOLE	
WATER METER		GAS METER	
WATER VALVE		GAS VALVE	
DOUBLE CHECK VALVE		GUY WIRE ANCHOR	
AIR RELEASE VALVE		UTILITY POLE	
SANITARY SEWER CLEAN OUT		POWER VAULT	
SANITARY SEWER MANHOLE		POWER JUNCTION BOX	
SIGN		POWER PEDESTAL	
STREET LIGHT		COMMUNICATIONS VAULT	
MAILBOX		COMMUNICATIONS JUNCTION BOX	
		COMMUNICATIONS RISER	

	EXISTING	PROPOSED
RIGHT-OF-WAY LINE		
BOUNDARY LINE		
PROPERTY LINE		
CENTERLINE		
DITCH		
CURB		
EDGE OF PAVEMENT		
EASEMENT		
FENCE LINE		
GRAVEL EDGE		
POWER LINE		
OVERHEAD WIRE		
COMMUNICATIONS LINE		
FIBER OPTIC LINE		
GAS LINE		
STORM DRAIN LINE		
SANITARY SEWER LINE		
WATER LINE		

SHEET INDEX

- P01 COVER SHEET WITH PLAN LEGEND
- P02 EXISTING CONDITIONS PLAN
- P03 PRELIMINARY PARTITION PLAN
- P04 EXISTING SITE ZONING
- P05 UPDATED SITE ZONING
- SP6 CONCEPTUAL SITE PLAN

NOTES:

- UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PER UTILITY LOCATE TICKET NUMBER 22252314. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
- FIELD WORK WAS CONDUCTED AUGUST 25-31, 2022.
- VERTICAL DATUM: ELEVATIONS ARE BASED ON WASHINGTON COUNTY BENCHMARK NO. 39, LOCATED AT THE SOUTH SIDE OF EASTBOUND HWY 99W AND WEST SIDE OF SW LANGER DRIVE. ELEVATION = 210.23 FEET (NGVD 29).
- THIS IS NOT A PROPERTY BOUNDARY SURVEY TO BE RECORDED WITH THE COUNTY SURVEYOR. BOUNDARIES MAY BE PRELIMINARY AND SHOULD BE CONFIRMED WITH THE STAMPING SURVEYOR PRIOR TO RELYING ON FOR DETAILED DESIGN OR CONSTRUCTION.
- BUILDING FOOTPRINTS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
- CONTOUR INTERVAL IS 1 FOOT.
- NOT FIELD LOCATED - LINES SHOWN ARE PER SUNFIELD LAKES APARTMENTS WATER AND SANITARY SEWER PLANS, DATED 06/06/1996; PROVIDED BY SHERWOOD CIVIL ENGINEERING DEPARTMENT ON 03/21/2023.
- TREES WITH DIAMETER OF 6" AND GREATER ARE SHOWN. TREE DIAMETERS WERE MEASURED UTILIZING A DIAMETER TAPE AT

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	100.00'	47°08'16"	82.27'	N24°54'26"E 79.97'
C2	100.00'	43°01'07"	75.08'	N69°59'08"E 73.33'
C3	967.00'	0°37'53"	10.66'	S80°21'58"E 10.66'

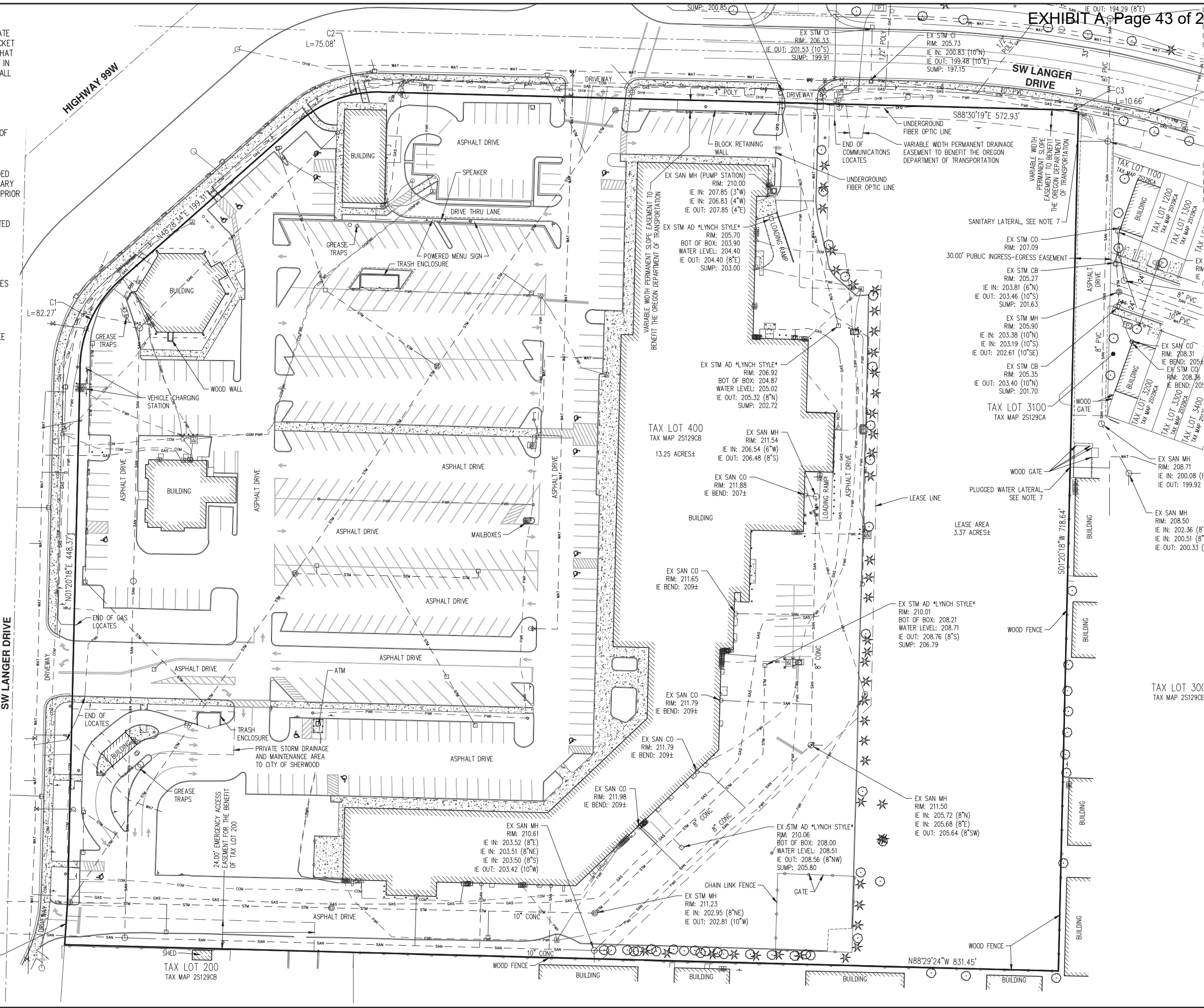


SCALE: 1"= 40' FEET

Ordinance 2023-005, Exhibit 1

May 16, 2023

Page 72 of 239



AKS

AKS ENGINEERING & FORESTRY, LLC
12065 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

SHERWOOD PLAZA

PARTITION

SHERWOOD OREGON

TAX MAP 25129CB

EXISTING CONDITIONS

PLAN

DESIGNED BY: DS

DRAWN BY: DS

MANAGED BY: DS

CHECKED BY: PAS

DATE: 03/23/2023

REGISTERED PROFESSIONAL LAND SURVEYOR

ROBERT D. RETTING
60124LS
RENEWS: 12/31/24

REVISIONS

JOB NUMBER
9539

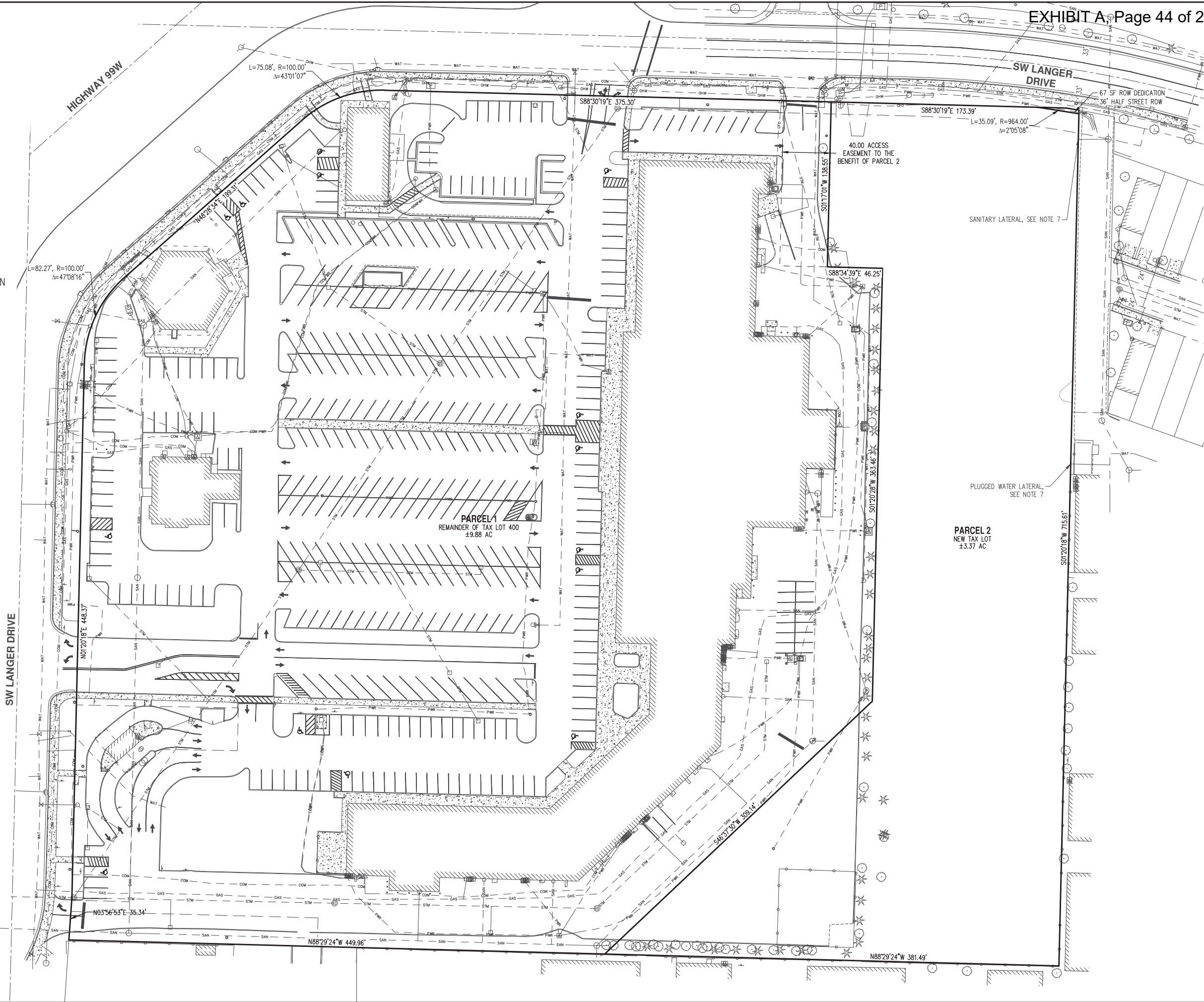
SHEET
P02



SCALE: 1" = 40 FEET

Ordinance 2023-005, Exhibit 1
May 16, 2023
Page 73 of 239

NOTE:
NO IMPROVEMENTS ARE TO BE CONSTRUCTED IN CONJUNCTION WITH THIS PARTITION. RIGHT OF WAY DEDICATION IS PLANNED TO BE PROVIDED AS SHOWN, AS PART OF THIS PARTITION APPLICATION. FUTURE PUBLIC AND PRIVATE IMPROVEMENTS ARE TO BE PERMITTED AND CONSTRUCTED APART FROM THIS PARTITION PLAN (THROUGH A SUBSEQUENT MULTI-FAMILY SITE PLAN REVIEW APPLICATION PROCESS) AND ARE NOT INCLUDED AS PART OF THIS PARTITION APPLICATION.



AKS
ENGINEERING & FORESTRY, LLC
12065 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

SHERWOOD PLAZA
PARTITION

SHERWOOD
TAX LOT 400

OREGON
TAX MAP 2512908

PRELIMINARY PARTITION
PLAN

DESIGNED BY: DS
DRAWN BY: DS
MANAGED BY: DS
CHECKED BY: PAS
DATE: 03/23/2023

REGISTERED PROFESSIONAL
ENGINEER
8480
OREGON
EXPIRES 12, 2016
MARKO SIMIC

RENEWAL DATE: 6/30/24

REVISIONS

JOB NUMBER
9539

SHEET
P03

CITY OF SHERWOOD ZONING

MAP LEGEND

GENERAL COMMERCIAL	
RETAIL COMMERCIAL	
RETAIL COMMERCIAL PUD	
HIGH DENSITY RESIDENTIAL	
HI DENSITY RESIDENTIAL PUD	
MEDIUM DENSITY RESIDENTIAL HIGH	
INSTITUTIONAL PUBLIC	
SUBJECT PROPERTY	

EXISTING SITE ZONING

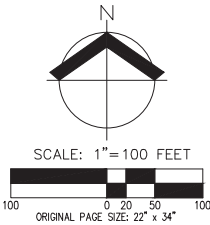
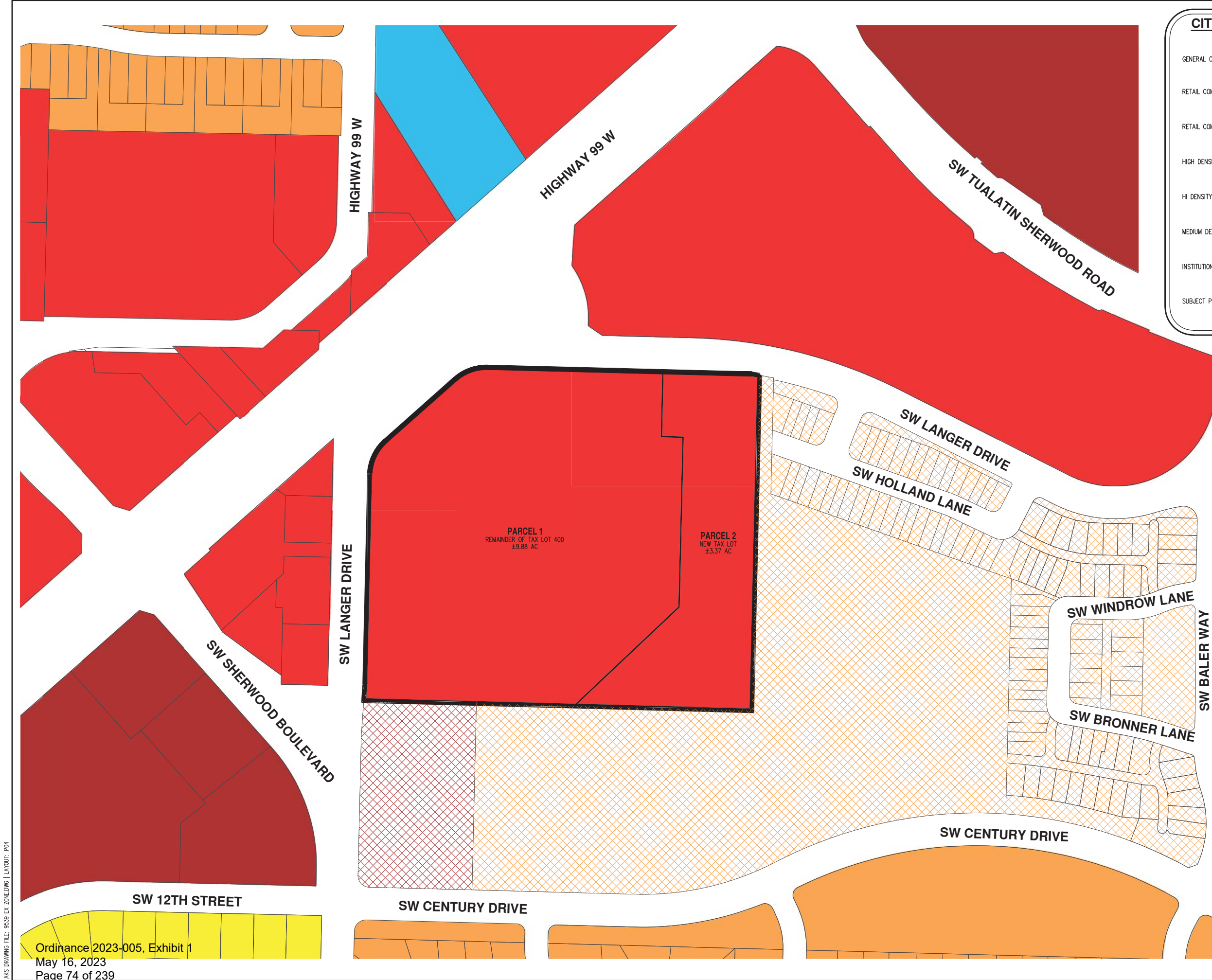
DESIGNED BY:	DS
DRAWN BY:	DS
MANAGED BY:	DS
CHECKED BY:	PAS



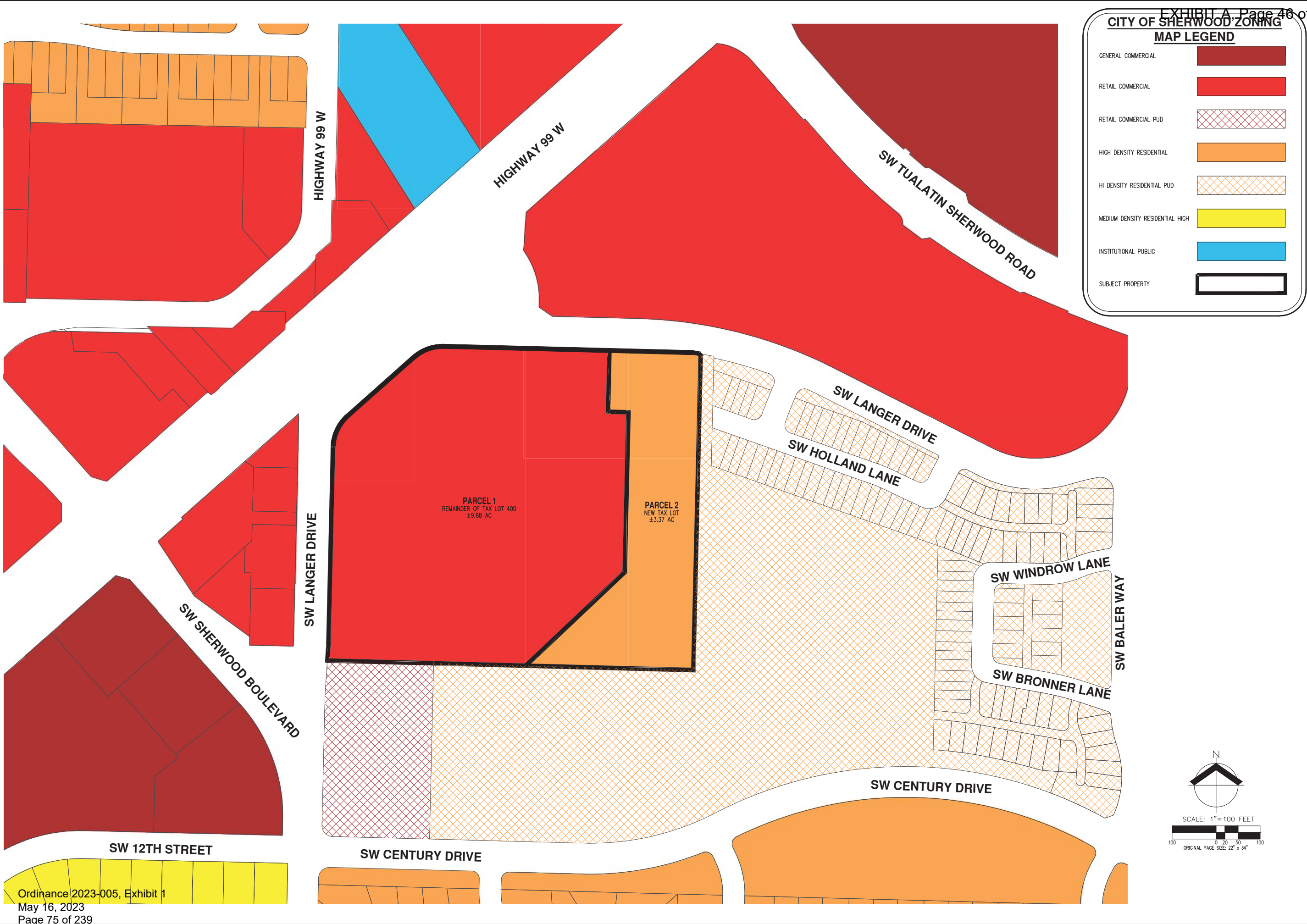
RENEWAL DATE: 6/30/24
REVISIONS

JOB NUMBER
9539

SHEET
P04



AKS DRAWING FILE: 9539 NEW ZONEDWG LAYOUT: P05



AKS

AKS ENGINEERING & FORESTRY, LLC
12065 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

SHERWOOD PLAZA

PARTITION

SHERWOOD

TAX LOT 400

OREGON

TAX MAP 25129B

UPDATED SITE ZONING

DESIGNED BY: DS

DRAWN BY: DS

MANAGED BY: DS

CHECKED BY: PAS

DATE: 03/23/2023

REGISTERED PROFESSIONAL ENGINEER

8480

OREGON

EXPIRES 12, 2016

MARKO SIMIC

RENEWAL DATE: 6/30/24

REVISIONS

JOB NUMBER

9539

SHEET

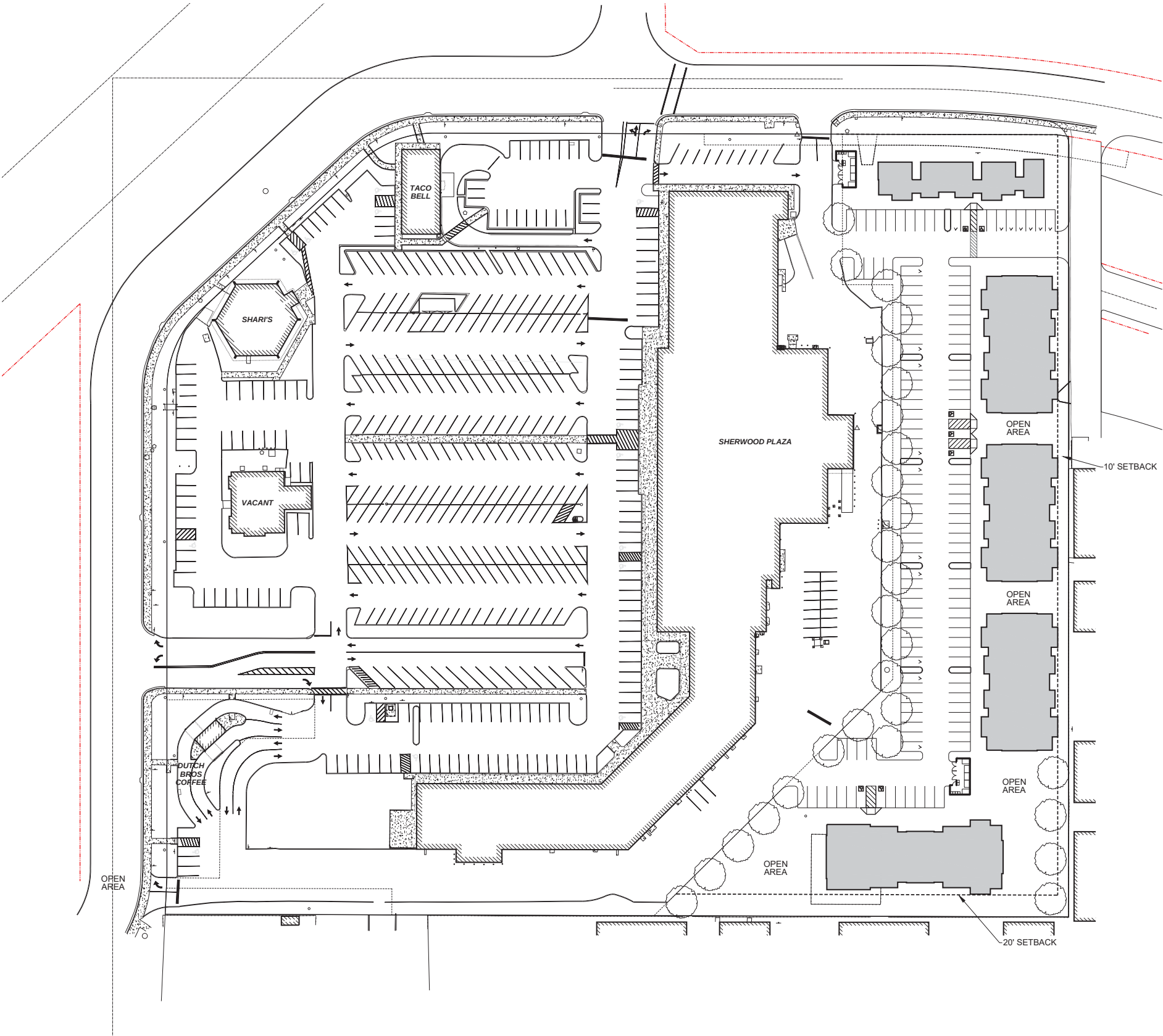
P05

SCHMIDT
ARCHITECTS, P.C.
16101 SW 72ND AVENUE
SUITE 135
PORTLAND, OR 97224
(503) 220-8517
www.schmidtarchitectspc.com
AKA Tiland/Schmidt Architects, P.C.

SHERWOOD PLAZA APARTMENTS
HIGHWAY 99 AND SW LANGER DRIVE
SHERWOOD, OREGON 97140
LANGER FAMILY LLC

PROJECT NO. 2022-151
DATE: 01-23-2023
DRAWN BY: KDM/TUG
CHECKED BY: RMS
REVISIONS
2022-151 SP6 / Site Plan 6

SP6
136



1 SITE PLAN
1" = 50'

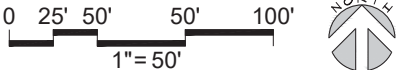




Exhibit B: City of Sherwood Land Use Application Forms & Checklists



Home of the Tualatin River National Wildlife Refuge

Case No. _____
 Fee _____
 Receipt # _____
 Date _____
 TYPE _____

City of Sherwood
Application for Land Use Action

Type of Land Use Action Requested: (check all that apply)

- | | |
|---|--|
| ☒ Annexation
☒ Plan Amendment (Proposed Zone <u>HDR</u>)
☐ Planned Unit Development
☐ Site Plan (square footage of building and parking area)
☐ Variance (list standards to be varied in description) | ☐ Conditional Use
☒ Partition (# of lots <u>2</u>)
☐ Subdivision (# of lots _____)
☐ Other: _____ |
|---|--|

By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at www.sherwoodoregon.gov. Click on Government/Finance/Fee Schedule.

Owner/Applicant Information:

Applicant: Same as owner Phone: Please contact consultant, below
 Applicant Address: Same as owner Email: Please contact consultant
 Owner: Six Corners LLC Phone: Please contact consultant
 Owner Address: 121 SW Morrison Road, Suite 600, Portland OR 97204 Email: Please contact consultant
 Contact for Additional Information: Consultant: Marie Holladay; AKS Engineering & Forestry, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
holladaym@aks-eng.com; (503) 563-6151

Property Information:

Street Location: 16112 SW Langer Drive
 Tax Lot and Map No: Tax Lot 400 of Washington County Assessor's Map 2S129CB
 Existing Structures/Use: Commercial / ±3.3-acre vacant portion of property east of Sherwood Plaza
 Existing Plan/Zone Designation: Retail Commercial (RC)
 Size of Property(ies) ±13.25 total acres

Proposed Action:

Purpose and Description of Proposed Action:

A two-parcel partition to create a ±3.3-acre parcel intended for a subsequent zone change from RC to HDR.

Proposed Use: Future multifamily housingProposed No. of Phases (one year each): N/A

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

	Attorney/Agent	01/30/23
Applicant's Signature		Date
	Attorney/Agent	01/30/23
Owner's Signature		Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

- ☒ **3 Copies of Application Form*** completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- ☒ **Copy of Deed** to verify ownership, easements, etc.
- ☒ **At least 3 folded** sets of plans*
- ☒ **At least 3 copies** of narrative addressing application criteria*
- ☒ **Fee** (along with calculations utilized to determine fee if applicable)
- ☒ **Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.



APPLICATION MATERIALS REQUIRED FOR

MINOR LAND PARTITION

Submit the following to the City of Sherwood Planning Department, 22560 SW Pine St., Sherwood, OR 97140: (503) 925-2308.

It is strongly suggested that you have a pre-application meeting with the City prior to submitting for a Minor Land Partition. (See *Pre-application Process* form for information.)

- ✓ **I. Fees:** See City of Sherwood current Fee Schedule, which includes the “Publication/Distribution of Notice” fee, at www.sherwoodoregon.gov. Click on Government/Planning/Planning Fees.

Note: The above fees are required at the time you submit for a minor land partition. Additional fees will be charged for building permit, system development charges, impact fees and other fees applicable to the development. These fees will be charged when you make application for building permit. Building permit application will not be accepted until the final plat is recorded.

- ✓ **II. BACKGROUND INFORMATION** (all materials collated and folded (not rolled) to create *ten (10) sets)

*Note that the *final* application must contain ten (10) folded sets of the above, however, upon initial submittal of the application and prior to completeness review, the applicant may submit three (3) complete folded sets with the application in lieu of ten (10), with the understanding that ten (10) complete sets of the application materials will be required before the application is deemed complete and scheduled for review.

- ✓ **Application Form** – One original and nine (9) copies of a completed **City of Sherwood Application for Land Use Application** form. All owners must sign the application form.
- ✓ **Tax Map** - Ten (10) copies of the latest Tax Map available from the Washington County Assessor’s Office showing property within at least 300 feet with scale (1"=100' or 1"= 200') north point, date and legend.
- ✓ **Mailing Labels** – Two (2) sets of mailing labels for property owners within 1,000 feet of the subject site, including a map of the area showing the properties to receive notice. Mailing labels are available from the Washington County Assessors office or a private title insurance company. Ownership records shall be based on the most current available information from the Tax Assessor’s office. *It is the applicant’s responsibility to provide mailing labels that accurately reflect all property owners that reside within 1,000 feet of the subject site.*



Vicinity Map – Ten (10) copies of a vicinity map showing the City limits and the Urban Growth Boundary.



Narrative – Ten (10) copies and **an electronic copy in Microsoft Word Format** of a narrative explaining the proposal in detail and a response to the Required Findings for Minor Land Partition located in Chapter 16 of the Municipal Code/Zoning & Development, Section 16.128. The Municipal Code/Zoning & Development is available online at www.sherwoodoregon.gov. Click on Government/Municipal Code.



Electronic Copy – An electronic copy of the entire application packet. This should include all submittal materials (narrative, vicinity map, mailing labels, site plan, preliminary plat, etc.).

III. **REQUIRED PLANS**

Submit ten (10) sets of the following folded full-size plans and **an electronic copy in PDF format**. Plans must have:

- 1) The proposed name of the development. If a proposed project name is the same as or similar to other existing projects in the City of Sherwood, the applicant may be required to modify the project name.
- 2) The name, address and phone of the owner, developer, applicant and plan producer.
- 3) North arrow,
- 4) Legend,
- 5) Date plans were prepared and date of any revisions
- 6) Scale clearly shown. Other than architectural elevations, all plans must be drawn to engineer scale.
- 7) All dimensions clearly shown.



Existing Conditions Plan - Existing conditions plan drawn to scale showing: property lines and dimensions, existing structures and other improvements such as streets and utilities, existing vegetation including trees, any floodplains or wetlands and any easements on the property. The existing conditions plan shall also include the slope of the site at 5-foot contour intervals



Preliminary Development Plans- Plans must be sufficient for the Hearing Authority to determine compliance with applicable standards. The following information is typically needed for adequate review:

included as applicable

1. The subject parcel(s), its dimensions and area and the buildable area of each lot.
2. The location and dimensions of proposed development, including the following:

Transportation

- a. Public and private streets with proposed frontage improvements including curb, gutters, sidewalks, planter strip, street lighting, distances to street centerline, pavement width, right-of-way width, bike lanes and driveway drops.
- b. Public and private access easements, width and location.
- c. General circulation plan showing location, widths and direction of existing streets, bicycle and pedestrian ways and transit routes and facilities.
- d. Show the location and distance to neighboring driveways and the width and locations of driveways located across the street.

- e. The location and size of accesses, sight distance and any fixed objects on collectors or arterial streets.
- f. Emergency accesses.

Grading and Erosion Control

- g. Indicate the proposed grade at two (2)-foot contour intervals.
- h. Indicate the proposed erosion control measures to CWS standards (refer to CWS R&O 07-20).
- i. Show areas of cut and fill with areas of structural fill.
- j. Show the location of all retaining walls, the type of material to be used, the height of the retaining wall from the bottom of the footing to the top of the wall and the exposed height of the wall.

Utilities

- k. Utilities must be shown after proposed grade with 2-foot contour intervals.
- l. Map location, purpose, dimensions and ownership of easements.
- m. Fire hydrant locations and fire flows.
- n. Water, sewer and stormwater line locations, types and sizes.
- o. Clearly indicate the private and public portions of the system.
- p. Above-ground utilities and manhole locations

Preliminary Stormwater Plan

- q. Show location, size and slope of water quality facility.
- r. Preliminary calculations justifying size of facility.
- s. The total square footage of the new and existing impervious area.
- t. Indicate a stormwater facility to CWS standards (CWS R&O 07-20).

Sensitive Areas

- u. Show any and all streams, ponds, wetlands and drainage ways.
- v. Indicate the vegetative corridor for sensitive areas to CWS standards. (CWS R&O 07-20).
- w. Indicate measures to avoid environmental degradation that meet CWS, DSL and Army Corp requirements.
- x. Flood elevation.
- y. Wetland delineation and buffering proposed.

Land Use

- z. Existing trees proposed to remain and trees to be removed and the drip-lines of trees proposed to remain.
- aa. Street tree location, size and type. (refer to Section 8.304.06 of the Community Development Code).
- bb. Structures proposed to remain and structures proposed to be built with their dimensions and the distances to property lines.
- cc. Location, size and height of proposed free-standing signs.
- dd. Location, height and type of fencing and walls.
- ee. For each lot, indicate the building envelope.



Reduced - Proposed Development Plans – One (1) reduced copy of the Proposed Development Plans on 8 1/2" by 11" sheets and one (1) reduced copy on 11" by 17" sheets.

N/A ☐

Lighting Plan – Photometric lighting plan indicating foot candle power on and along the perimeter of the site. Proposed locations, height and size of lights. (If outdoor lighting is proposed).



Surrounding Land Uses – Existing land use including nature, size and location of existing structures within 300 feet.

IV. DOCUMENTS REQUIRED

Title Report – Two (2) copies of a current preliminary title report available from a private title insurance company.



CWS Service Provider Letter – Four (4) copies of the CWS service provider letter if applicable. Note: The Clean Water Services (CWS) requires a pre-screening to determine if water quality sensitive areas exist on the property. If these sensitive areas exist, a Site Assessment and Service Provider Letter are required prior to submitting for a land partition or undertaking any development. This application will not be accepted without a completed Pre-Screening Form and if required a Service Provider Letter. Please contact CWS at (503) 846-3795.

V. ADDITIONAL DOCUMENTS THAT MAY BE REQUIREDN/A ☐

Army Corps and DSL wetland applications and/or permits – Four (4) copies of required Divisions of State Lands and/or Army Corp of Engineers permits and/or permit applications if applicable.



Traffic Study – Four (4) copies of a traffic study (if required by the City Engineer).

N/A ☐

If the proposal is next to a Washington County roadway, the applicant must submit an Access Report (Traffic Study) to Washington County Department of Land Use and Transportation (503) 846-8761. This application will not be accepted until an Access Report (Traffic Study) is submitted to Washington County and the Access Report is deemed complete by the County; or written verification from Washington County that an Access Report is not required is provided.

N/A ☐

Soils Analysis and/or Geotechnical Report – Four (4) copies completed by a registered Soils Engineer or Geologist including measures to protect natural hazards. (If required by the City Engineer).

N/A ☐

Tree Report – Two (2) copies of a tree report prepared by an arborist, forester, landscape architect, botanist or other qualified professional. (If trees are on-site).

N/A ☐

Natural Resource Assessment – If required by Clean Water Services (CWS). The CWS Pre-Screening indicates as to whether this report is required or not.

N/A ☐

Wetland Delineation Study – if required by Oregon Division of State Lands (DSL) or the Army Corps of Engineers.

N/A ☐

Other Special Studies and/or Reports – if required by the Planning Director or the City Engineer to address issues identified in the pre-application meeting or during project review.

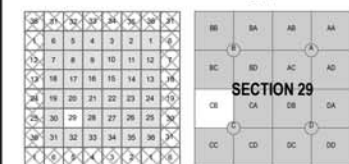
N/A ☐

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



Exhibit C: Washington County Assessor's Map

WASHINGTON COUNTY OREGON
NW 1/4 SW 1/4 SECTION 29 T2S R1W
SCALE 1"= 100'



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us

Cancelled Taxlots For: 2S129CB
None



PLOT DATE: 4/8/2022
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE
Map areas delineated by either gray shading or a cross-hatched pattern
are for reference only and may not indicate the most current property boundaries.
Please consult the appropriate map for the most current information.

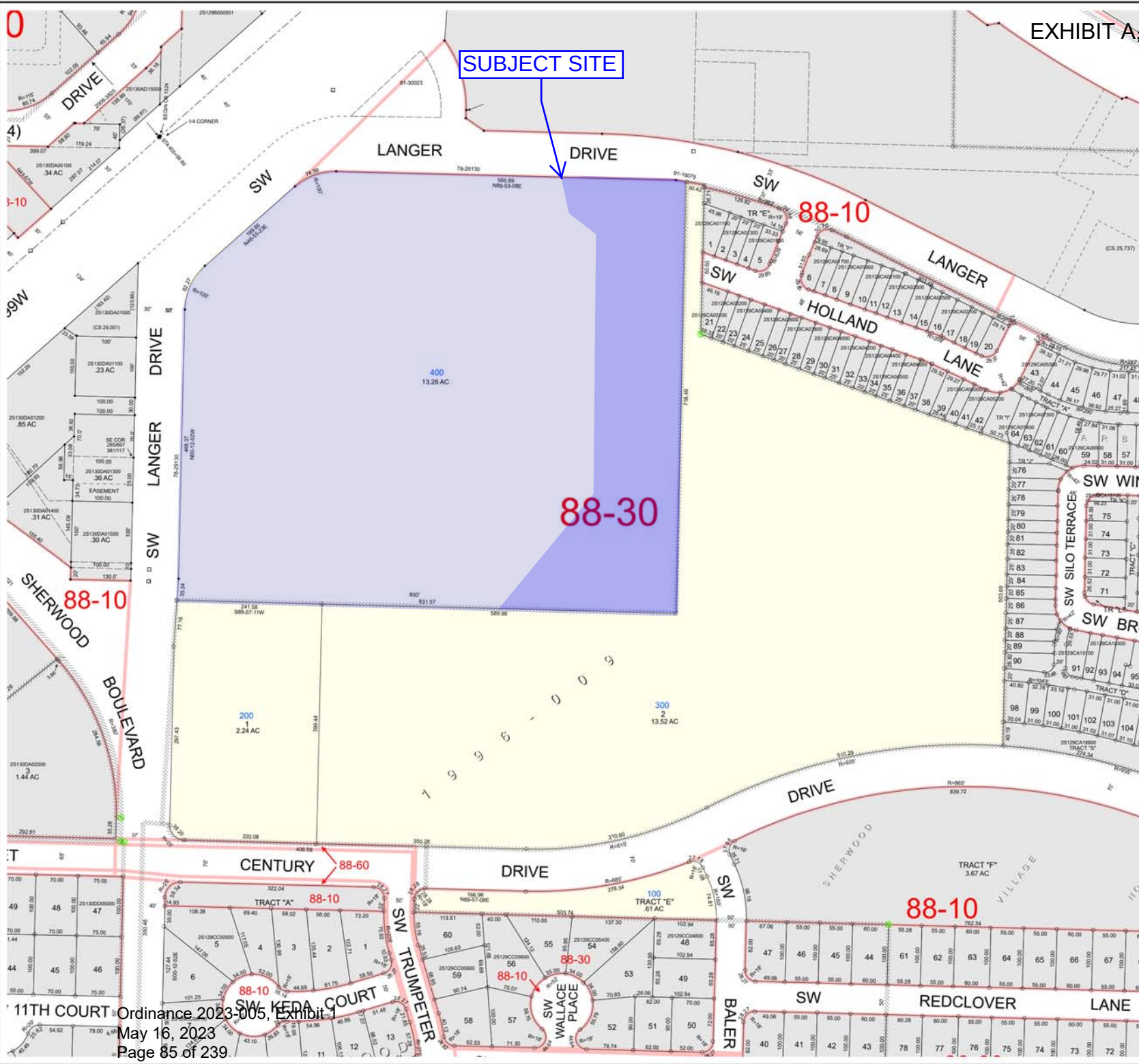




Exhibit D: Title Insurance Policy

OWNER'S POLICY OF TITLE INSURANCE

Issued By:

Policy Number:



CHICAGO TITLE
INSURANCE COMPANY

36262201838

Any notice of claim and any other notice or statement in writing required to be given to the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, CHICAGO TITLE INSURANCE COMPANY, a Florida corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
 - (a) A defect in the Title caused by
 - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
 - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
 - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
 - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
 - (vii) a defective judicial or administrative proceeding.
 - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (a) the occupancy, use, or enjoyment of the Land;
 - (b) the character, dimensions, or location of any improvement erected on the Land;
 - (c) the subdivision of land; or
 - (d) environmental protection

if a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.

Copyright American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated in Schedule A or being defective
 - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
 - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
 - (i) to be timely, or
 - (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

IN WITNESS WHEREOF, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed by its duly authorized officers.

Issuing Office or Agent:

Ticor Title Company of Oregon
1433 SW 6th Avenue
Portland, OR 97201
(503)646-4444 FAX (503)219-9984

Countersigned By:



Matthew London
Authorized Officer or Agent

Chicago Title Insurance Company



By:



Michael J. Nolan, President

Attest:



Marjorie Nemzura, Secretary

Copyright American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.

(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

Copyright American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



SCHEDULE A

Name and Address of Title Insurance Company: Chicago Title Insurance Company
c/o Tami Conn
Ticor Title Company of Oregon
1433 SW 6th Avenue
Portland, OR 97201

Address Reference: 16260 SW Langer Dr, Sherwood, OR 97140

Date of Policy	Amount of Insurance	Premium
June 30, 2022 at 01:41 PM	\$17,800,000.00	\$8,515.00

1. Name of Insured:

Six Corners LLC, an Oregon limited liability company

2. The estate or interest in the Land that is insured by this policy is:

A Fee

3. Title is vested in:

Six Corners LLC, an Oregon limited liability company

4. The Land referred to in this policy is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THIS POLICY VALID ONLY IF SCHEDULE B IS ATTACHED

END OF SCHEDULE A

Copyright American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



SCHEDULE B EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses that arise by reason of:

SPECIFIC ITEMS AND EXCEPTIONS:

1. Rights of the public to any portion of the Land lying within streets, roads and highways.
2. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	State of Oregon, by and through its Department of Transportation, Highway Division
Purpose:	Permanent drainage easement and permanent slope easement
Recording Date:	April 3, 1991
Recording No:	91016075
Affects:	See document for specifics
3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	Owners of adjoining property to the South
Purpose:	Emergency access
Recording Date:	February 29, 2000
Recording No:	2000016135
Affects:	See document for specifics
4. Private Stormwater Facility Access & Maintenance Covenant, including the terms and provisions thereof,

Recording Date:	April 10, 2013
Recording No.:	2013-032032
5. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	Portland General Electric Company
Purpose:	Transmission, distribution and sale of electricity and communications
Recording Date:	April 30, 2013
Recording No:	2013-038591
Affects:	A strip of land approximately 10 feet in width, whose exact location is not specified
6. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	Portland General Electric Company
Purpose:	Transmission, distribution and sale of electricity and communication
Recording Date:	May 21, 2018
Recording No:	2018-035042
Affects:	A strip of land approximately 10 feet in width whose exact location is not specified

Copyright American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



SCHEDULE B EXCEPTIONS FROM COVERAGE

(continued)

7. A Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing, to secure an indebtedness in the amount shown below,

Amount: \$17,400,000.00
 Dated: June 28, 2022
 Trustor/Grantor: Six Corners LLC, an Oregon limited liability company
 Trustee: Kevin P. Moran, Attorney at Law
 Beneficiary: OnPoint Community Credit Union
 Loan No.: not provided
 Recording Date: June 30, 2022
 Recording No.: 2022-043210

8. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: Memorandum of Lease
 Lessor: Clarence D. Langer and Lillian L. Langer, husband and wife
 Lessee: Portland Fixture Co., an Oregon corporation
 Recording Date: February 22, 1973
 Recording No: Book 910, Page 388

By multiple assignments and conveyances, the most recent of which runs to:

Assignee: Six Corners, LLC, an Oregon limited liability company
 Recording Date: April 19, 2007
 Recording No.: 2007-043813

The Lessor's interest is now held by the above referenced assignee.

By multiple assignments, the most recent of which runs to:

Assignee: Portland Fixture Limited Partnership, an Oregon limited partnership
 Recording Date: December 31, 1986
 Recording No.: 86061761

The lessee's interest is now held by the above referenced assignee.

By multiple assignments, the most recent of which runs to:

Assignee: Six Corners LLC
 Recording Date: June 30, 2022
 Recording No.: 2022-043209

The lessee's interest is now held by the above referenced assignee.

Copyright American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



SCHEDULE B EXCEPTIONS FROM COVERAGE

(continued)

A Lease Subordination Agreement, recorded June 30, 2022 at 2022-043211 which states that said lease has been made subordinate to the document

Entitled: Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing
Recording Date: June 30, 2022
Recording No: 2022-043210

9. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: Memorandum of Lease
Lessor: Portland Fixture Limited Partnership
Lessee: Shari's Management Corporation, an Oregon corporation
Recording Date: October 20, 1997
Recording No: 97098196

Affects: A portion of the subject property.

The present ownership of the leasehold created by said lease and other matters affecting the interest of the lessee are not shown herein.

Subordination, Nondisturbance and Attornment Agreement, and the terms and conditions thereof:

Lender: OnPoint Community Credit Union
Tenant: Shari's Management Corporation
Landlord: Six Corners LLC
Recording Date: June 30, 2022
Recording No: 2022-043212

10. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: Memorandum of Lease
Lessor: Portland Fixture Limited Partnership, an Oregon limited partnership
Lessee: Ross Dress for Less, Inc., a Virginia corporation
Recording Date: February 25, 2018
Recording No: 2018-013466

Affects: A portion of the subject property.

Subordination, Nondisturbance and Attornment Agreement, and the terms and conditions thereof:

Lender: OnPoint Community Credit Union
Tenant: Ross Dress For Less, Inc.
Landlord: Six Corners LLC
Recording Date: June 30, 2022
Recording No: 2022-043225

Copyright American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



SCHEDULE B
EXCEPTIONS FROM COVERAGE
(continued)

11. Rights of tenants, as tenants only, in unrecorded leases, with no rights to purchase.
12. Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by survey,

Job No.: 9539
Dated: June 27, 2022
Prepared by: AKS Engineering & Forestry, LLC
Matters shown:

- a) Building overhangs .3 feet over Northwest of property and 1.3 feet over Southeast of property line.
- b) Wood/Chain link fence varies from .5 feet to 1.0 feet South of property line.
- c) Power line, overhead wire, gas line, storm sewer line, sanitary sewer line and water line going into and out of property boundaries.

END OF SCHEDULE B

Copyright American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



**EXHIBIT "A"
LEGAL DESCRIPTION**

A tract of land in the Southwest one-quarter of Section 29, Township 2 South, Range 1 West, Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon, more particularly described as follows:

Beginning at the Northwest corner of the Southwest one-quarter of said Section 29; thence South 0°12'52" East a distance of 770.00 feet; thence North 89°56'49" East, parallel with the North line of the Southwest one-quarter of said Section 29, a distance of 48.43 feet to a point in the East line of that certain tract of land conveyed to the City of Sherwood by Deed recorded June 28, 1978, recorder's Fee No. 78-029130 and the true point of beginning of the tract herein described; thence along the Easterly and Southerly line of said City of Sherwood Tract North 2°19'49" East a distance of 35.34 feet to a point opposite and 50.00 feet Easterly from Engineer's Center line Station 42+00 of said City of Sherwood tract; thence North 0°12'52" West a distance of 448.37 feet to the beginning of a 100.00 foot radius tangent curve to the right; thence along the arc of said curve a distance of 82.27 feet through a central angle of 47°08'15" (the long chord bears North 23°21'16" East a distance of 79.97 feet); thence North 46°55'23" East a distance of 199.85 feet to the beginning of a 100.00 foot radius tangent curve to the right; thence along the arc of said curve a distance of 74.98 feet through a central angle of 42°57'45" (the long chord bears North 68°24'16" East a distance of 73.24 feet); thence North 89°53'08" East a distance of 565.89 feet to a point opposite and 50.00 feet Southerly from Engineer's center line Station 56+50 of said City of Sherwood tract; thence North 84°12'42" East a distance of 17.53 feet; thence leaving the Southerly line of said City of Sherwood tract South 0°12'52" East, parallel with the West line of the Southwest one-quarter of said Section 29, a distance of 722.68 feet; thence South 89°56'49" West, parallel with the North line of the Southwest one-quarter of said Section 29, a distance of 831.57 feet to the point of beginning.

EXCEPT that portion that was conveyed to the State of Oregon by and through its Department of Transportation, Highway Division by Deed recorded April 3, 1991, Fee No. 91-016075.

Copyright American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



CONDITIONS**1. DEFINITION OF TERMS**

The following terms when used in this policy mean:

- (a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.
- (b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.
- (c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.
- (d) "Insured": The Insured named in Schedule A.
 - (i) The term "Insured" also includes
 - (A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
 - (B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;
 - (C) successors to an Insured by its conversion to another kind of Entity;
 - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
 - (1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,
 - (2) if the grantee wholly owns the named Insured,
 - (3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or
 - (4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.
 - (ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.
- (e) "Insured Claimant": An Insured claiming loss or damage.
- (f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.
- (g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.
- (h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.
- (i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.
- (j) "Title": The estate or interest described in Schedule A.
- (k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

Copyright American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



(continued)

5. DEFENSE AND PROSECUTION OF ACTIONS

- (a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.
- (b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.
- (c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal from any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

- (a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.
- (b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Insurance.
To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.
Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.
- (b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.
 - (i) to pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or
 - (ii) to pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

Copyright American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



(continued)

8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

- (a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of
 - (i) the Amount of Insurance; or
 - (ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.
- (b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,
 - (i) the Amount of Insurance shall be increased by Ten percent (10%), and
 - (ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.
- (c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

- (a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.
- (b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.
- (c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within thirty (30) days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

- (a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.

If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.

- (b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

14. INTENTIONALLY DELETED**15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT**

- (a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.
- (b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.
- (c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.
- (d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

Copyright American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



(continued)

16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

17. CHOICE OF LAW; FORUM

- (a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located.

Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.

- (b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at:

Chicago Title Insurance Company
P.O. Box 45023
Jacksonville, FL 32232-5023
Attn: Claims Department

END OF CONDITIONS

Copyright American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



ENDORSEMENT

Issued By:

Attached to Policy Number:


**CHICAGO TITLE
INSURANCE COMPANY**
36262201838

Date: June 30, 2022

Premium: \$0.00

The Company hereby incorporates into the Conditions and Stipulations of the policy the following:

This policy is issued simultaneously with a Policy No. 36262201838 Owners Policy to . Any payment by the Company under said policy shall reduce pro tanto the liability of the Company under this policy.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

Order Reference: Six Corners LLC, an Oregon limited liability company

Chicago Title Insurance Company

Countersigned By:

Authorized Officer or Agent
Maggie Metcalf



Exhibit E: Transportation Documentation



851 SW 6th Avenue, Suite 600
Portland, OR 97204
P 503.228.5230

Memorandum

January 24, 2023

Project# 28511

To: Joy Chang, City of Sherwood
From: Chris Brehmer, PE, Julia Kuhn, PE
Cc: Marie Holladay, AKS Engineering & Forestry, LLC
RE: Sherwood Plaza Apartments Rezone Transportation Planning Rule (TPR) Assessment

Six Corners, LLC is proposing to rezone approximately 3.3 acres of land from Retail Commercial (RC) to High Density Residential (HDR) to facilitate future development of apartments on the site. The proposed apartments are located at 16440 SW Langer Drive; the overall site is 13.2 acres but only 3.3 acres are proposed for rezoning. The change in zoning designation requires preparation of a Transportation Planning Rule (TPR) analyses per Oregon Administrative Rule (OAR) 066-012-060.

As summarized herein, the proposed change in zoning from RC to HDR would not result in a significant effect on the transportation system, as defined by the TPR because fewer vehicle trips could be realized assuming site development under the proposed zoning compared to the existing zoning. The remainder of this memorandum provides the details supporting this conclusion.

Transportation Planning Rule (TPR) Evaluation

Two sections of Oregon's Transportation Planning Rule apply to amendments to acknowledged land use designations. Per OAR 660-012-0060(1) and (2), the first step in assessing an amendment's potential transportation impact is to compare the vehicular trip generation of the site assuming a "reasonable worst-case" development scenario under the existing and proposed zoning. If the trip generation potential increases under the proposed zoning, additional analysis is required to assess whether the rezone will "significantly affect" the transportation system. Conversely, if the trip generation under the proposed zoning is equal to or less than that under the existing zoning, no additional quantitative analysis is necessary to conclude that the proposal does not "significantly affect" the transportation system.

Trip Generation Comparison

To test for a significant effect, we reviewed the change in trip generation potential of the permitted land uses associated with the existing RC versus the proposed HDR designation. Based on the City's Municipal Code, the following represents the "reasonable worse case" scenarios in trip making:

- Per Title 16.220.020 of the Sherwood Municipal Code¹, permitted uses under RC zoning include, but are not limited to, a range of residential, civic, and commercial buildings. Assuming a floor-area-ratio of 0.25 on 3.3-acre parcel (consistent with other zone changes in Oregon) would yield a total of 36,000 square feet of building space (i.e., 3.3 acres × 0.25 × 43,560 square feet/acre). Based on the list of permitted uses and the potential trip generation on a per square foot basis, the highest potential trip generation would be associated with 36,000 square feet of medical office space.

¹ Source: https://library.municode.com/or/sherwood/codes/code_of_ordinances?nodeId=IIT16ZOCODECO

- Per Title 16.12.020 of the Sherwood Municipal Code, the permitted uses that could be considered under the HDR include a range of residential, accessory uses, as well as commercial and civic uses. Considering the development standards of Title 16.12.030.C, HDR zoning would allow development of detached homes, duplexes and multi-family units. Considering the zoning provisions and assuming a total FAR of 1.0, a 3.3-acre parcel would yield approximately 144,000 square feet of residential building size, in turn allowing approximately:
 - 28 single family detached homes (at 5,000 square feet per home)
 - 79 townhomes (at a maximum density of 24 dwelling units per acre per 16.12.010.E)
 - 92 apartment units (at 8,000 square feet for the first two units and 1,500 square feet for each additional unit)

Based on the above potential residential uses, 79 attached single family homes (i.e., townhomes) would result in the highest trip generation potential for the site.

Table 1 presents trip generation estimates for the potential zoning designation scenarios. These trip estimates are based on information contained in the *Trip Generation Manual* (11th Edition, as published by the Institute of Transportation Engineers). The daily and peak hour trip estimates all reflect the fitted equation trip rates.

Table 1. Trip Generation Comparison

Land Use	ITE Code	Size	Average Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total	In	Out	Total	In	Out
Existing RC Zoning									
Medical Office	720	36,000 sq ft	1,439	96	76	20	143	43	100
Proposed HDR Zoning									
Single Family Attached	215	79 units	552	35	11	24	43	25	18
Proposed HDR Zoning - Existing RC Zoning									
Total Trips			-887	-61	-65	4	-100	-18	-82

In reviewing Table 1, Policy 1F.5 of the Oregon Highway Plan establishes the following thresholds for determining significance:

- Any proposed amendment that does not increase the average daily trips by more than 400 is not considered significant.
- Any proposed amendment that increases the average daily trips by more than 400 but less than 1,000 for state facilities is not considered significant where:
 - The annual average daily traffic is less than 5,000 for a two-lane highway
 - The annual average daily traffic is less than 15,000 for a three-lane highway
 - The annual average daily traffic is less than 10,000 for a four-lane highway
 - The annual average daily traffic is less than 25,000 for a five-lane highway
- If the increase in traffic between the existing plan and the proposed amendment is more than 1,000 average daily trips, then it is not considered a small increase in traffic and the amendment causes further degradation of the facility and would be subject to existing processes for resolution.

As shown, the rezone would result in a decrease in daily trips and accordingly, this does not constitute a significant impact per OHP Policy 1F.5.

Ordinance 2023-005, Exhibit 1

Summary of Applicable Oregon Administrative Rule Criteria

OAR Section 660-12-0060 of the TPR sets forth the relative criteria for evaluating plan and land use regulation amendments. Table 2 summarizes the criteria in Section 660-012-0060 and the applicability to the proposed redesignation from RC to HDR.

Table 2. Summary of Criteria in OAR 660-012-0060

Section	Criteria	Applicable?
1	Describes how to determine if a proposed land use action results in a significant effect.	Yes
2	Describes measures for complying with Criteria #1 where a significant effect is determined.	No
3	Describes measures for complying with Criteria #1 and #2 without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility.	No
4	Determinations under Criteria #1, #2, and #3 are coordinated with other local agencies.	Yes
5	Indicates that the presence of a transportation facility shall not be the basis for an exception to allow development on rural lands.	No
6	Indicates that local agencies should credit developments that provide a reduction in trips.	No
7	Outlines requirements for a local street plan, access management plan, or future street plan.	No
8	Defines a mixed-use, pedestrian-friendly neighborhood.	No
9	A significant effect may not occur if the rezone is identified on the City's Comprehensive Plan and assumed in the adopted Transportation System Plan.	No
10	Agencies may consider measures other than vehicular capacity if within an identified multimodal mixed-use area (MMA).	No
11	Allows agencies to override the finding of a significant effect if the application meets the balancing test.	No

As shown in Table 2, there are eleven criteria that apply to Plan and Land Use Regulation Amendments. Of these, two are applicable to the proposed land use action. These criteria are provided below in italics with our response shown in standard font.

OAR 660-12-0060(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Response: The proposed change in zoning designation could result in a decrease in daily trip making and as such does not constitute a significant impact per OHP Policy 1F.5. Further, no changes to the City's functional street classification designations or standards are warranted by the change in designation and the adjacent facilities are appropriate for the designations.

(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

Response: The Applicant is coordinating the proposed zone change with the City of Sherwood and ODOT.

Conclusions

As discussed herein, our review concluded that:

- The change in zoning from RC to HDR would result in a decrease in potential trip generation, therefore no significant impact would occur as defined by the TPR and OHP Policy 1F.5.

Please let us know if you need any additional information as part of your review.





Exhibit F:

Clean Water Services (CWS) Service Provider Letter

SENSITIVE AREA PRE-SCREENING SITE ASSESSMENT

Clean Water Services File Number 22-002509

1. Jurisdiction: Washington County

2. Property Information (example: 1S234AB01400)

Tax lot ID(s): 2S129CB00400OR Site Address: 16260 SW Langer DriveCity, State, Zip: Sherwood, Oregon, 97140

Nearest cross street: _____

4. Development Activity (check **all** that apply)

- ☐ Addition to single family residence (rooms, deck, garage)
☐ Lot line adjustment ☒ Minor land partition
☒ Residential condominium ☐ Commercial condominium
☐ Residential subdivision ☐ Commercial subdivision
☐ Single lot commercial ☐ Multi lot commercial
 Other _____

3. Owner Information

Name: Dean SandowCompany: Six Corners LLCAddress: 121 SW Morrison, Suite 600City, State, Zip: Portland, OR 97204Phone/fax: 503-228-6044Email: dsandow@fwlaw.com

4. Applicant Information

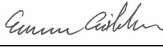
Name: Emma EichhornCompany: AKS Engineering and Forestry, LLCAddress: 12965 SW Herman Rd Ste 100City, State, Zip: Tualatin, ORPhone/fax: 503-563-6151Email: eichhorne@aks-eng.com6. Will the project involve any off-site work? ☐ Yes ☒ No ☐ Unknown

Location and description of off-site work: _____

7. Additional comments or information that may be needed to understand your project: _____

This application does NOT replace Grading and Erosion Control Permits, Connection Permits, Building Permits, Site Development Permits, DEQ 1200-C Permit or other permits as issued by the Department of Environmental Quality, Department of State Lands and/or Department of the Army COE. All required permits and approvals must be obtained and completed under applicable local, state, and federal law.

By signing this form, the Owner or Owner's authorized agent or representative, acknowledges and agrees that employees of Clean Water Services have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related to the project site. I certify that I am familiar with the information contained in this document, and to the best of my knowledge and belief, this information is true, complete, and accurate.

Print/type name Emma EichhornPrint/type title Natural Resources SpecialistSignature Date 09/08/2022

FOR DISTRICT USE ONLY

- ☐ Sensitive areas potentially exist on site or within 200' of the site. **THE APPLICANT MUST PERFORM A SITE ASSESSMENT PRIOR TO ISSUANCE OF A SERVICE PROVIDER LETTER.** If Sensitive Areas exist on the site or within 200 feet on adjacent properties, a Natural Resources Assessment Report may also be required.
- ☐ Based on review of the submitted materials and best available information sensitive areas do not appear to exist on site or within 200' of the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider Letter as required by Resolution and Order 19-5, Section 3.02.1, as amended by Resolution and Order 19-22. All required permits and approvals must be obtained and completed under applicable local, State and federal law.
- ☒ Based on review of the submitted materials and best available information the above referenced project will not significantly impact the existing or potentially sensitive area(s) found near the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect additional water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider Letter as required by Resolution and Order 19-5, Section 3.02.1, as amended by Resolution and Order 19-22. All required permits and approvals must be obtained and completed under applicable local, state and federal law.
- ☐ **THIS SERVICE PROVIDER LETTER IS NOT VALID UNLESS _____ CWS APPROVED SITE PLAN(S) ARE ATTACHED.**
- ☐ The proposed activity does not meet the definition of development or the lot was platted after 9/9/95 ORS 92.040(2). **NO SITE ASSESSMENT OR SERVICE PROVIDER LETTER IS REQUIRED.**

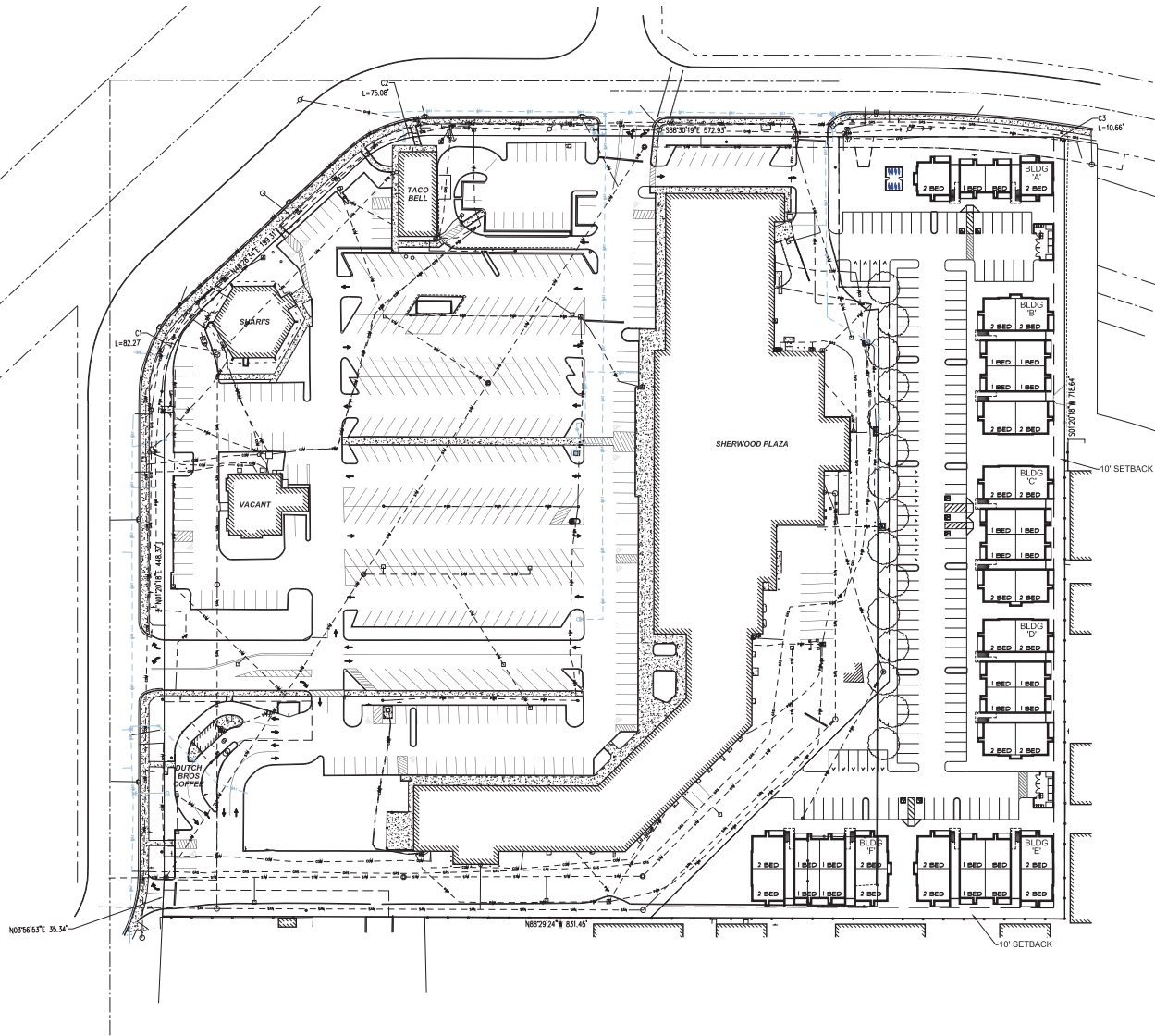
Reviewed by Jessica ChaplenDate 9/8/2022Once complete, email to: **SPLReview@cleanwaterservices.org** • Fax: **(503) 681-4439**

OR mail to: SPL Review, Clean Water Services, 2550 SW Hillsboro Highway, Hillsboro, Oregon 97123

Ordinance 2023-008, Exhibit 1

May 16, 2023

Revised 2/2020



1 SITE PLAN
1" = 50'

SITE DATA:			
CURRENT ZONE:	RC - RETAIL COMMERCIAL		
TOTAL TAX LOT:	13.25 ACRES	577,146 S.F.	
PROPOSED PARCEL:	3.37 ACRES	146,888 S.F.	
BUILDING AREA:			
BUILDING 'A' -	2 STORY	4 - 1 BEDROOM UNITS	
		4 - 2 BEDROOM UNITS	
BUILDING 'B' -	2 STORY	8 - 1 BEDROOM UNITS	
		8 - 2 BEDROOM UNITS	
BUILDING 'C' -	2 STORY	8 - 1 BEDROOM UNITS	
		8 - 2 BEDROOM UNITS	
BUILDING 'D' -	2 STORY	8 - 1 BEDROOM UNITS	
		8 - 2 BEDROOM UNITS	
BUILDING 'E' -	2 STORY	8 - 1 BEDROOM UNITS	
		8 - 2 BEDROOM UNITS	
BUILDING 'F' -	2 STORY	8 - 1 BEDROOM UNITS	
		8 - 2 BEDROOM UNITS	
TOTAL 1 BEDROOM UNITS:		44	
TOTAL 2 BEDROOM UNITS:		44	
		88 TOTAL UNITS	
PARKING:			
	# OF UNITS	MIN. RATIO (PER APARTMENT)	MINIMUM PARKING
1 BEDROOM	44 UNITS	1.25	55 STALLS
2 BEDROOM	44 UNITS	1.5	66 STALLS
VISITOR		121 * 15%	19 STALLS
TOTAL REQUIRED PARKING:			140 STALLS
PROVIDED PARKING:			149 STALLS

SCHMIDT
ARCHITECTS, P.C.
16101 SW 72ND AVENUE
SUITE 135
PORTLAND, OR 97224
(503) 250-8517
www.schmidtarchitectspc.com
AKA Tland Schmidt Architects, P.C.

SHERWOOD PLAZA APARTMENTS
HIGHWAY 99 AND SW LANGER DRIVE
SHERWOOD, OREGON 97140
LANGER

PROJECT NO.	2022-151
DATE:	08-05-2022
DRAWN BY:	KCP
CHECKED BY:	PM
REVISIONS	
2022-09-01 PM /	Rev. Plan 1

SP1



Exhibit G [*Updated March 2023*]: Economic Need Analysis

**MEMORANDUM**

DATE: March 14, 2023

TO: SIX CORNERS, LLC
121 SW Morrison Rd.
Suite 600
Portland, OR 97204

FROM: Brendan Buckley
Johnson Economics, LLC

SUBJECT: Need Analysis of Retail vs. High Density Housing Uses at a Site in Sherwood, OR

JOHNSON ECONOMICS have completed an analysis of the appropriateness of a site located in central Sherwood, Oregon for the common uses under its current and proposed zoning. The 3.3-acre site is portion of a larger 13.2-acre parcel that is current zoned Retail Commercial (RC). An application has been submitted to rezone this portion of the parcel to High Density Residential (HDR) in order to allow a multi-family housing development.

This analysis examines the site for appropriateness for these uses from a market perspective, assessing the layout and location for successful retail or multi-family housing. This memo reviews the findings of our analysis of demand and supply of land for retail commercial and housing uses in Sherwood.

CONTENTS

I.	Executive Summary	2
II.	Subject Site and Proposed Use	2
	CURRENT ZONE: Retail Commercial (RC), Purpose and Permitted Uses.....	4
	PROPOSED ZONE: High Density Residential (HDR), Purpose and Permitted Uses	4
III.	Site and Location Analysis	4
IV.	Need for Residential and Retail Land	7
V.	Conclusions	11
	Sources.....	12
	Appendix.....	12



I. EXECUTIVE SUMMARY

The analysis presented in this memo supports a zone change at the subject site from a retail commercial zone to a high-density residential zone based on market factors and land need findings. The following is a summary of major findings:

- The subject site's location and configuration present challenges to retail use in terms of visibility and access, as well as effective site planning. Retail uses at this ±3.3 site would be unlikely to form a cohesive retail environment with the existing nearby shopping centers which are oriented away from the subject site.
- Residential uses at the site do not face similar challenges and are likely feasible as evidenced by the existing multi-family development in the adjoining HDR zones to the east and south. Multi-family development is a common transitional use found at the border of residential and commercial areas with proper buffering.
- Vertical mixed-use residential/commercial development is currently allowed in the RC zone at the density of the HDR zone, but this mixed-use building type is highly infeasible in this location due to increased cost of development, and low chances of success for the ground floor uses.
- Recent studies of 20-year land need adopted by the City forecasted a likely shortage of residential land in all zoning categories, including HDR, and recommended a range of strategies to address this shortage, including possible rezoning.
- The study of employment land needs forecasted slow growth in retail space demand in coming years, and a likely surplus of retail commercial zoned land to accommodate it. Recent retail market trends support a finding of relatively steady retail need in Sherwood in recent decades and slow growth in total retail space use. There is currently vacant retail space available in Sherwood's major shopping centers that would likely outcompete retail offered at the subject site with much better visibility and access.

Analysis supporting these findings is presented in the following sections.

II. SUBJECT SITE AND PROPOSED USE

The subject site is located on SW Langer Drive in north-central Sherwood. The site is roughly 3.3 vacant acres located on the eastern edge of a larger 13.2 acre parcel that is predominantly occupied by the existing Sherwood Plaza shopping mall.

The subject site is physically and visually separated from the rear of the shopping center by a grove of trees. To the east and south of the subject site are high density housing developments. The proposed zone change would allow the subject site to be developed in a similar manner to these adjacent residential uses.

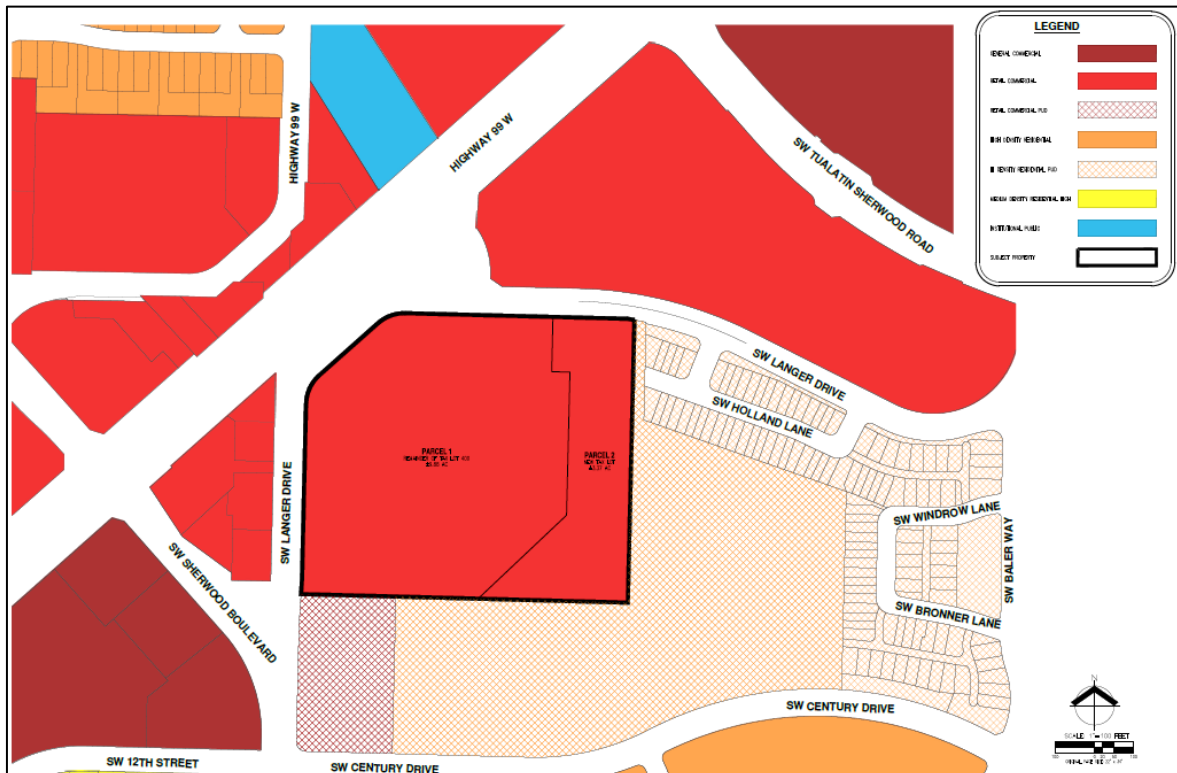


Figure 1: Subject Site Location, North Central Sherwood



Source: Google, Johnson Economics

Figure 2: Current Zoning, Subject Site & Area, North Central Sherwood



Source: AKS Engineering

**CURRENT ZONE: Retail Commercial (RC), Purpose and Permitted Uses**

The City of Sherwood Municipal Code defines the purpose of the RC zone as follows:

The RC zoning district provides areas for general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts.... (Chapter 16.22.010)

The RC zone permits a range of commercial uses including general retail and office uses, while prohibiting or placing conditions on some businesses that would have negative impacts (such as traffic, noise, outdoor yard space, and others.)

The RC zone allows for multi-family housing units at the same permitted density as the HDR zone. However, the RC zone requires that this housing be on the upper floors of vertical mixed-use development with non-residential use on the ground floor, among other standards. It does not permit standalone multi-family housing.

PROPOSED ZONE: High Density Residential (HDR), Purpose and Permitted Uses

The proposed new zone for the subject site is HDR, which the Municipal Code describes as follows:

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.... (Chapter 16.12.010)

The zone allows for almost all standard types of housing, other than manufactured home parks, so long as density and other standards are met.

The proposed zone change would allow for the development of a multi-family housing complex of roughly 80 units. In accordance with the HDR zone, approximately 80 units on 3.3 acres, would translate to a housing density of 24 units per acre.

III. SITE AND LOCATION ANALYSIS

From a market perspective the subject site, like any property, will have strengths and weaknesses as a physical location for different potential land uses. While zoning determines what is allowed on a specific property, real estate market forces will determine if or when a property is actually developed. In some cases, the disparity between what is permitted and what is economically feasible may lead to properties languishing indefinitely. In the case of the vacant subject property, the surrounding area provides some examples of some typical uses in the RC or HDR zones as a guide to potential successful development scenarios.

RETAIL USE OF THE SUBJECT SITE

The subject site is likely to face some challenges as a retail commercial site due to the property's configuration and location. The key determinants of retail success and strength of location are:

Sherwood Zone Change: Retail and Housing Market Analysis

4 | Page



- Visibility
- Access
- Traffic volumes to take advantage of these factors
- Site plan/format

Outside of a more compact downtown district, retail is commonly located along major arterials and highways to improve visibility and access. This is the case in Sherwood, where much of the general and retail commercial land (outside of the downtown core) is located along Highway 99W and SW Tualatin-Sherwood Rd.

Access: The subject site is located on SW Langer Dr. which is classified as a collector street. For reference, Tualatin-Sherwood Rd. is classified as an arterial, and Highway 99W as a principal arterial. Langer Drive, as a collector roadway connecting these two larger arterial streets, supports traffic volumes that would likely be technically sufficient for modest retail businesses at the subject site, but at much lower volumes than the two arterials.

Determining the permissible vehicle access into and out of the site for retail use is beyond the scope of this analysis, but the location would appear to support non-signalized access.

Visibility: In contrast to the large shopping centers to the west and north, which share the site's current RC zone, businesses at the subject site would not be visible from major arterials. The physical layouts of the Sherwood Plaza to the west, and Sherwood Market Center to the north, demonstrate that the tenant businesses and their signage are oriented towards the two arterials, and away from the interior location of the subject site. (Sherwood Plaza is located on Langer Drive which loops around the property – but has unobstructed visibility from the highway, and highway access points to the north and south.)

In fact, the subject site faces the back of both shopping centers, with blank walls, freight access lanes and employee parking facing the site. This configuration will create challenges for future retail at the subject site as this stretch of Langer Drive is not a “double loaded” retail street, with active businesses facing the street from both sides. Any retail located at the subject site would not be part of a cohesive or continuous retail streetscape with the adjacent shopping centers. Further, retail at the subject site could is not capable of a cohesive retail cluster with Sherwood Plaza next door, as this shopping center has its “back turned” to the subject site.

Site configuration: The subject site features a narrow rectangular north/south orientation, with roughly 200 ft. of frontage, but roughly 725 ft. of depth. If developed with retail, this configuration would allow for multiple retail buildings in a north/south row, with parking and access lanes along one side. The site would not allow a shopping center layout fronting the street like the other nearby RC properties.



At an assumed FAR of 0.3, this would allow for roughly 40,000 sq.ft. of retail space. These buildings would have to be relatively narrow in the east/west dimension, limiting the types of businesses that could locate there. Mid-box or big-box stores, including grocery, department, garden, or discount stores would be infeasible. This configuration would be most appropriate for multiple small tenants such as restaurants and small shops. The layout might be akin to a strip retail center, but would be deprived the benefit of orienting the strip of businesses towards the access street for visibility and access.

This configuration would provide very limited visibility for most businesses located in such a shopping center at the subject site. The northmost building, located nearest Langer Drive would be visible to street traffic, while visibility of other buildings would be much more limited. Signage on Langer Drive could identify the businesses in the shopping center, but they would be hampered without actual storefront visibility.

Retail Conclusions: The subject site is not well suited for successful retail commercial. Individual spaces for lease in a strip retail center at this location would likely have difficulty competing for tenants if space is available for lease in the more traditional large shopping centers located nearby (as is currently the case.) Prospective tenants will prefer the shopping center format for visibility, access, and the agglomeration effects of the existing businesses located in those centers.

Due to the site's configuration, the site plan would likely be a type of strip center, but with the strip of businesses oriented perpendicular to the access frontage hampering visibility and auto access. This retail center is likely to have lower visibility and traffic counts to any of the competing retail commercial or general commercial land located along the major arterials.

RESIDENTIAL USE OF THE SUBJECT SITE

The subject site is likely better suited to multi-family residential uses similar to the existing housing complexes located to the east and south of the property. In general, residential uses do not face the same requirements of visibility and access as commercial properties do and can be located in internal neighborhoods and away from major arterial streets.

Access: As a residential use, the site would generate less frequent traffic than a retail use, reducing the traffic burden somewhat on the roughly 200 ft. of frontage on Langer Drive. Impacts to transportation facilities as a result of the potential rezone will be analyzed in a separate report.

Site configuration: The narrow vertical configuration of the site will be better suited to residential use as well. Visibility is not an issue, and residential buildings located to the south on the property will be shielded from traffic noise on Langer Dr. In this way, orientation away from the street of access can actually benefit quality of life for residents.



Neighboring uses: Residential uses at the subject site would have retail shopping centers located to the west and across Langer Drive to the north. As noted, these centers have their back turned towards the subject site, meaning much less active portions of the properties face the site. While active commercial uses can be disruptive to residential use, multi-family residential use such as apartments are often a traditional buffer between lower-density residential zones and commercial uses. The adjacent high-density residential properties demonstrate how these uses can be buffered by setbacks and landscaping from the nearby shopping centers.

Feasibility of mixed-use residential: Residential uses at HDR densities are allowed within the *RC* but only as part of a vertical mixed-use development with active non-residential uses on the full ground floor. These standards are designed to encourage traditional vertical mixed-use buildings of residential over retail, dining, or commercial services as one might see in downtown cores and highly walkable pedestrian-oriented districts.

In the location of subject site, development meeting this requirement will very likely be infeasible. Vertical mixed-use development carries additional costs that make development considerably more expensive on a per-foot basis. These additional cost factors include building elements such as commercial-grade materials, sprinkler and security systems, firewalls, elevators, and additional parking. In addition, commercial and residential uses typically have very different floor-plate layout, adding to challenges in designing and building these structures. The expertise and labor to successfully design and build vertical mixed use carries a premium.

Finally, the ground-floor commercial element of mixed-use at the subject site would face serious challenges to success. The subject site does not present a classic walkable mixed-use environment with no walkthrough foot traffic beyond the on-site residents, and faces the same access and visibility challenges identified above for retail uses.

Residential Conclusions: Multi-family development is market feasible at the subject site as evidenced by the success of these uses in the immediate area. The challenges of visibility and access faced by retail users are not factors for residential uses. Because the nearby shopping centers are oriented away from the subject site, any conflicts with commercial activity will likely be minimal and can be mitigated with the types of buffering often seen at the meeting of HDR zones and commercial zones.

IV. NEED FOR RESIDENTIAL AND RETAIL LAND

The proposed zone change from commercial use to residential use at the subject site will impact the amount of available buildable land for each of these uses in Sherwood. A review of the most recent studies of housing land need and employment land need in the city generally support the proposed reduction in RC land and increase in HDR land based on projected growth and identified need.

**HOUSING NEEDS ANALYSIS (ADOPTED 2020)**

The most recently adopted Sherwood Housing Needs Analysis (HNA) identified a significant shortage of residential land capacity in all zoning categories from “Very Low Density” to “High Density Residential”. The HNA study period was 2019-2039, and it was adopted in 2020. Overall, the analysis found a shortage of buildable land in all residential zones compared to forecasted 20-year demand. In total, the forecasted need exceeded the available land capacity by over 600 housing units.

The HDR zone was found to have land capacity for 253 housing units, vs. a 20-year demand for 398 units. This amounts to a shortfall of land for 145 high-density housing units.¹ (This analysis included the Sherwood City Limits and the Brookman Plan Area within Sherwood’s Urban Reserves.)

Some findings from the HNA:

Sherwood has a deficit of land for housing. Sherwood can accommodate about 65% of the forecast for new housing on areas within the city limits and Brookman Area. However, Sherwood has a deficit of land for 608 dwelling units. The largest deficits are in Medium Density Residential-Low (154 dwelling units), Medium Density Residential-High (252 dwelling units), and High Density Residential (145 dwelling units)....

The growth rate of Metro’s forecast for household growth (1.1% average annual growth) is considerably lower than the City’s historical population growth rate over the last two decades (8% average annual growth)....

Sherwood has a relatively limited supply of land for moderate- and higher-density multifamily housing. ...Sherwood has 41 vacant acres of MDRH land and 17 acres of HDR land. If the City wants more multifamily housing growth in core areas of Sherwood, the City should evaluate whether to make policy changes that either increase the capacity of MDRH and HDR land or designate more land for these uses.

(Sherwood HNA, Pages 41-42)

As noted in the HNA itself, there is reason to believe that the forecast for population and household growth reflected in the HNA might ultimately be low, and demand for additional residential land may be higher than stated in the forecasted years. (The HNA relied on growth forecasts coordinated with Metro, as is required by statute.)

The HNA supports the on-going need for buildable residential land at all densities, including HDR. Some of the remaining land capacity has also been consumed by development in the last few years, following the completion of the HNA study. The HNA recommends that the City consider designating more land in the city core for multi-family housing.

¹ Sherwood Housing Needs Analysis, City of Sherwood and ECONorthwest, 2019. Table 9, pg. 40.

**ECONOMIC OPPORTUNITIES ANALYSIS (2021)**

The City of Sherwood adopted an Economic Opportunities Analysis (EOA) in late 2021 that forecasted employment growth, the concurrent demand for land in employment zones, and the current buildable inventory of this land.

The EOA assessed growth in major sectors including retail, office, and industrial land users and determined that there was sufficient land supply in the retail commercial category, plus additional future commercial land to be added in the Brookman Planning Area.

The EOA projected low demand for additional retail capacity over the 20-year period, amounting to demand for just 3 additional acres over 20-years, while supply of 7 acres remain within the city limits (not including future commercial lands in Brookman.)² In contrast, the EOA found some likely deficit over 20 years for industrial and office commercial land.

The finding of sufficient retail commercial land reflects the large capacity of the existing RC and GC zones and significant amount of retail in existing shopping centers. It is likely that the capacity of existing or redeveloped shopping centers can serve the existing and growing Sherwood population for some time to come.

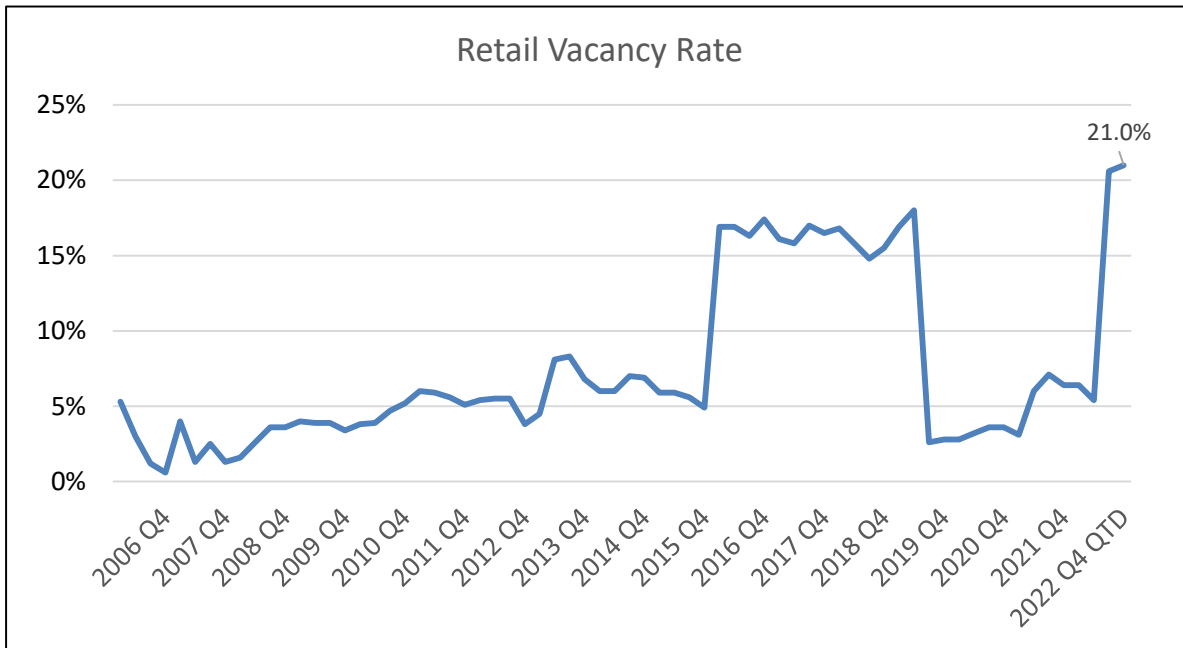
Current Retail Market Conditions: The EOA forecasts retail need based on household growth and spending patterns. However, currently there is some remaining capacity in existing retail lands in the form of elevated retail vacancies. Retail properties tracked by CoStar currently show the highest vacancy rate in recent history, with estimated vacancy of 21% in recent quarters (Figure 3).

A large share of this vacancy is found in the 52k square foot Regal Cinema Building, which became vacant in mid-2022. However additional vacant retail space is found in the Sherwood Market Center (5 spaces totaling 11,500 s.f.), and the Sherwood Cinema Center (2 spaces totaling 7,500 s.f.). There is vacant space available in other highway-oriented retail centers as well. Retail space available in these shopping centers is likely to outcompete a hypothetical retail development at the subject site due to the challenges of visibility and access discussed, and the benefit of existing retail agglomeration in these existing centers.

² Sherwood Economic Opportunities Analysis, City of Sherwood and ECONorthwest, 2021. Table 19, pg. 70.

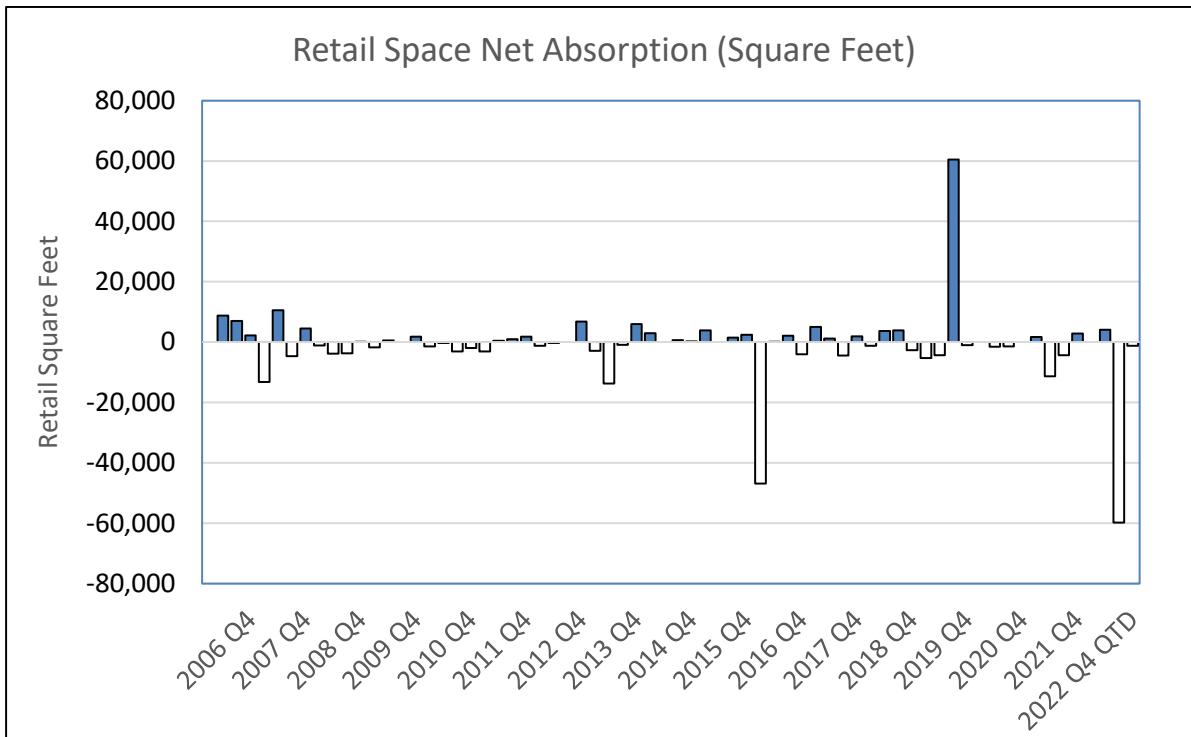


Figure 3: Retail Vacancy Trends, City of Sherwood



Source: CoStar

Figure 4: Retail Space Absorption Trends, City of Sherwood



Source: CoStar



Figure 4 shows trends in the net absorption of retail space in Sherwood over time, as tracked by CoStar. The trends show as many quarters of negative absorption (white columns) as positive absorption (blue columns). Over this period, the total net absorption was negative at -57k s.f. of retail space.

Much of the current net deficit be ascribed to the recent vacancy at the 52k s.f. cinema. However, it also points to the relatively steady state in local retail space needs in Sherwood, without strong sustained periods of positive absorption that would indicate that there is an on-going need for additional retail space development. This trend is supportive of the finding of low and steady growth in retail commercial land need projected in the EOA.

V. CONCLUSIONS

The analysis summarized here supports a zone change at the subject site from a retail commercial zone to a high-density residential zone.

- The subject site's location and configuration present challenges to retail use in terms of visibility and access, as well as effective site planning. Retail uses at this ±3.3 site would be unlikely to form a cohesive retail environment with the existing nearby shopping centers which are oriented away from the subject site.
- Residential uses at the site do not face similar challenges and are likely feasible as evidenced by the existing multi-family development in the adjoining HDR zones to the east and south. Multi-family development is a common transitional use found at the border of residential and commercial areas with proper buffering.
- Vertical mixed-use residential/commercial development is currently allowed in the RC zone at the density of the HDR zone, but this mixed-use building type is highly infeasible in this location due to increased cost of development, and low chances of success for the ground floor uses.
- Recent studies of 20-year land need adopted by the City forecasted a likely shortage of residential land in all zoning categories, including HDR, and recommended a range of strategies to address this shortage, including possible rezoning.
- The study of employment land needs forecasted slow growth in retail space demand in coming years, and a likely surplus of retail commercial zoned land to accommodate it. Recent retail market trends support a finding of relatively steady retail need in Sherwood in recent decades and slow growth in total retail space use. There is currently vacant retail space available in Sherwood's major shopping centers that would likely outcompete retail offered at the subject site with much better visibility and access.

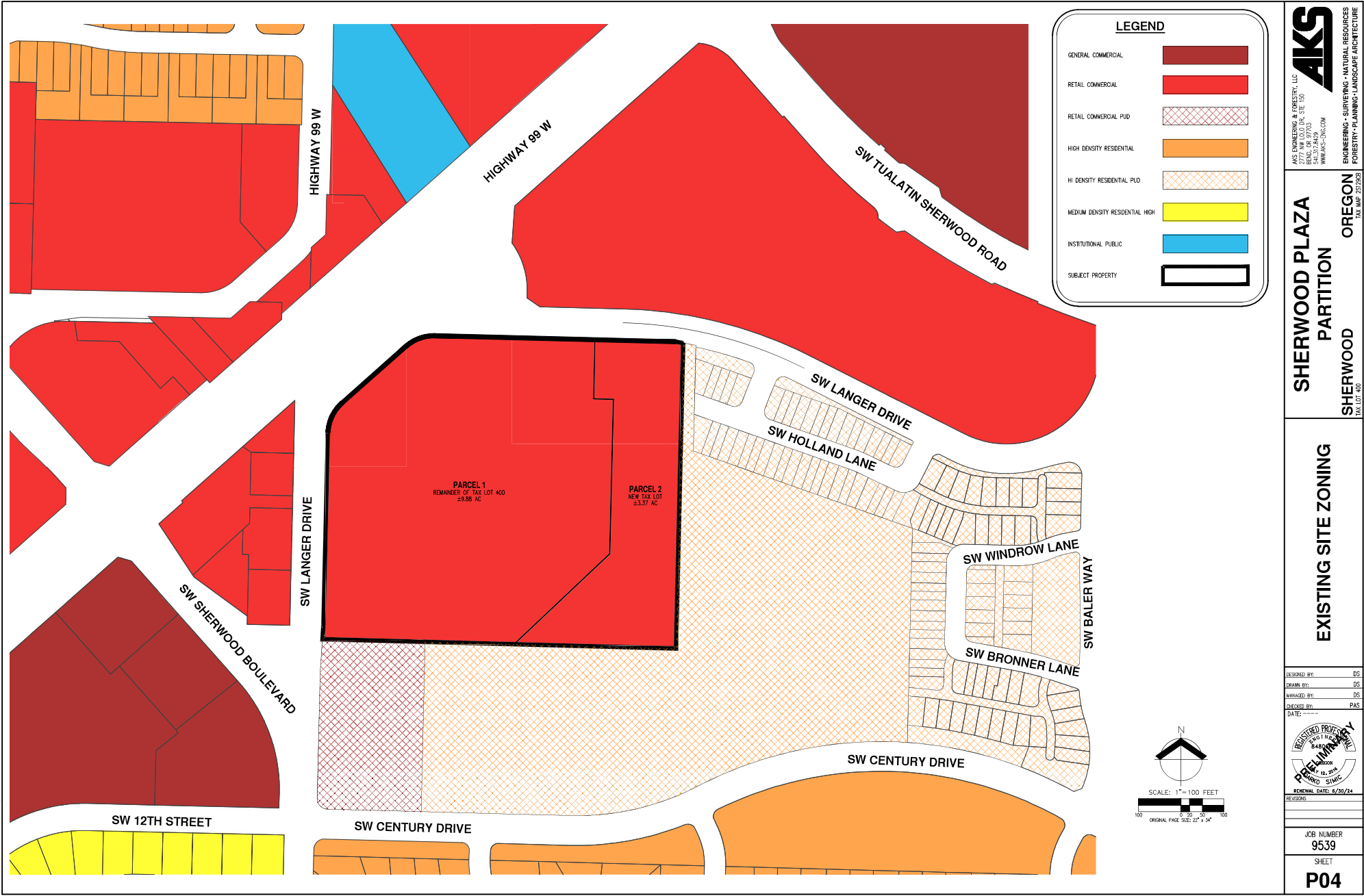


SOURCES

- AKS Engineering
- City of Sherwood Municipal Code
- Commercial Realty Advisors Northwest
- Costar Group
- Google maps
- NAI Elliot
- *Real Estate Market Analysis*, Third Edition, Deborah L. Brett, Urban Land Institute, 2019.
- *Retail Development*, Fourth Edition, Anita Kramer, Urban Land Institute, 2008.
- *Sherwood Economic Opportunities Analysis*, City of Sherwood and ECONorthwest, 2021.
- *Sherwood Housing Needs Analysis*, City of Sherwood and ECONorthwest, 2019.

APPENDIX

Sherwood Plaza Partition: Existing and Proposed Zoning Maps (AKS Engineering)



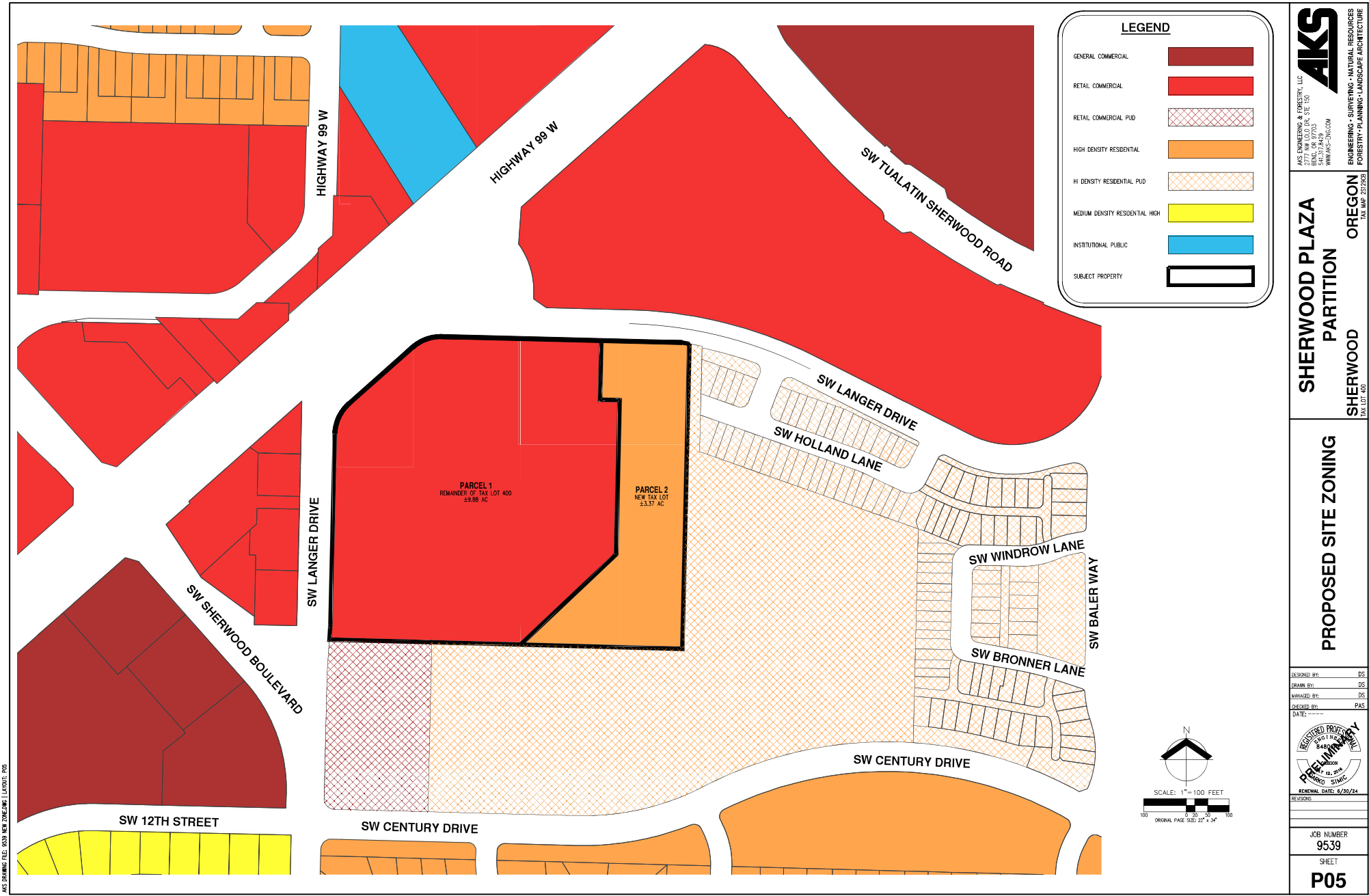




Exhibit H: Mailing Labels



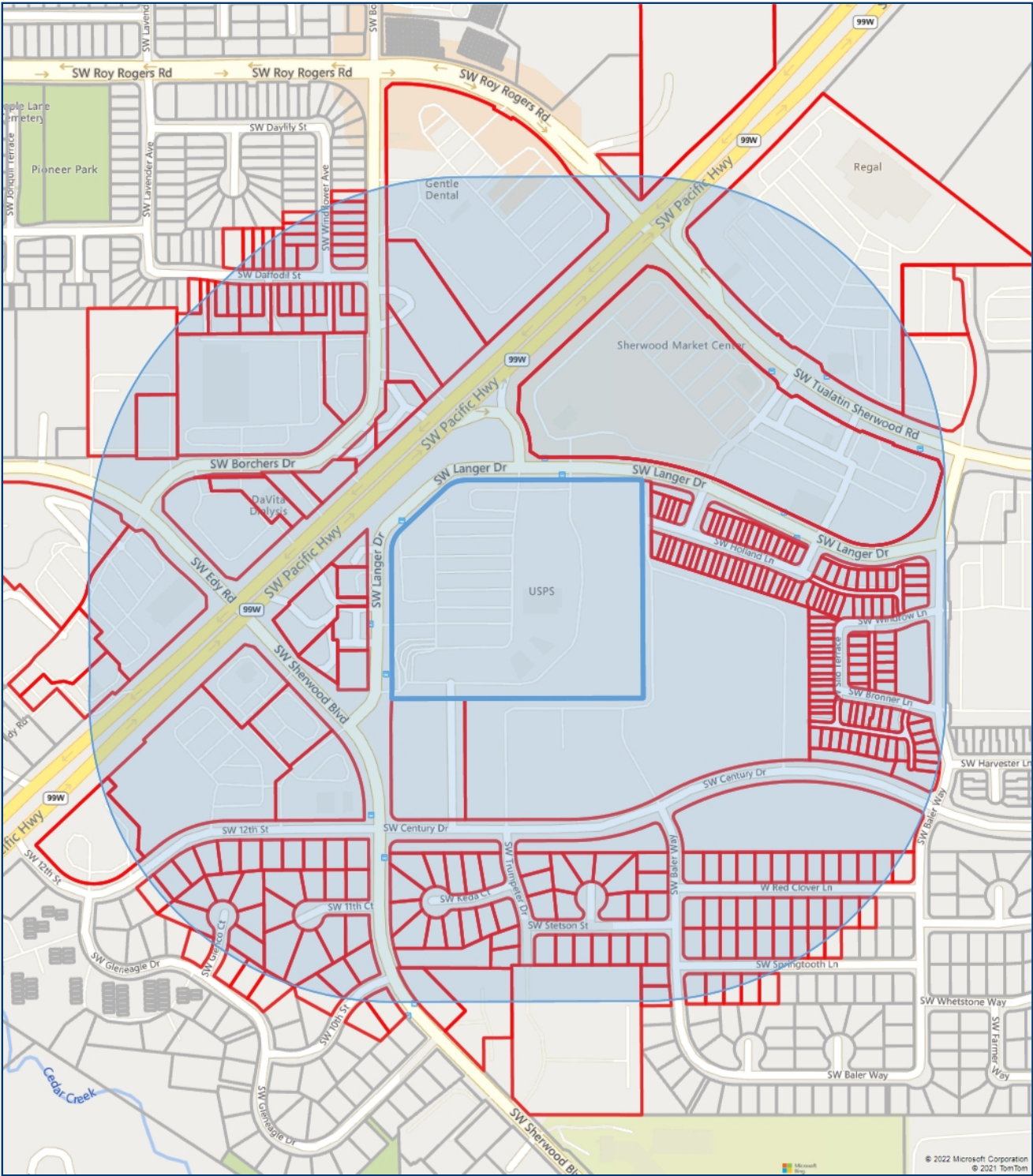
Date of Production: 12/28/2022

TERMS AND CONDITIONS OF INFORMATION REPORTS

IMPORTANT - READ CAREFULLY: AN INFORMATION REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THE INFORMATION REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE REQUESTOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THE INFORMATION REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN TITLE'S PRIOR WRITTEN CONSENT. FIRST AMERICAN TITLE DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION CONTAINED IN THE INFORMATION REPORT IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION THEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF AN INFORMATION REPORT, REQUESTOR AGREES THAT FIRST AMERICAN TITLE'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THE INFORMATION REPORT SHALL BE LIMITED TO THE GREATOR OF THE FEE CHARGED FOR THE INFORMATION REPORT OR \$15. REQUESTOR ACCEPTS THE INFORMATION REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN TITLE WOULD NOT HAVE ISSUED THE INFORMATION REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN TITLE MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF REQUESTOR'S USE OF THE INFORMATION CONTAINED IN THE INFORMATION REPORT.



1000 ft Buffer
16112 SW Langer Dr, Sherwood, OR 97140
Report Generated: 12/28/2022



The present data and maps are intended for informational purposes only. Some information has been procured from third-party sources and has not been independently verified. Individual parts are owned by their respective copyright owners and not by First American. First American Title Company makes no express or implied warranty respecting the information presented and assumes no responsibility for errors or omissions.

2S129CC-04700
160859 Sw Red Clover Ln Llc
Po Box 568
Lake Oswego, OR 97034

2S130DA-00400
99 & Eddy Llc
30 S Meridian St STE 1100
Indianapolis, IN 46204

2S129CA-05300
Carol & Leo Aguilera
16070 SW Langer Dr
Sherwood, OR 97140

2S130AD-08400
Doaa Darraji & Safwan Yaseen
413 NW Evans St
Sheridan, OR 97378

2S130AD-05500
Jillian & Michael Amaranthus
20733 SW Windflower Ave
Sherwood, OR 97140

2S130DD-04800
Kyle Anderson
16535 SW 11th Ct
Sherwood, OR 97140

2S129CA-17200
Arbor Terrace Hoa

,

2S129CA-17500
Arbor Terrace Hoa

,

2S129CA-17800
Arbor Terrace Hoa

,

2S129CA-18100
Arbor Terrace Hoa

,

2S130DA-01900
3 By 3 Llc
Po Box 2148
Milwaukee, WI 53201

2S129CC-04900
Colin & Nina Abbott
16159 SW Baler Way
Sherwood, OR 97140

2S130AD-05900
Adriana Aguilar & Eros Minera
20756 SW Windflower Ave
Sherwood, OR 97140

2S129B0-00500
Alpsherwood Llc
Po Box 80488
Portland, OR 97280

2S129CC-03800
Amber Investments Llc
458 5th St
Lake Oswego, OR 97034

2S130AD-04300
Pamela Andrews
16730 SW Daffodil St
Sherwood, OR 97140

2S129CA-17300
Arbor Terrace Hoa

,

2S129CA-17600
Arbor Terrace Hoa

,

2S129CA-17900
Arbor Terrace Hoa

,

2S129CA-18200
Arbor Terrace Hoa

,

2S130DA-00300
99 & Eddy Llc
30 S Meridian St STE 1100
Indianapolis, IN 46204

2S130AD-03500
Alta & Scott Adams
16606 SW Daffodil St
Sherwood, OR 97140

2S130DD-05700
Joann Albrecht
Po Box 643
Sherwood, OR 97140

2S129CC-05300
Joseph Alvarez
21546 SW Wallace Pl
Sherwood, OR 97140

2S129CA-12200
Jay & Stacie Anderson
21363 SW Baler Way
Sherwood, OR 97140

2S129CA-17100
Arbor Terrace Hoa

,

2S129CA-17400
Arbor Terrace Hoa

,

2S129CA-17700
Arbor Terrace Hoa

,

2S129CA-18000
Arbor Terrace Hoa

,

2S129CA-18900
Arbor Terrace Hoa

,

2S129CA-19000
Arbor Terrace Hoa

2S130DD-07300
Erin & Mark Ariza
21574 SW Glenco Ct
Sherwood, OR 97140

2S129CA-11600
Arndt Ronald C 2015 Trust
80395 Weiskopf
La Quinta, CA 92253

2S129CA-08300
Asparro James & Janet Rev Trus
2 Via Optima
Santa Fe, NM 87507

2S129CA-11300
Asparro James & Janet Rev Trus
2 Via Optima
Santa Fe, NM 87507

2S130DD-07200
Brian & Rainy Aznoe
17500 SW Seiffert Rd
Sherwood, OR 97140

2S129CD-00200
Abdelmajid & Jill Badouli
17481 SW Fitch Ct
Sherwood, OR 97140

2S129CC-04400
Emmanuel & Mary Banful
16023 SW Red Clover Ln
Sherwood, OR 97140

2S130AD-14900
Gregorio & Rosa Barajas
20403 SW Borchers Dr
Sherwood, OR 97140

2S130AD-04000
Lori & Martin Becker
15156 SW 107th Ter
Portland, OR 97224

2S129CA-02900
Corrie Bergin
16089 SW Holland Ln
Sherwood, OR 97140

2S129CC-01200
Joseph Berta & Megan Murphy
28000 S Western Ave UNIT 403
San Pedro, CA 90732

2S130DD-04100
Beymer-Dorn Enterprises Llc
8156 SW Woody End St
Portland, OR 97224

2S130DD-04900
Beymer-Dorn Enterprises Llc
8156 SW Woody End St
Portland, OR 97224

2S130DD-05000
Beymer-Dorn Enterprises Llc
8156 SW Woody End St
Portland, OR 97224

2S130DD-05100
Beymer-Dorn Enterprises Llc
8156 SW Woody End St
Portland, OR 97224

2S130DD-05200
Beymer-Dorn Enterprises Llc
8156 SW Woody End St
Portland, OR 97224

2S130DD-05300
Beymer-Dorn Enterprises Llc
8156 SW Woody End St
Portland, OR 97224

2S130DD-05400
Beymer-Dorn Enterprises Llc
8156 SW Woody End St
Portland, OR 97224

2S129CB-00300
Big Sunfield Lakes Or Llc & Brookline
25 Brookline
Aliso Viejo, CA 92656

2S129CA-08900
Biskey Holly Rev Trust & Holly M & Brian
Po Box 788
Sherwood, OR 97140

2S129CA-02800
Blakeslee Properties Llc
Po Box 1450
Sherwood, OR 97140

2S129CA-07000
Katherine Blakeslee
16022 SW Holland Ln
Sherwood, OR 97140

2S129CD-01000
Mary & William Bone
15862 SW Red Clover Ln
Sherwood, OR 97140

2S130AD-04600
Borica Gardens Llc
6701 Oakwood Pl
Arlington, WA 98223

2S129CC-08600
Daniel & David Bradley
13525 SW 21st St
Beaverton, OR 97008

2S129CA-04300
Jordana & Nathan Brumfield
16156 SW Holland Ln
Sherwood, OR 97140

2S130DD-06000
Bruton Properties Llc
12855 SW 22nd St
Beaverton, OR 97008
Ordinance 2023-005, Exhibit 1
May 16, 2023
Page 128 of 239

2S130AD-05700
Stanley Cage
20700 SW Windflower Ave
Sherwood, OR 97140

2S129CD-01600
Bich Cao
15929 SW Springtooth Ln
Sherwood, OR 97140

2S129CD-01300
Nancy Carl
15934 SW Red Clover Ln
Sherwood, OR 97140

2S130AD-05600
Felipe Carrillo & Octavia Delgado
20705 SW Windflower Ave
Sherwood, OR 97140

2S129CC-02000
Diane Cavaness
16172 SW Stetson St
Sherwood, OR 97140

2S129CA-11200
Jennifer & William Chaffin
15843 SW Century Dr
Sherwood, OR 97140

2S129CA-08800
Stephen Chao
3075 SW 70th Ave
Portland, OR 97225

2S130DA-01200
Chevron Usa Inc
Po Box 285
Houston, TX 77001

2S130DA-01300
Chevron Usa Inc
Po Box 285
Houston, TX 77001

2S130DA-01400
Chevron Usa Inc
Po Box 285
Houston, TX 77001

2S129CA-08400
Manikandan & Muthuvalli Chockalingam
751 W Aloe Pl
Chandler, AZ 85248

2S129CA-02400
Grant & Lorna Cochran
11053 Bluff Creek Cir
Anchorage, AK 99515

2S129CA-05600
Amanda & Joshua Congdon
16044 SW Langer Dr
Sherwood, OR 97140

2S130DA-00100
Abrams Lloyd
907 Camino Santander
Santa Fe, NM 87505

2S130DA-00200
Abrams Lloyd
907 Camino Santander
Santa Fe, NM 87505

2S129CC-00200
Ron Cornwell
16359 SW Keda Ct
Sherwood, OR 97140

2S130AD-06000
Vito Cortese
15575 SW Nora Rd
Beaverton, OR 97007

2S129CC-01500
Scott Cunningham
21635 SW Trumpeter Dr
Sherwood, OR 97140

2S130AD-03100
Dahn Grover C & Kayce A Rev Li
Po Box 666
Dubois, WY 82513

2S129CA-05000
Jonathan & Adrienne Dale
16096 SW Holland Ln
Sherwood, OR 97140

2S129CA-08100
Dario Nemecia S Survivors Trus
21240 SW Silo Ter
Sherwood, OR 97140

2S129CA-02300
Joseph Davenport
16141 SW Holland Ln
Sherwood, OR 97140

2S129CC-00500
Deborah & Keith Davis
16443 SW Keda Ct
Sherwood, OR 97140

2S130AD-05100
Cindy & John Davis
27545 NE Bell Rd
Newberg, OR 97132

2S129CC-01800
Jennifer Day
16220 SW Stetson St
Sherwood, OR 97140

2S129CA-11400
Pamela & Thomas Demonbrun
11026 SW Gram St
Tualatin, OR 97062

2S129CA-02500
Anna Denton
16123 SW Holland Ln
Sherwood, OR 97140

2S129CA-01600
Helen E Cain Living Trust
16195 SW Holland Ln
Sherwood, OR 97140

2S129CC-01100
Charyl & Michael Dowdell
16370 SW Keda Ct
Sherwood, OR 97140

2S129CA-04700
Dsm Properties Llc
22047 SW Fisk Ter
Sherwood, OR 97140

2S129CC-01400
Christopher Mcbane
21607 SW Trumpeter Dr
Sherwood, OR 97140

2S130DA-00600
Dva Medical Llc
3130 NE Alameda Ter
Portland, OR 97212

2S129CC-05200

Nathan Eberle
1330 SW 3rd Ave APT 807
Portland, OR 97201

2S130DD-07500

Richard & Sydney Edie
16667 SW Gleneagle Dr
Sherwood, OR 97140

2S129CA-05100

Melissa & Zachariah Emmons
16084 SW Holland Ln
Sherwood, OR 97140

2S129B0-00501

Ensolv LLC
20945 SW Pacific Hwy
Sherwood, OR 97140

2S129CA-11700

Allison Erdman
15803 SW Century Dr
Sherwood, OR 97140

2S129CA-03800

Ralph Eschenbach
20 Oakhill Dr
Woodside, CA 94062

2S129CA-10700

John & Linda Ezell
15804 SW Bronner Ln
Sherwood, OR 97140

2S129CC-03500

Bruce & Nicole Fabian
16016 SW Springtooth Ln
Sherwood, OR 97140

2S129CC-05700

Timothy Fallon
16243 SW Stetson St
Sherwood, OR 97140

2S129CC-03400

Corey Fillner & Cory Capko
16038 SW Springtooth Ln
Sherwood, OR 97140

2S129CC-06000

Bryan & Janine Fischer
21500 SW Trumpeter Dr
Sherwood, OR 97140

2S130DD-07100

Michael & Krystle Flagler
21538 SW Glenco Ct
Sherwood, OR 97140

2S129CA-09400

Jacob & Jessica Foust
21283 SW Silo Ter
Sherwood, OR 97140

2S130DA-02000

Kwan Oregon LLC
Po Box 3637
Salem, OR 97302

2S130AD-03600

Jennifer & Maria Bernal
16622 SW Daffodil St
Sherwood, OR 97140

2S130AD-03700

Alissa Gaebe & Shirley Weber-Gaebe
16638 SW Daffodil St
Sherwood, OR 97140

2S129CA-09500

Jason & Amber Gardner
16227 SW 1st St
Sherwood, OR 97140

2S129CA-03500

Ryan Garry
16228 SW Holland Ln
Sherwood, OR 97140

2S129CA-02000

Lisa Gaur
16163 SW Holland Ln
Sherwood, OR 97140

2S130DD-03000

Gary Gibbons
16526 SW 10th St
Sherwood, OR 97140

2S130DA-01700

Glj LLC
59759 W Kappler Rd
Saint Helens, OR 97051

2S130DA-01600

Double K Ventures Inc & Golden Arch Lp
8255 SW Hunziker Rd STE 101
Portland, OR 97223

2S129CA-06800

Bo Gong
16003 SW Windrow Ln
Sherwood, OR 97140

2S129CA-06100

Juan Gonzalez
21157 SW Baler Way
Sherwood, OR 97140

2S129CC-03300

Gorman Louise R Liv Trust
16060 SW Springtooth Ln
Sherwood, OR 97140

2S129CA-06200

Deborah Goto & Bryce Tani
21169 SW Baler Way
Sherwood, OR 97140

2S129CC-02400

Kevin & Michelle Grainey
16109 SW Baler Way
Sherwood, OR 97140

2S130DD-05900

Barbanas & Katie Grant
16710 SW 12th St
Sherwood, OR 97140

2S129CA-02200

Jonathan Green & Carolyn Rash
16149 SW Holland Ln
Sherwood, OR 97140

2S129CC-05500

David & Michele Green
21519 SW Wallace Pl
Sherwood, OR 97140

2S130DA-01800
Green Tin Roof Llc
Po Box 760
Yamhill, OR 97148

2S129CA-09700
Jenifer & Martin Groshong
21309 SW Silo Ter
Sherwood, OR 97140

2S130AD-08700
Michael Gross
20660 SW Windflower Ave
Sherwood, OR 97140

2S129CA-10100
Veronica Beasley-Grove & John Grove
416 W Athens Ave
Clovis, CA 93611

2S129CA-03700
H & H Property Group Llc
7070 SW Nyberg St STE B
Tualatin, OR 97062

2S129CA-05900
Jeong & Paul Haas
22198 SW Fisk Ter
Sherwood, OR 97140

2S129CC-05400
Brian Hagen
Po Box 654
Sherwood, OR 97140

2S129CC-04800
Marta & Terrence Haimoto
16175 SW Baler Way
Sherwood, OR 97140

2S129CA-07500
Hala Properties Llc
1516 Nehoa St APT 7
Honolulu, HI 96822

2S130DD-04000
Erin & Kirsten Hall
16645 SW Gleneagle Dr
Sherwood, OR 97140

2S129CA-04000
Robert Halstead
16182 S Wholland Ln
Sherwood, OR 97140

2S129CA-05400
Dustin Hansen & Joeciey Valero-Hansen
16062 SW Langer Dr
Sherwood, OR 97140

2S130DD-03700
Brenda & Glenn Hansen
2525 NE 35th Pl
Portland, OR 97212

2S129CA-10200
Sarah Harnitchek
15844 SW Bronner Ln
Sherwood, OR 97140

2S129CD-00100
Jaelynn Harris
15963 SW Red Clover Ln
Sherwood, OR 97140

2S129CD-00700
Havel Nelson & Lorita Rev Liv
15819 SW Red Clover Ln
Sherwood, OR 97140

2S129CD-00600
Hebert Roy & Linda Rev Trust
15843 SW Red Clover Ln
Sherwood, OR 97140

2S130AD-03800
Marleina Heim
16656 SW Daffodil St
Sherwood, OR 97140

2S129CA-03400
Erna & Thomas Hibbitts
16234 SW Holland Ln
Sherwood, OR 97140

2S129CD-00500
Joseph & Marie Higel
15867 SW Red Clover Ln
Sherwood, OR 97140

2S129CA-01300
Joshua & Michelle Holland
16245 SW Holland Ln
Sherwood, OR 97140

2S129CA-05800
Jonathan & Susan Holzer
15988 SW Langer Dr
Sherwood, OR 97140

2S129CA-10000
Leslie & Roger Hovey
21337 SW Silo Ter
Sherwood, OR 97140

2S129CA-03100
Katrina Howell
16260 SW Holland Ln
Sherwood, OR 97140

2S130AD-15000
Carla & Timothy Hubbard
20055 SW Pacific Hwy STE 210
Sherwood, OR 97140

2S130AD-04700
Nicholas & Tracy Hughes
16786 SW Daffodil St
Sherwood, OR 97140

2S130AD-11100
loqua Properties Llc
1220 Skyland Dr
Lake Oswego, OR 97034

2S129CA-07600
Marc & Emily James
4691 Chelsea Ln
Lake Oswego, OR 97035
Ordinance 2023-005, Exhibit 1
May 16, 2023
Page 131 of 239

2S130AD-04200
Howard Jarvis
9303 SW 55th Ave
Portland, OR 97219

2S129CA-11000
Kira Jedan & Kevin Larkin
15869 SW Century Dr
Sherwood, OR 97140

2S129CA-06600
La Jeffers
15985 SW Windrow Ln
Sherwood, OR 97140

2S129CC-01600
Colleen & Joel Jeffrey
16276 SW Stetson St
Sherwood, OR 97140

2S129CA-05500
Sarah Jernstedt
16050 SW Langer Dr
Sherwood, OR 97140

2S129CC-01000
Juan & Rachel Jimenez
16392 SW Keda Ct
Sherwood, OR 97140

2S129B0-01500
Jmcm Morse Sherwood Llc
10515 SW Allen Blvd
Beaverton, OR 97005

2S129CA-10300
Kristopher Johansson
15836 SW Bronner Ln
Sherwood, OR 97140

2S130DD-04700
Johnson Raelene F Liv Trust
16557 SW 11th Ct
Sherwood, OR 97140

2S130DD-04200
Derenda & Jack Kashdin
16540 SW 11th Ct
Sherwood, OR 97140

2S130AD-15200
Cody & Cortney Kaveh
16631 SW Daffodil St
Sherwood, OR 97140

2S129CA-09900
Rachel Keller
21329 SW Silo Ter
Sherwood, OR 97140

2S129CD-01200
Jeffery & Lisa Keller
2215 SE Grant St
Portland, OR 97214

2S129CA-03600
Susan Kelly
2550 Kensington Ct
West Linn, OR 97068

2S129CA-08000
Deryk & Heather Kernan
21247 SW Baler Way
Sherwood, OR 97140

2S129CA-10600
Patricia & Todd Kimble
15812 SW Bronner Ln
Sherwood, OR 97140

2S130DD-03600
Gene & Josette King
16521 SW 10th St
Sherwood, OR 97140

2S130AD-04100
Belinda Kjensrud
16702 SW Daffodil St
Sherwood, OR 97140

2S129CA-04600
Laura Klaassen
16130 SW Holland Ln
Sherwood, OR 97140

2S129CC-01300
David Kobzina & Blake Latimer
16326 SW Keda Ct
Sherwood, OR 97140

2S129CA-06300
Gowtham Krishnamoorthy
21181 SW Baler Way
Sherwood, OR 97140

2S129CC-06800
Kwds Llc
Po Box 145
Wilsonville, OR 97070

2S130DD-05600
Donald & Karen Lachman
35301 SW Geer Rd
Newberg, OR 97132

2S129CD-00300
Charles & Janice Ladwig
15915 SW Red Clover Ln
Sherwood, OR 97140

2S129CC-04600
Abygale & Denis Lagasca
16067 SW Red Clover Ln
Sherwood, OR 97140

2S130DA-02300
Lake Bowman Mhp Llc
Po Box 264
Fox Island, WA 98333

2S129CA-11800
Langer Baler Llc
15585 SW Tualatin Sherwood Rd
Sherwood, OR 97140

2S130DD-05500
Larson Patrick & Joann Liv Tru
34801 SW South Ranch Rd
Newberg, OR 97132

2S129CA-01400
Janet Lasher
16233 SW Holland Ln
Sherwood, OR 97140

2S129CA-07300
Maria & William Leathers
16052 SW Holland Ln
Sherwood, OR 97140
Ordinance 2023-005, Exhibit 1
May 16, 2023
Page 132 of 239

2S130AD-04400
Donald & Janet Lee
16744 SW Daffodil St
Sherwood, OR 97140

2S129CC-03900
Mathew & Raina Leech
16087 SW Springtooth Ln
Sherwood, OR 97140

2S129CD-01100
Andrew & Signe Lennox
15886 SW Red Clover Ln
Sherwood, OR 97140

2S129CA-06500
Leusing Kevin A & Marina 2017
15977 SW Windrow Ln
Sherwood, OR 97140

2S129CC-00600
Bradley Lien
16471 SW Keda Ct
Sherwood, OR 97140

2S129CC-00400
Sung Lim & Tina Kang-Lim
17970 SW Inkster Dr
Sherwood, OR 97140

2S129CA-04100
Lin Jo Properties Llc
Po Box 576
Condon, OR 97823

2S129CC-04200
Jeffrey & Jennifer Lindgren
16040 SW Red Clover Ln
Sherwood, OR 97140

2S129CA-06700
Courtney Lord & Armando Valenzuela
15991 SW Windrow Ln
Sherwood, OR 97140

2S129B0-01400
Ls Propdrop Llc
Po Box 5350
Bend, OR 97708

2S129CA-01200
Michele Machiels & Matthew Nurse
16251 SW Holland Ln
Sherwood, OR 97140

2S129CA-01900
Sabrina Mack & Daniel Pelletier
16169 SW Holland Ln
Sherwood, OR 97140

2S129CD-01700
Marsha Mangels & Keith Schuman
15907 SW Springtooth Ln
Sherwood, OR 97140

2S129CA-11100
Nicole Houston & Joel Manley
15861 SW Century Dr
Sherwood, OR 97140

2S129CA-06000
Christine & Dean Martin
15970 SW Langer Dr
Sherwood, OR 97140

2S129CA-10800
Paul Matis
11375 SW Capitol Hwy
Portland, OR 97219

2S129CA-05200
Shaun Mcaravey
18154 SW Huckleberry Ct
Sherwood, OR 97140

2S129CC-05900
Teresa Guerra & Allison Meadows
21552 SW Trumpeter Dr
Sherwood, OR 97140

2S129CA-07100
Richard & Freddie Messenger
16028 SW Holland Ln
Sherwood, OR 97140

2S129CC-00300
William Milligan
16387 SW Keda Ct
Sherwood, OR 97140

2S130DD-03500
Dana Minor
16535 SW 10th St
Sherwood, OR 97140

2S129CA-04200
Haydar Mnaseeri & Tibah Tekreeti
16168 SW Holland Ln
Sherwood, OR 97140

2S129CA-04900
David Moorehead
16104 SW Holland Ln
Sherwood, OR 97140

2S130DD-06700
Josiah & Lori Mortier
21585 SW Glenco Ct
Sherwood, OR 97140

2S129CC-05600
James & Janet Moua
21541 SW Wallace Pl
Sherwood, OR 97140

2S130AD-04500
David & Victoria Murar
15100 SW Ivy Glenn Ct
Beaverton, OR 97007

2S130DD-07000
Brenda Mutch & Mutch Gordon Jr
21511 SW Glenco Ct
Sherwood, OR 97140

2S130DD-04300
Elizabeth & Hilton Myers
Po Box 698
Sherwood, OR 97140

2S129CB-00200
Ventas Altus & Nationwide Health
Po Box 71970
Phoenix, AZ 85050

2S130DD-06800
Jahari Neil
21569 SW Glenco Ct
Sherwood, OR 97140
Ordinance 2023-005, Exhibit 1
May 16, 2023
Page 133 of 239

2S129CA-10500
Claudia New
15820 SW Bronner Ln
Sherwood, OR 97140

2S130DA-01500
Ngoc Nguyen & Ngoc Vu
1345 SW 19th Dr
Gresham, OR 97080

2S130DA-02400
New World Investment & Nwi Or3 Llc
8705 SW Nimbus Ave STE 260
Beaverton, OR 97008

2S129CA-10400
Jennifer & Timothy Olson
17240 SW Villa Rd
Sherwood, OR 97140

2S129CA-11500
Jennifer & Timothy Olson
17240 SW Villa Rd
Sherwood, OR 97140

2S129CC-08900
Felipe & Lisa Olvera
15980 SW Red Clover Ln
Sherwood, OR 97140

2S129CC-00100
Michael Oneil
16331 SW Keda Ct
Sherwood, OR 97140

2S130AD-08500
Raquel Orona
20684 SW Windflower Ave
Sherwood, OR 97140

2S129CA-03300
Donna Pace
16246 SW Holland Ln
Sherwood, OR 97140

2S129CD-01400
Joe Parker
15958 SW Red Clover Ln
Sherwood, OR 97140

2S129CA-09800
Payne Jean C Rev Liv Trust & Payne John
21317 SW Silo Ter
Sherwood, OR 97140

2S129CC-04300
Brenda & Douglas Pedersen
16018 SW Red Clover Ln
Sherwood, OR 97140

2S129CC-08800
Stacie & Thomas Pedginski
15985 SW Red Clover Ln
Sherwood, OR 97140

2S129CA-03900
Jeffrey Pfeifer
16194 SW Holland Ln
Sherwood, OR 97140

2S129B0-00400
Portland General Electric Co
121 SW Salmon St
Portland, OR 97204

2S129CA-08200
Preecha Promprabtuk
21232 SW Silo Ter
Sherwood, OR 97140

2S130DA-00700
Providence Health & Services-O
800 5th Ave # 1200
Seattle, WA 98104

2S130AD-08600
Marko Puljic & Gaynell Fuchs
20672 SW Windflower Ave
Sherwood, OR 97140

2S130AD-03200
Ranjan Manish & Juhi Singh Rev
16540 SW Daffodil St
Sherwood, OR 97140

2S129CA-07200
Alan Ransom
16040 SW Holland Ln
Sherwood, OR 97140

2S129BC-00100
Washington County
1400 SW Walnut St
Hillsboro, OR 97123

2S129CC-09100
Retzlaff Greg Living Trust & Retzlaff
4801 Heritage Ln
Lake Oswego, OR 97035

2S129B0-00600
Rhino Holdings Sherwood Llc
2200 Paseo Verde Pkwy STE 260
Henderson, NV 89052

2S129CA-12100
Douglas Rice
17820 SW 111th Ave
Tualatin, OR 97062

2S130AD-10900
Aaron Riutzel & Ashley Ward
16675 SW Daffodil St
Sherwood, OR 97140

2S129CA-01100
Kristin Roberts
16259 SW Holland Ln
Sherwood, OR 97140

2S129CA-07400
Sharon Roberson
16060 SW Holland Ln
Sherwood, OR 97140

2S130AD-14800
Roda Llc
20407 SW Borchers Dr
Sherwood, OR 97140

2S129CC-04000
Savannah Bettis & Brandon Rotap
16084 SW Red Clover Ln
Sherwood, OR 97140

2S130AD-15100
Amanda & Adrian Lopez
16633 SW Daffodil St
Sherwood, OR 97140
Ordinance 2023-005, Exhibit 1
May 16, 2023
Page 134 of 239

2S129CA-08500
Joel & Rosemary Rubinstein
21206 SW Silo Ter
Sherwood, OR 97140

2S129CC-02100
Christina & Michael Russell
16150 SW Stetson St
Sherwood, OR 97140

2S129CC-09200

Dana Ryan
15975 SW Springtooth Ln
Sherwood, OR 97140

2S129CC-05100

Saja Majeed & Ali Salman
16157 SW Stetson St
Sherwood, OR 97140

2S129CA-07800

Preston Saroni Hodges & Cari Lrvine
21233 SW Baler Way
Sherwood, OR 97140

2S130DD-07400

Sattler Mary I Rev Liv Trust
21592 SW Glenco Ct
Sherwood, OR 97140

2S129CC-03600

Melody & Paul Savage
16021 SW Springtooth Ln
Sherwood, OR 97140

2S129B0-00200

Barbara & Eric Anderson
18007 SW Belton Rd
Sherwood, OR 97140

2S130DD-04500

Molly McGee & Matthew Schindler
16593 SW 11th Ct
Sherwood, OR 97140

2S130AD-03400

Barbara & Theodor Schricker
1533 Hilton Ct
San Jose, CA 95130

2S129CC-09000

Timothy & Christine Scott
16002 SW Red Clover Ln
Sherwood, OR 97140

2S129CA-11900

Juan Serrano Jr
21327 SW Baler Way
Sherwood, OR 97140

2S130AD-11000

Matthew & Victoria Shaylor
16699 SW Daffodil St
Sherwood, OR 97140

2S129CA-00100

Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S129CA-18800

Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S129CB-00100

Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S129CC-06100

Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S129CC-06200

Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S130AD-11300

Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S130AD-11400

Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S130DA-00800

Sherwood Senior Living Llc
10305 SW Park Way STE 204
Portland, OR 97225

2S129CA-09100

Doreen Shine
21257 SW Silo Ter
Sherwood, OR 97140

2S129CA-04400

Abryl Amaro & Otis Shinn Iii
16150 SW Holland Ln
Sherwood, OR 97140

2S129CC-03700

Amy & Brian Silverman
18334 NE 103rd Ct
Redmond, WA 98052

2S130AD-10800

Tamara Simpson
16677 SW Daffodil St
Sherwood, OR 97140

2S129CB-00400

Portland Fixture Limited Partn
15350 SW Sequoia Pkwy STE 140
Portland, OR 97224

2S130AD-03300

Carl & Bernice Carl
1635 SE Grand Ave
Portland, OR 97214

2S129CC-09300

Springtooth Llc
1447 Lake Front Rd
Lake Oswego, OR 97034

2S129CA-07900

Dorine & Steven Stanage
Po Box 3147
Newberg, OR 97132

2S129CC-01700

Lorena Stevens
16248 SW Stetson St
Sherwood, OR 97140
Ordinance 2023-005, Exhibit 1
May 16, 2023
Page 135 of 239

2S129CC-04100

Stevens Ken & Peggy Trust
13680 SW Morgan Rd
Sherwood, OR 97140

2S130AD-03900

Stevens Ken & Peggy Trust
13680 SW Morgan Rd
Sherwood, OR 97140

2S129CC-06600
Stewart Terrace Apartments Llc
Po Box 5668
Portland, OR 97228

2S130DD-04400
Fenna Straatman
16584 SW 11th Ct
Sherwood, OR 97140

2S129CC-05800
Kady Strode
16271 SW Stetson St
Sherwood, OR 97140

2S129CC-05000
Clay Studtman
16135 SW Stetson St
Sherwood, OR 97140

2S129CA-06400
Sean Sullivan
21193 SW Baler Way
Sherwood, OR 97140

2S129CC-00700
Katrin & Sergey Svinsitskiy
16476 SW Keda Ct
Sherwood, OR 97140

2S129B0-01100
Tacke Llc & Laf Llc
901 NE Glisan St # 200
Portland, OR 97232

2S129CA-08700
Benny J Talmich And Teresa E T & Benny
21223 SW Silo Ter
Sherwood, OR 97140

2S129CA-12000
Linh Huynh & Randal Tang
21339 SW Baler Way
Sherwood, OR 97140

2S129CA-04500
Sarah & William Tauber
16142 SW Holland Ln
Sherwood, OR 97140

2S129CC-00800
Henri Tavera
16448 SW Keda Ct
Sherwood, OR 97140

2S129CC-02300
Laurie & Scott Thiel
21875 SW Elwert Rd
Sherwood, OR 97140

2S129CA-07700
Jenny Thrasher
21227 SW Baler Way
Sherwood, OR 97140

2S129CA-01700
Heather Thweatt
16189 SW Holland Ln
Sherwood, OR 97140

2S130DA-00500
Berke Paw Group Apc & Topper Properties
22287 Mulholland Hwy # 550
Calabasas, CA 91302

2S129CC-04500
Michele & Michelob Tran
16045 SW Red Clover Ln
Sherwood, OR 97140

2S129CA-01500
Keith Halasy & Erin Tripp
16227 SW Holland Ln
Sherwood, OR 97140

2S129CA-09300
Cynthia Trumpower
21275 SW Silo Ter
Sherwood, OR 97140

2S129CC-01900
Christopher & Erin Tull
16194 SW Stetson St
Sherwood, OR 97140

2S129CA-08600
Matthew Ulmer
21217 SW Silo Ter
Sherwood, OR 97140

2S129CC-00900
Christopher Vanetten
16420 SW Keda Ct
Sherwood, OR 97140

2S129CD-00400
Ricky A & Tamara L Vauble Trs & Vauble
15891 SW Red Clover Ln
Sherwood, OR 97140

2S129CA-09200
Stephen Verotsky
21269 SW Silo Ter
Sherwood, OR 97140

2S129CA-09600
Mark & Vito Villanueva
21297 SW Silo Ter
Sherwood, OR 97140

2S129CA-10900
Cheryll Vito
15877 SW Century Dr
Sherwood, OR 97140

2S130DD-05800
Candice & Jacob Waibel
1057 SW View Crest Dr
Dundee, OR 97115

2S129CC-02200
Glen & Janice Warner
15985 SW Oriole Ct
Sherwood, OR 97140

2S129BC-00400
By Walter Ratzlaf & Washington County
1400 SW Walnut St # 18
Hillsboro, OR 97123
Ordinance 2023-005, Exhibit 1
May 16, 2023
Page 136 of 239

2S129CA-01800
Kimberly Weatherman
16181 SW Holland Ln
Sherwood, OR 97140

2S129CA-02100
Eric Weigel
16155 SW Holland Ln
Sherwood, OR 97140

2S129CA-03200
Susan Welde
10819 Braddock Dr
Culver City, CA 90230

2S129CC-06500
West Coast Home Solutions Llc
25030 SW Parkway Ave STE 110
Wilsonville, OR 97070

2S130AD-05800
Frances White
20728 SW Windflower Ave
Sherwood, OR 97140

2S129CA-05700
Nina Soepriyadi & Jon Wickersheim
15996 SW Langer Dr
Sherwood, OR 97140

2S129CA-02700
Aida Wijaya
16103 SW Holland Ln
Sherwood, OR 97140

2S130DD-06900
Becki & Colin Wildschut
21533 SW Glenco Ct
Sherwood, OR 97140

2S129CC-03200
Hugh Lynn & Christine Lynn Wil
16082 SW Springtooth Ln
Sherwood, OR 97140

2S129CC-08700
Darren & Jamie Wilmarth
16007 SW Red Clover Ln
Sherwood, OR 97140

2S130DA-01000
Wk Belden Investments Llc
16385 SW Langer Dr
Sherwood, OR 97140

2S130DA-01100
Wk Belden Investments Llc
16385 SW Langer Dr
Sherwood, OR 97140

2S129CA-09000
Lance Wong
21249 SW Silo Ter
Sherwood, OR 97140

2S129CA-02600
Chee Woo & Hsiao Wu
23921 SW Red Fern Dr
Sherwood, OR 97140

2S130DD-04600
Colin & Linda Woodbury
16579 SW 11th Ct
Sherwood, OR 97140

2S129CD-01500
Janet & John Woods
15951 SW Springtooth Ln
Sherwood, OR 97140

2S129CA-04800
David Brugato & Audrey Wright
16116 SW Holland Ln
Sherwood, OR 97140

2S129CA-06900
Jingru Sun & Jiaqi Yu
16015 SW Windrow Ln
Sherwood, OR 97140

2S129CA-03000
Zobrist Robert J & Shauna L Fa
69501 Lasso
Sisters, OR 97759

2S130DA-01200
Chevron Usa Inc
Po Box 285
Houston, TX 77001

2S130DA-01400
Chevron Usa Inc
Po Box 285
Houston, TX 77001

2S129B0-00501
Enserv Llc
20945 SW Pacific Hwy
Sherwood, OR 97140

2S130DA-01800
Green Tin Roof Llc
Po Box 760
Yamhill, OR 97148

2S129BC-00100
Safeway Store #1800
Po Box 800729
Dallas, TX 75380

2S129B0-00600
Rhino Holdings Sherwood Llc
2200 Paseo Verde Pkwy STE 260
Henderson, NV 89052

2S129B0-00600
Rhino Holdings Sherwood Llc
2200 Paseo Verde Pkwy STE 260
Henderson, NV 89052

2S129B0-00600
Rhino Holdings Sherwood Llc
2200 Paseo Verde Pkwy STE 260
Henderson, NV 89052

2S129B0-00200
Barbara & Eric Anderson
18007 SW Belton Rd
Sherwood, OR 97140

2S129B0-00200
Barbara & Eric Anderson
18007 SW Belton Rd
Sherwood, OR 97140

2S129B0-01100
Tacke Llc & Laf Llc
901 NE Glisan St # 200
Portland, OR 97232
Ordinance 2023-005, Exhibit 1
May 16, 2023
Page 137 of 239



Exhibit I: Pre-Application Conference Notes



Pre-Application Conference Notes

File # PAC 2022-007 Sherwood Plaza Apartments

Meeting Date – September 29, 2022

Staff Contact – Joy Chang

changj@sherwoodoregon.gov

503-625-4214

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

TYPE V PLAN MAP AMENDMENT, TYPE IV SITE PLAN REVIEW, TYPE II MINOR LAND PARTITION

PROJECT SUMMARY

Proposed Project Name: Sherwood Plaza Apartments

Proposal Description: The applicant is proposing ±80 multi-family units within four (4) separate buildings, two trash enclosures, enclosed bicycle parking, shared complex amenities (i.e. pool, hot tub, community building), landscaping, parking, and a and a cohesive circulation system with vehicular access planned on the east property line (from the adjacent private driveway with public access easements). The site is ±13.2 acres in size that includes the Sherwood Plaza shopping mall and associated commercial entities. The ±3.3-acre east side of the property is currently vacant and envisioned for a zone change to High Density Residential (HDR) to site a multi-family complex and new improvements. The east side of the property is planned to remain unchanged and possibly partitioned from this project. The site address is 16310 SW Langer Drive.

There are no known wetlands, floodplain, or other sensitive habitat on the site.

Applicant/Owner: Six Corners, LLC
121 SW Morrison Road, Suite 600
Portland OR 97204

Applicant's Consultant Marie Holladay, AKS Engineering & Forestry, LLC
503-563-6151 or HolladayM@aks-eng.com

Site Address: 16310 SW Langer Drive

Tax Lot ID: 2S129CB00400
Land Use Designation: Retail Commercial (RC)
Proposed Land Use Designation: High Density Residential (HDR)

APPLICATION TYPE, TIMELINE & FEES

Full details on application type, noticing, and public hearing procedures listed under 16.72

Application Type and Hearing Authority

- Type V Plan Map Amendment
- Type IV Site Plan Review
- Type II Land Partition

The Type V Hearing Authority is the City Council and the Appeal Authority is Land Use Board of Appeals (LUBA).

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

Type II Hearing Authority is the Community Development Director and the Appeal Authority is the Planning Commission.

Estimated Approval Timeline

- 30-day completeness review
- 30-45 days for public hearing after application is deemed complete
- 14-day appeal period for all land use decisions

Land Use Fees

Fees as of July 1, 2022. Please confirm fees with staff prior to submittal as fee schedule is revised annually. Engineering plan review, building permit, and SDC fees separate.

- | | |
|--|------------|
| • Type V Plan Map Amendment | \$5,978.61 |
| • Type IV Site Plan | \$6,980.00 |
| o Additional \$102 for every 10,000 SF or portion thereof over the first 15,000 SF | |
| • Type II Land Partition | \$2,186.22 |
| • Publication and Distribution of Type III-V Notice | \$ 466.00 |
| • Publication and Distribution of Type II Notice | \$ 284.00 |
| o If processing separately | |
| • Final Site Plan Review | \$ 727.40 |
| o After Preliminary Site Plan Approval | |

APPLICATION SUBMITTAL REQUIREMENTS

See attached form Land Use Application and Site Plan Review Checklist. Please note a Neighborhood Meeting is required prior to submitting a Type III application. A Neighborhood Meeting checklist is also attached. The land use narrative should describe how the proposal complies with applicable sections of development code. Four (4) *full and reduced size paper copies and one electronic copy is required for completeness review. The full number of paper copies and one updated electronic copy will be required after the application is deemed complete.*

SUMMARY OF APPLICABLE CODE CRITERIA (SZCDC Title 16)

*These sections **must** be addressed in the narrative submitted with the land use application*

<u>Division II. - LAND USE AND DEVELOPMENT</u>		<u>Division VI. - PUBLIC INFRASTRUCTURE</u>	
Chapter 16.12 - RESIDENTIAL LAND USE DISTRICTS	X	Chapter 16.104 - GENERAL PROVISIONS	
Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS		Chapter 16.106 - TRANSPORTATION FACILITIES	X
Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS		Chapter 16.108 - IMPROVEMENT PLAN REVIEW	X
Chapter 16.36 - INSTITUTIONAL AND PUBLIC (IP) LAND USE DISTRICT		Chapter 16.110 - SANITARY SEWERS	X
Chapter 16.38 - SPECIAL USES		Chapter 16.112 - WATER SUPPLY	X
Chapter 16.40 - PLANNED UNIT DEVELOPMENT (PUD)		Chapter 16.114 - STORM WATER	X
Chapter 16.42 - HOME OCCUPATIONS		Chapter 16.116 - FIRE PROTECTION	X
Chapter 16.44 - TOWNHOMES		Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES	X
Chapter 16.46 - MANUFACTURED HOMES			
Chapter 16.48 - NON-CONFORMING USES		<u>Division VII. - LAND DIVISIONS, SUBDIVISIONS, PARTITIONS, LOT LINE ADJUSTMENTS AND MODIFICATIONS</u>	
Chapter 16.50 - ACCESSORY STRUCTURES, ARCHITECTURAL FEATURES AND DECKS		Chapter 16.120 - SUBDIVISIONS	
Chapter 16.52 - ACCESSORY DWELLING UNITS		Chapter 16.122 - LAND PARTITIONS	X
Chapter 16.54 - ADULT ENTERTAINMENT		Chapter 16.124 - PROPERTY LINE ADJUSTMENTS AND LOT CONSOLIDATIONS	
Chapter 16.56 - OTHER LAND USE ACTIONS		Chapter 16.126 - REPLATTING, LOT CONSOLIDATIONS AND VACATION OF PLATS	
Chapter 16.58 - CLEAR VISION AND FENCE STANDARDS	X	Chapter 16.128 - LAND DIVISION DESIGN STANDARDS	X
Chapter 16.60 - YARD REQUIREMENTS	X		
Chapter 16.62 - CHIMNEYS, SPIRES, ANTENNAS, AND SIMILAR STRUCTURES		<u>Division VIII. - ENVIRONMENTAL RESOURCES</u>	
Chapter 16.64 - DUAL USE OF REQUIRED SPACE		Chapter 16.134 - FLOODPLAIN (FP) OVERLAY	
Chapter 16.66 - TRANSPORTATION FACILITIES AND IMPROVEMENTS		Chapter 16.136 - PROCEDURES	
Chapter 16.68 - INFILL DEVELOPMENT STANDARDS		Chapter 16.138 - MINERAL RESOURCES	
		Chapter 16.140 - SOLID WASTE	
<u>Division III. - ADMINISTRATIVE PROCEDURES</u>		Chapter 16.142 - PARKS, TREES AND OPEN SPACES	X
Chapter 16.70 - GENERAL PROVISIONS		Chapter 16.144 - WETLAND, HABITAT AND NATURAL AREAS	
Chapter 16.72 - PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS	X	Chapter 16.146 - NOISE	
Chapter 16.76 - APPEALS		Chapter 16.148 - VIBRATIONS	
		Chapter 16.150 - AIR QUALITY	
<u>Division IV. - PLANNING PROCEDURES</u>		Chapter 16.152 - ODORS	
Chapter 16.80 - PLAN AMENDMENTS	X	Chapter 16.154 - HEAT AND GLARE	
Chapter 16.82 - CONDITIONAL USES		Chapter 16.156 - ENERGY CONSERVATION	X
Chapter 16.84 - VARIANCES			
Chapter 16.86 - TEMPORARY USES		<u>Division IX. - HISTORIC RESOURCES</u>	
Chapter 16.88 - INTERPRETATION OF SIMILAR USES		Chapter 16.160 - SPECIAL RESOURCE ZONES	

		Chapter 16.162 - OLD TOWN (OT) OVERLAY DISTRICT	
<u>Division V. - COMMUNITY DESIGN</u>		Chapter 16.164 - LANDMARK REVIEW	
Chapter 16.90 - SITE PLANNING	X	Chapter 16.166 - LANDMARK DESIGNATION	
Chapter 16.92 - LANDSCAPING	X	Chapter 16.168 - LANDMARK ALTERATION 16.168.010 - PROCEDURES	
Chapter 16.94 - OFF-STREET PARKING AND LOADING	X	16.168.020 - ALTERATION STANDARDS	
Chapter 16.96 - ON-SITE CIRCULATION	X	16.168.030 - VARIANCES TO ALTERATION STANDARDS	
Chapter 16.98 - ON-SITE STORAGE	X		
Chapter 16.100 - PERMANENT SIGNS			

STAFF COMMENTS ON APPLICABLE CRITERIA AND GENERAL REQUIREMENTS

The following comments are based on staff's review of the information provided on the pre-application form and accompanying attachments.

Summary of important issues / information:

Application Process and Sequencing

- Type V Plan Map Amendment must be approved first prior to any additional land use application except for a land partition. The Land Partition can be submitted concurrently with the Plan Map Amendment. Staff highly suggest submitting these two reviews concurrently.
 - It is possible to submit a Plan Map Amendment independently from the land partition, and site plan review applications.
- The Type IV Site Plan Review can be processed following the Plan Map Amendment.

Plan Map Amendment / Zone Change

- Criteria for a Plan Map Amendments are in Chapter 16.80.
 - City of Sherwood 2040 Comprehensive Plan
 - Attractive and Attainable Housing, Goals and Policies
 - 2010-2039 Housing Needs Analysis
 - Residential Land Sufficiency – High Density Residential, deficient of 145 dwelling units
 - Current data can be obtained from the 2020 US Census, Washington County Land Use & Transportation, and Metro.
 - Transportation Planning Rule
 - Traffic Impact Analysis – See Section 16.106.080

Zoning and Proposed Land Uses

- If the Plan Map Amendment is approved the site will have a zoning of High Density Residential (HDR). Multifamily apartments are a permitted use in the HDR zone at a density of 16.8 – 24 units / acre.

Site Plan Review

- The development proposal is required to show conformance with the Site Plan Review approval criteria in SZCDC § 16.90.020(D).

- The site and buildings are required to comply with the urban design standards in SZCDC § 16.90.020(D)(6)(a)-(c). This also applies to the proposed Community Building.
- Development Standard of the HDR zone must be satisfied per SZCDC § 16.12.
- Structures exceeding twenty-four (24) feet in height shall conform to standards in SZCDC § 16.68.030.

Vehicle Access and Circulation for 50 or more multi-family dwelling units, SZCDC § 16.96.020

- A minimum of two driveways are required.
- The minimum two-way drive aisle width for multi-family development with 50 or more units is 24 ft. Note: TVF&R - where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet and shall extend 20 feet before and after the point of the hydrant (OFC D103.1).
- All shared access easement from the commercial development to the west must be established, evidence of easement(s) may be required as a condition of approval.

Pedestrian Circulation

- 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
- Private pathway surfaces shall be concrete, brick/masonry pavers, or other durable surface, at least five (5) feet wide and conform to ADA standards.

Trees and Landscaping

- Perimeter Screening Separating Residential Zones: a minimum six-foot high sight-obscuring wooden fence, decorative masonry wall, or evergreen screen, shall be required along property lines separating residential zones from commercial. (SZCDC § 16.92.030.A)
- Perimeter Landscape Buffering: a minimum of 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.
- 45 square feet of parking lot landscaping is required per stall. All site landscaping that is not required as perimeter landscaping can be counted towards the parking lot calculations. (SZCDC § 16.92.030.B4)
- A minimum tree canopy of 30% is required for multifamily development. The calculation should be based on the net developable site area after removing future ROW dedications. Existing trees that are retained on site count as double canopy. (SZCDC § 16.142.070)
- A 10 ft. wide landscaped visual corridor is required on private property along the frontage with SW Langer Drive (Collector status right-of-way). The visual corridor can overlap with the 14 ft. front setback and 8 ft. wide PUE. No trees should be planted in the PUE. (SZCDC § 16.142.040)
- Recycling receptacles for multi-family, commercial, industrial and institutional uses shall be screened by six (6) foot high sight-obscuring fence or masonry wall. See Pride Disposal handout for access requirements. (SZCDC § 16.96.020(C))

Open Space

- 20% of the net developable site shall be retained in common open space. Required yard parking or maneuvering areas may not be substituted for open space.
- A minimum of 50% of common area shall be suitable for active recreation uses. Recreational spaces shall be planted in grass or otherwise suitably improved. A minimum area of 800 square feet and a minimum width of 15 feet shall be provided.

Development Standards

<i>Use</i>	<i>HDR</i>
<i>Multi-family dwellings</i>	<i>P</i>

<i>Standard</i>	<i>HDR</i>
<i>Minimum lot area (two or multi-family, for the first 2 units)</i>	<i>8,000 SF</i>
<i>Minimum lot area (multi-family, each additional unit after first 2)</i>	<i>1,500 SF</i>
<i>Maximum Height</i>	<i>40 ft. or 3 stories</i>
<i>Setbacks (front)</i>	<i>14 ft.</i>
<i>Setbacks (18 – 24 ft. building height)</i>	<i>7 ft.</i>
<i>Setbacks (interior side - if over 24 ft. building height)</i>	<i>See section 16.68 infill.</i>
<i>Setbacks (rear)</i>	<i>20</i>

Climate-Friendly and Equitable Communities Initiative

- One parking space per unit in residential development with more than one dwelling unit on a single legally-established property [OAR 660-012-0430(2)]. Local jurisdiction must adopt this standard by December 31, 2022.
- Electric Vehicle Charging [OAR 660-012-0410(3)] - ... new multifamily residential buildings with five or more residential dwelling units...shall require the provision of electrical service capacity ... to accommodate 40 percent of all vehicle parking spaces. Local jurisdiction must adopt this standard by March 31, 2023.
- Link to additional information <https://www.oregon.gov/lcd/CL/Pages/CFEC.aspx>

Utilities, Transportation, and Public Improvements

- Utilities, Stormwater, Transportation, and Public Improvement Requirements – please refer to the City of Sherwood Engineering Comments (attached).

AGENCY COMMENTS**City of Sherwood Engineering Comments**

Please see comments from the City Engineering Department included in the final packet.

Oregon Department of Transportation (ODOT)

ODOT Region 1 response to the proposal is below and included in the final packet.

ODOT has reviewed the pre-application materials proposing to construct an 80 unit multi-family residential units within four buildings located on a vacant portion of the property east of Sherwood Plaza shopping complex. The site is located southeast of OR 99W. The applicant is proposing a new development, zone change, and lot partition. The site is currently zoned as Commercial/Retail Commercial (RC) and the applicant is proposing a zone change to Residential/High Density Residential (HDR).

For zone changes and comprehensive plan amendments, local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of “no significant effect” on the transportation system, or if there is a significant effect, require assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facility.

Due to the site’s proximity to OR 99W, ODOT requests the applicant be required to submit a traffic letter to demonstrate the trip reduction as a result of the proposed zone change. The traffic letter should include a comparison of the reasonable worst case traffic generation use under the current zone to the reasonable worst case traffic generation use under the proposed zoning. If the trip generation under the proposed zoning is less than the existing zoning, ODOT should be able to determine that there will not be a significant effect on the State highway per OAR 660-012. Please contact the ODOT Traffic representative identified below and the local jurisdiction to scope the traffic letter.

ODOT RECOMMENDED LOCAL CONDITIONS OF APPROVAL**Traffic Impacts**

The applicant shall submit a traffic generation comparison letter to assess the impacts of the proposed zone change on the State highway system per OAR 660-012. The analysis must be conducted by a Professional Engineer registered in Oregon. Contact the ODOT Traffic representative identified below and the local jurisdiction to scope the study.

City of Sherwood Building Division

Please contact the City Building Official, Scott McKie, with further questions related to building code and ADA compliance.

- Accessible units will be required per Section 1107.6.2 for Group R2 occupancies (apartments), based on the current building code. Your design professional shall include ADA in their design and code analysis that is specific to the project. Note: The State is adopting a new code (2022 OSSC) and the new code may or may not have the same requirements.
- ADA parking, Table 1106.1. 101-150 spaces require minimum five (5) ADA spaces, one (1) of which is a van/wheelchair user only space. The signage, parking widths, and access isle widths are per the current 'Standards for accessible parking' set forth by the Oregon Transportation Commission (9' wide parking spaces, 8' wide access isle on the passenger side of the van space, 6' wide access isle for car spaces).
- There are two code updates, the Mechanical and Building codes. They are set to be adopted Oct. 1st. They allow a three-month grace period where either the 2019 or the 2022 can be used. The 2022 OSSC and OMSC become mandatory Jan. 1st.
- Vesting is based on the date of building permit submittal. If building permit plans are submitted for review after Jan. 1st, the building plans shall be designed under the 2022 code.
- Sprinklers –3-story units are classified as R-2 occupancies. R-2 occupancies (multi-family residential/apartments), are required to have a minimum of an NFPA 13-R fire sprinkler system. When a building has fire sprinklers, they are also required to have an NFPA 72 fire alarm system installed that is designed for the occupancy.
- Swimming pools and spas are regulated by Washington County Department of Health and Human Services, Environmental Health Program. Obtain required permits from Washington County.

Portland General Electric Comments

Below are Ken Spencer, PGE Customer Operations Engineer, comments:

- Frontage improvements will require relocation of two existing PGE poles to landscape area on the north side of the Sherwood Plaza shopping center.
- Existing underground PGE cables feeding apartment complex to the east may be installed on the north and east edges of the project property. Protection of cables during construction may be required.
- Provide space for a PGE pad and/or vault-mounted transformers on project site.
- Transformers must be located within 10 feet of a vehicle access surface. Pedestrian sidewalks do not fulfill the vehicle access requirement.
- Find Request for Residential Service documents at <https://portlandgeneral.com/construction/electric-service-for-residential-builders>.
- Download form at bottom of above link and submit online at Service.Coordinators@pgn.com
- The Service Coordination desk may be reached at 503-323-6700.

Tualatin Valley Fire & Rescue Comments

Please see comments from Jason Arn, Deputy Fire Marshall II, included in the final packet.

Contact Information and Helpful Links

PLANNING DEPARTMENT INFORMATION

Colleen Resch, Planning Technician
Eric Rutledge, Associate Planner
Joy Chang, Senior Planner

reschc@sherwoodoregon.gov / 503-625-4223
rutledgee@sherwoodoregon.gov / 503-625-4242
changj@sherwoodoregon.gov / 503-625-4214

Current Project Page:

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

Planning Applications and Checklists:

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

ENGINEERING DEPARTMENT INFORMATION

Jo Guediri, Engineering Program Associate
Craig Christensen, Civil Engineer P.E.
Bob Galati, City Engineer P.E.

guedirij@sherwoodoregon.gov / 503-925-2309
christensenc@sherwoodoregon.gov / 503-925-2301
galatib@sherwoodoregon.gov / 503-925-2303

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

Permit Process Packet: www.sherwoodoregon.gov/engineering/page/eng-permit-process-packet-forms

System Development Charges (SDC) Information:

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

As-Built Request Form:

<https://www.sherwoodoregon.gov/engineering/page/built-request-form-0>

BUILDING DEPARTMENT INFORMATION

Kirsten Allen, Lead Building Permit Specialist
Scott McKie, Building Official

kallen@sherwoodoregon.gov / 503-625-4215
mckies@sherwoodoregon.gov / 503-625-4217

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

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

PAC 2022-007 Sherwood Plaza Apartments September 29, 2022

Name of Attendees

Email Address

Joy Chang, City of Sherwood	changj@sherwoodoregon.gov
Erika Palmer, City of Sherwood	palmere@sherwoodoregon.gov
Craig Christensen, City of Sherwood	ChristensenC@SherwoodOregon.gov
Diana Powers, ODOT Region 1	Diana.POWERS@ODOT.Oregon.gov
Jason Arn, Tualatin Valley Fire & Rescue	Jason.Arn@tvfr.com
Kenneth Spencer, Portland General Electric	Kenneth.Spencer@pgn.com
Marie Holladay, AKS	holladaym@aks-eng.com
Chris Goodell, AKS	chrisg@aks-eng.com
Darko Simic, AKS	darkos@aks-eng.com
Trevor Sartnurak, AKS	
Philip Johnson, Pence Construction	
Frank Schmidt, Schmidt Architecture	frank@schmidtarchitectspc.com

Not in Attendance

Scott McKie, City of Sherwood	mckies@sherwoodoregon.gov
-------------------------------	--



Engineering Pre-Application Comments

To: Joy Chang, Senior Planner

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

Project: PAC 2022-007 Sherwood Plaza Apartments

Date: September 29, 2022

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

Sanitary Sewer

Currently an 8-inch diameter public sanitary sewer main exists northeast of the subject property crossing SW Langer Drive from the property east of the subject property. There is also an 8-inch private sanitary sewer within the subject property west of the portion to be developed. All surrounding properties are developed with public sanitary sewer service, therefore no public sanitary sewer main extension is anticipated.

If the subject development is to remain all one parcel then connection to the existing private system would likely be acceptable. If partitioning the residential portion of the property from the commercial portion of the property is a possibility, then it would likely be better to connect the subject development directly to a public sanitary sewer (SW Langer Drive) as CWS rules require each parcel to have its own sanitary sewer service.

If connecting to the existing public manhole within the property to the east, verification/acquisition of a public sanitary sewer will be needed. Verification/acquisition of a private sanitary sewer easement will also be needed.

Water

Currently there is a 10-inch diameter public water main existing within SW Langer Drive along the subject property frontage. All surrounding properties are developed with public water service, therefore no public water main extension is anticipated. The subject development will need to provide a single master domestic water to serve the subject development and fire water, if necessary. Appropriate backflow prevention will be required. The existing fire hydrant west of the subject development may be required to be converted to a private system. If not, verification/dedication of a public water

Project: Sherwood Plaza Apartments
 Date: September 29, 2022
 Page: 2 of 3

easement will likely be required. Verification/dedication a public water line easement for the on-site water line west of the commercial building may be required.

Storm Sewer

Currently a 12-inch diameter public storm sewer exists within SW Langer Drive along most of the subject property frontage. There is also a private storm sewer within the subject property west of the portion to be developed. All surrounding properties are developed with public storm sewer service, therefore no public storm sewer main extension is anticipated.

If the subject development is to remain all one parcel then connection to the existing private system would likely be acceptable. If partitioning the residential portion of the property from the commercial portion of the property is a possibility, then it would likely be better to connect the subject development directly to a public storm sewer (SW Langer Drive) as CWS rules require each parcel to have its own storm sewer service.

Storm water quality treatment and hydro-modification will be required in compliance with Clean Water Services (CWS) standards. A storm water report in compliance with CWS standards is required showing that the downstream public storm sewer has capacity. Private water quality treatment and hydro-modification facilities require that a Private Stormwater Facility Access and Maintenance Covenant to be recorded.

Transportation

The subject property is bordered by SW Langer Drive (Collector) to the north. The existing street has a 21-foot wide half-street paved street section with 5-foot wide curb tight sidewalk within a 33-foot wide half street right-of-way section. Standard for a 3 lane collector street is 24 feet of paved width for a half street section with a 5-foot wide landscape strip and 6-foot wide sidewalk within a 36-foot wide half street right-of-way section. The 21 feet of half street paved width with curb-tight sidewalk is consistent with the street section to the east, however the street section to the west is wider creating a jog in the curb line across the eastern driveway to the subject property.

The existing driveway at the east end of the subject property is anticipated to be the main access point to the subject development. This driveway does not meet city standards for geometry/layout. The existing driveway is less than the 200 feet separation required between driveways with the driveway to the west. However, since the driveway currently lines up with the driveway across the street, relocation of the driveway will likely not be required.

It may be required to reconstruct the existing driveway to city standard such that the curb line heading east will be at the 24-foot half street width. It may be required to widen the street to the 24-foot half street width and construct new 6-wide sidewalk in its standard location along the SW Langer Drive street frontage of the section of street in front of the area of the proposed development.

Project: Sherwood Plaza Apartments
 Date: September 29, 2022
 Page: 3 of 3

Right-of-way dedication to the 36-foot wide half street right-of-way section in areas where the right-of-way width is less than 36 feet will likely be required.

A trip generation calculation comparing the potential traffic generation of the undeveloped area when developed similarly to the existing developed portion of the property to the proposed development will likely be requested. Based upon the findings staff will determine if a TIA is needed.

Other Engineering Issues:

A CWS Service Provider Letter is required.

A CWS Storm Water Connection Permit Authorization is required.

Since the subject development is approximately 3 acres in area, therefore a DEQ NPDES 1200-CN permit will be required.

An 8-foot wide Public Utility Easement will likely be required along the frontage of SW Langer Drive.

There is an As-Built Request Form on the City of Sherwood website for acquisition of as-built plans. <https://www.sherwoodoregon.gov/engineering/page/built-request-form-0>

A System Development Charge spreadsheet is available for use in the forms section on the City of Sherwood website.

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

If help is needed to estimate SDC charges, please contact me.

Existing overhead utilities along the subject property frontage will likely be required to be relocated underground. New utilities to the site will need to be underground.

Some underground Sherwood Broadband exists along the subject property frontage of SW Langer Drive. It will likely be required to extend Sherwood Broadband to the eastern property line.

END OF COMMENTS

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



October 12, 2022

ODOT #12734

ODOT Response

Project Name: Sherwood Plaza Apartments, Zone Change, Partition	Applicant: Six Corners LLC
Jurisdiction: City of Sherwood	Jurisdiction Case #: PAC 2022-007
Site Address: 16310 SW Langer Drive, Sherwood, OR 97140	State Highway: OR 99W

The site of this proposed land use action is in the vicinity of OR 99W. ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation. **Please direct the applicant to the District Contact indicated below to determine permit requirements and obtain application information.**

COMMENTS/FINDINGS

ODOT has reviewed the pre-application materials proposing to construct an 80 unit multi-family residential units within four buildings located on a vacant portion of the property east of Sherwood Plaza shopping complex. The site is located southeast of OR 99W. The applicant is proposing a new development, zone change, and lot partition. The site is currently zoned as Commercial/Retail Commercial (RC) and the applicant is proposing a zone change to Residential/High Density Residential (HDR).

For zone changes and comprehensive plan amendments, local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of “no significant effect” on the transportation system, or if there is a significant effect, require assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facility.

Due to the site’s proximity to OR 99W, ODOT requests the applicant be required to submit a traffic letter to demonstrate the trip reduction as a result of the proposed zone change. The traffic letter should include a comparison of the reasonable worst case traffic generation use under the current zone to the reasonable worst case traffic generation use under the proposed zoning. If the trip generation under the proposed zoning is less than the existing zoning, ODOT should be able to determine that there will not be a significant effect on the State highway per [OAR 660-012](#). Please contact the ODOT Traffic representative identified below and the local jurisdiction to scope the traffic letter.

ODOT RECOMMENDED LOCAL CONDITIONS OF APPROVALTraffic Impacts

- ☒ The applicant shall submit a traffic generation comparison letter to assess the impacts of the proposed zone change on the State highway system per [OAR 660-012](#). The analysis must be conducted by a Professional Engineer registered in Oregon. **Contact the ODOT Traffic representative identified below and the local jurisdiction to scope the study.**

Please send a copy of the Land Use Notice to:

ODOT Region 1 Planning
Development Review
123 NW Flanders St
Portland, OR 97209

ODOT_R1_DevRev@odot.oregon.gov

Development Review Planner: Diana Powers	Diana.Powers@odot.oregon.gov
Traffic Contact: John Russell, P.E.	John.Russell@odot.oregon.gov
District Contact: District 2B	D2BUP@odot.oregon.gov



October 12, 2022

Joy Chang
Senior Planner
City of Sherwood
22560 SW Pine St.
Sherwood, Oregon 97140

Re: Sherwood Plaza Apartments

Thank you for the opportunity to review the land use application surrounding the above named development project. These notes are provided in regards to the pre-application meeting to be held on **September 29, 2022**. There may be more or less requirements needed based upon the final project design, however, Tualatin Valley Fire & Rescue will endorse this proposal predicated on the following criteria and conditions of approval.

1. **FIRE APPARATUS ACCESS ROADS:** Access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction. **Exception:** Approved agricultural and equine structures complying with ORS 455.315 are not required to have fire apparatus access roads (see New Construction Guide Appendix C). Access roads are not required to be modified for commercial buildings that undergo a change in occupancy, change in use, or conversion from agricultural or equine exempt to non-exempt unless there is a change to the structure's square footage or building footprint. (OFC 503.1.1)
2. **FIRE ACCESS ROAD DISTANCE FROM BUILDINGS:** The access shall extend to within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. (OFC 503.1.1)
3. **DEAD ENDS AND ROADS IN EXCESS OF 150 FEET (TURNAROUNDS):** Dead end fire apparatus access roads or roads in excess of 150 feet in length shall be provided with an approved turnaround. Diagrams of approved turnarounds are shown below: (OFC 503.2.5 & Figure D103.1)
4. **ADDITIONAL ACCESS ROADS - COMMERCIAL/INDUSTRIAL HEIGHT:** Buildings exceeding 30 feet in height or three stories in height shall have at least two separate means of fire apparatus access. (D104.1)
5. **ADDITIONAL ACCESS ROADS - COMMERCIAL/INDUSTRIAL SQUARE FOOTAGE:** Buildings or facilities having a gross building area of more than 62,000 square feet shall have at least two approved separate means of fire apparatus access. Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems. (OFC D104.2)
6. **ADDITIONAL ACCESS ROADS - MULTI-FAMILY RESIDENTIAL DEVELOPMENTS:** Projects having more than 100 dwelling units shall be provided with two separate and approved fire apparatus access

roads. Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with an approved automatic sprinkler system in accordance with section 903.3.1.1, 903.3.1.2. Projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus roads regardless of whether they are equipped with an approved automatic sprinkler system. (OFC D106)

7. **AERIAL FIRE APPARATUS ROADS:** Buildings with a vertical distance between the grade plane and the highest roof surface that exceeds 30 feet in height shall be provided with a fire apparatus access road constructed for use by aerial apparatus with an unobstructed driving surface width of not less than 26 feet. For the purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater. Any portion of the building may be used for this measurement, provided that it is accessible to firefighters and is capable of supporting ground ladder placement. (OFC D105.1, D105.2)
8. **AERIAL APPARATUS OPERATIONS:** At least one of the required aerial access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial access road is positioned shall be approved by the Fire Marshal. Overhead utility and power lines shall not be located over the aerial access road or between the aerial access road and the building. (D105.3, D105.4)
9. **MULTIPLE ACCESS ROADS SEPARATION:** Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the area to be served (as identified by the Fire Marshal), measured in a straight line between accesses. (OFC D104.3)
10. **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (OFC 503.2.1 & D103.1)
11. **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)
12. **NO PARKING:** Parking on emergency access roads shall be as follows (OFC D103.6.1-2):
 1. 20-26 feet road width – no parking on either side of roadway
 2. 26-32 feet road width – parking is allowed on one side
 3. Greater than 32 feet road width – parking is not restricted
 Note: For specific widths and parking allowances, contact the local municipality.
13. **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked "NO PARKING FIRE LANE" at 25 foot intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background (or as approved). (OFC 503.3)
14. **FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS:** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet and shall extend 20 feet before and after the point of the hydrant. (OFC D103.1)

15. **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested. (OFC 503.2.3)
16. **ANGLE OF APPROACH/GRADE FOR TURNAROUNDS:** Turnarounds shall be as flat as possible and have a maximum of 5% grade with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)
17. **ANGLE OF APPROACH/GRADE FOR INTERSECTIONS:** Intersections shall be level (maximum 5%) with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)
18. **AERIAL APPARATUS OPERATING GRADES:** Portions of aerial apparatus roads that will be used for aerial operations shall be as flat as possible. Front to rear and side to side maximum slope shall not exceed 10%.
19. **GATES:** Gates securing fire apparatus roads shall comply with all of the following (OFC D103.5, and 503.6):
1. Minimum unobstructed width shall be not less than 20 feet (or the required roadway surface width).
 2. Gates shall be set back at minimum of 30 feet from the intersecting roadway or as approved.
 3. Electric gates shall be equipped with a means for operation by fire department personnel
 4. Electric automatic gates shall comply with ASTM F 2200 and UL 325.
20. **TRAFFIC CALMING DEVICES:** Shall be prohibited on fire access routes unless approved by the Fire Marshal. (OFC 503.4.1). Traffic calming measures linked here:
*****.tvfr.com/DocumentCenter/View/1578
21. **COMMERCIAL BUILDINGS - REQUIRED FIRE FLOW:** The minimum fire flow and flow duration shall be determined in accordance with OFC Table B105.2. The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi residual. (OFC B105.3)
Note: OFC B106, Limiting Fire-Flow is also enforced, except for the following:
- The maximum needed fire flow shall be 3,000 GPM, measured at 20 psi residual pressure.
 - Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1
22. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B)
23. **FIRE HYDRANTS - COMMERCIAL BUILDINGS:** Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. (OFC 507.5.1)
- This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system.
 - The number and distribution of fire hydrants required for commercial structure(s) is based on Table C105.1, following any fire-flow reductions allowed by section B105.3.1. Additional fire hydrants may be required due to spacing and/or section 507.5 of the Oregon Fire Code.
24. **FIRE HYDRANT(S) PLACEMENT:** (OFC C104)

- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants. (OFC 507.5.1)
- Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the Fire Marshal.
- Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets may be considered when approved by the Fire Marshal.
- Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the Fire Marshal.

25. **PRIVATE FIRE HYDRANT IDENTIFICATION:** Private fire hydrants shall be painted red in color. Exception: Private fire hydrants within the City of Tualatin shall be yellow in color. (OFC 507)
26. **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway unless approved by the Fire Marshal. (OFC C102.1)
27. **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of blue reflective markers. They shall be located adjacent and to the side of the center line of the access roadway that the fire hydrant is located on. In the case that there is no center line, then assume a center line and place the reflectors accordingly. (OFC 507)
28. **FIRE DEPARTMENT CONNECTION (FDC) LOCATIONS:** FDCs shall be located within 100 feet of a fire hydrant (or as approved). Hydrants and FDC's shall be located on the same side of the fire apparatus access roadway or drive aisle, fully visible, and recognizable from the street or nearest point of the fire department vehicle access or as otherwise approved. (OFC 912.2.1 & NFPA 13)
- Fire department connections (FDCs) shall normally be located remotely and outside of the fall-line of the building when required. FDCs may be mounted on the building they serve, when approved.
 - FDCs shall be plumbed on the system side of the check valve when sprinklers are served by underground lines also serving private fire hydrants.
29. **PREMISES IDENTIFICATION:** New and existing buildings shall have approved address numbers; building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property, including monument signs. These numbers shall contrast with their background. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. (OFC 505.1)

Tualatin Valley Fire and Rescue requires a Service Provider Permit for all commercial projects. Please apply here: [Service Provider Permit | Tualatin Valley Fire & Rescue \(tvfr.com\)](https://www.tvfr.com) If you have questions or need further clarification, please feel free to contact me at **503-259-1510**.

Sincerely,

Jason Arn

Jason Arn
Deputy Fire Marshal II

Email Jason.arn@tvfr.com

A full copy of the New Construction Fire Code Applications Guide for Commercial and Multi-Family Development is available [here](#).



Waste Disposal / Enclosure Requirements Before Occupancy

- The enclosure must be 10 feet deep by 20 feet wide (2 commercial containers). Measurements given are for the inside walls of the enclosure.
- There should be NO CENTER POST AT ACCESS POINT.
- Gates need to be hinged in *front* of walls not inside the walls. This will allow for the extra 120-150 degrees in opening angle needed.
- Full swing gates required.
- Space between containers in enclosure allows access to glass recycling totes.
- Gates must be able to be pinned in the open and closed positions (lock backs) – to keep the gates from potentially swinging into vehicles.
- There must be 75' of unobstructed access to the front of the enclosure (no parking island, parked vehicles, light pole, buildings, etc.).
- There must be 25' of overhead clearance.
- Enclosure location must allow the truck(s) to safely re-enter traffic.

Please Note: This information is to be used for guidelines during the construction of enclosures. These recommendations do not signify our approval of the construction; actual plans must be submitted for approval.

**CITY OF SHERWOOD
Staff Report and
Notice of Decision**

July 14, 2016

**File No: SP 16-04
Sherwood Plaza Apartments**

Pre-App. Meeting: August 3, 2015

App. Submitted: March 2, 2016

App. Complete: May 9, 2016

Hearing Dates: June 28, 2016

July 12, 2016

120 Day Deadline: September 6, 2016

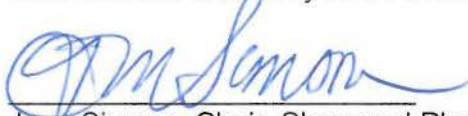
The Sherwood Planning Commission held two public hearings on June 28 and July 12, 2016 for the *Sherwood Plaza Apartments*. The Commission opened the public record and took public testimony on the subject site plan application at both public hearings.

Citizens testified at the hearings and expressed concerns about the negative impacts the development would have on nearby vehicular traffic and pedestrian safety on SW Langer Drive. Some people thought that either additional pedestrian crossings were necessary on SW Langer Drive or a pedestrian signal was needed as people tried to safely cross at the designated crossing. A neighboring property owner was concerned about parking overflow onto the adjacent public street. Others were concerned about the combined mixed use within the retail commercial zone and the problems that may occur in the future as a result of any potential partitioning of the overall site.

At the July 12, 2016 staff requested removal of the condition that required a proportionate share of the cost of signal removal on SW Langer and SW Sherwood Blvd. as the System Development Charges would account for the impact of this development. Additionally, staff requested that the condition concerning right of way dedication on SW Langer be changed to add "*demonstrate or dedicate*" and change the half street width to 36 feet in line with the adopted Transportation System Plan. The Commission agreed, and the decision reflects these changes.

The Commission discussed the proposal and the impact the development would have to the surrounding area. The Commission discussed the design of the buildings facing SW Langer Drive, the pedestrian crossing on SW Langer, whether there was adequate parking, and pedestrian access to the adjacent properties. The Commission decided that the applicant had met the criteria with the improved the building elevations that faced SW Langer Drive (Exhibit J) and the enhanced pedestrian crossing was sufficiently addressed in the conditions of approval. Based on citizen testimony and a concern for safety due to the layout of the garages on the adjoining property, the Commission removed the condition requiring a break in the fence to accommodate pedestrian access to the adjoining properties.

After consideration of the application, testimony and the agency comments, the Planning Commission voted unanimously to approve the application. The Planning Commission decision is based on the findings of fact and the conditions contained in this notice, the applicant's materials and testimony and the staff report including exhibits.



Jean Simson, Chair, Sherwood Planning Commission

Page 1 of 41

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

I. BACKGROUND

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

Contact: Brian Shahum 503-925-1850

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

Contact: AnneMarie Skinner, 503-746-8812

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

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

Existing Development and Site Characteristics: The square shaped 13.26 acre site contains Sherwood Plaza, a single story multi-tenant retail facility. The site, known as “Sherwood Plaza” is a 27,000 square foot shopping plaza where multiple commercial businesses surround an existing parking area with several satellite buildings. The “Plaza” consists of one large parcel along SW Langer Drive that includes a large, long L-shaped shopping area with a post office, toy store, several restaurants, a coffee shop and a large children’s indoor activity center. There are several outlying buildings including a drive through restaurant, a dine-in restaurant and a real estate office. The parking area consists of 540 spaces primarily in the front of the large shopping area surrounding the buildings. The parking areas are separated with a few landscape islands and a sidewalk that connects to SW Langer Drive. This commercial plaza area has primary access onto SW Langer Drive at three locations as it curves around the site on the site’s west and northern boundaries. There are several other stand-alone buildings on the site which contain two restaurants, a drive up coffee shop and a small office building.

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

D. Site History: The site received land use approval for development of the Plaza in 1977. (SR 77-04) Several other site plan approvals have been granted since that time and Includes the Taco Bell Site Plan approval in 2008 (SP 07-08) and Dutch Bros. in 2012 (SP 12-02).

- E. Zoning Classification and Comprehensive Plan Designation: The site is zoned Retail Commercial (RC). Per Chapter 16.22, the purpose of the RC zone is to provide areas of general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts as per Division VIII. Multi-family housing is allowed so long as it is clearly secondary to the commercial use. The dimensional standards of the High Density Residential apply, with a density range between 16.8 and 24 units to the acre.
- F. Adjacent Zoning and Land Use: The subject property is adjacent to high density residentially zoned and developed properties to the south and east. The Sunfield Apartments are located to the south and the Arbor Terrace subdivision is located to the east. A private drive is located adjacent to the property's eastern boundary. Properties north and west of the site are also zoned Retail Commercial.
- G. Review Type: The applicant proposes site plan approval for six multi-family buildings adjacent to the Sherwood Plaza. Due to the size, the application is subject to a Type IV review which requires review and approval by the Planning Commission after conducting a public hearing. An appeal would be heard by the Sherwood City Council.
- H. Public Notice and Hearing: This application was processed consistent with the standards in effect at the time it was submitted. A neighborhood meeting was held on January 4, 2016 at the Sherwood Police Department. The neighborhood meeting was attended by four members of the general public. They raised concerns, the proposed parking, housing type, site amenities, play area location, garbage receptacles, and management of the development. The minutes are provided in the applicant's materials (See Exhibit A).

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

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

II. PUBLIC COMMENTS

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

III. AGENCY COMMENTS

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

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

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

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

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

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

IV. SITE PLAN REVIEW REQUIRED FINDINGS (SECTION 16.90)

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

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

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

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

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

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

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

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

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

5. **For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant shall provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate for impacts attributable to the project.**

PLANNING COMMISSION DISCUSSION: The Planning Commission discussed both the location and type of crossing necessary to address pedestrian safety at the project location. They considered several factors that they believed could compromise the safety of the apartment residents trying to cross SW Langer Drive to the adjacent shopping center, Sherwood Market Center. They discussed the various factors that contributed to the need for an enhanced crossing. It was near the bus stop, the vehicular speed of westbound traffic around the curve, and that the area was in the Sherwood Town Center area that promoted increased walkability.

Some Commissioners and the public testimony presented supported a signalized crossing or wanted another location for the pedestrian crossing that was closer to the new project and a more direct route across the street.

Ultimately, the Commissioners found the City Engineer, the testimony of the City's traffic consultant, and applicant's traffic engineer persuasive and decided that this project did not trigger moving the location of the crossing or signaling the existing crossing. They agreed

with the finding and condition below that the applicant should “install a high visibility advanced pedestrian crossing warning signage and striping at the pedestrian crossing of Langer Drive between the Plaza Site driveway entrance and the Highway 99W right-in/right-out access road.” Any additional safety measures could be made by the City if they determined an overall need at this location.

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

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

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

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

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

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

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

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

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

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

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

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

Planning Commission Discussion: The applicant submitted additional information addressing this criterion. (Exhibit J). The applicant proposes a pedestrian plaza with additional streetscape amenities along the frontage of SW Langer Drive and the apartment complex. These include a different colored sidewalk treatment, trees, benches, concrete

planter boxes, and a short wall. This will bring activity to the front of the area and will break up the building façade on the street facing elevation.

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

FINDING: Based on the above analysis and the additional information supplied at the hearing with Exhibit J, the applicant meets this criterion.

V. APPLICABLE CODE PROVISIONS

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

A. Division II– Land Use and Development

The applicable provisions of Division II include:

Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS

16.22.010 – Purpose

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

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

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

16.22.020 - Uses

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

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

The applicant submitted a traffic study with this land use application identifying 1,517 pm peak hour trips generated from the commercial uses on the site. (See applicant’s traffic

study, Exhibit A, prepared by Kittelson and Associates. In this same study, they estimated that the 82 unit multi-family development would generate an additional 545 net new weekday daily trips, a much smaller proportion than the commercial activity and the vehicular trip activity.

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

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

16.12.030. - Residential Land Use Development Standards

C. Development Standard per Residential Zone (table)

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

1. Lot Dimensions

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

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

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

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

2. Setbacks

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

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

16.68.030 - Building Design on Infill Lots

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

1. The minimum interior side setback is five (5) feet, provided that elevations or portions of elevations exceeding twenty four (24) feet in height shall be setback from interior property line(s) an additional one-half ($\frac{1}{2}$) foot for every one (1) foot in height over twenty four (24) feet (see example below); and

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

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

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

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

Staff Analysis: The applicant shows the interior side elevations divided into smaller areas with distinct planes resulting in recessed or projecting sections at least six feet

long at different intervals on all of the buildings that face the residential development to the east. The recesses are at least 2 feet from the adjacent plane. (Sheet A1.02)

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

C. Height

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

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

16.58 Clear Vision and Fence Standards

16.58.010 Clear Vision Areas

The following requirements shall govern clear vision areas:

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

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

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

B. Division V- Community Design

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

16.92 Landscaping

16.92.010 - Landscaping Plan Required

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

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

16.92.020 - Landscaping Materials

A. Type of Landscaping

Required landscaped areas shall include an appropriate combination of native evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of this Chapter. Plants may be selected from the City's "Suggested Plant Lists for Required Landscaping

Manual" or suitable for the Pacific Northwest climate and verified by a landscape architect or certified landscape professional.

1. Ground Cover Plants

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

2. Shrubs

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

3. Trees

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

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

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

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

B. Plant Material Selection and Preparation

1. Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.

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

Staff Analysis: Laura Antonson, a registered landscape architect prepared the landscape plan set for this project. She identified the variety of plants and indicated that they would meet the requirements of this Chapter and would be at full growth within 3 years of planting. The applicant provided a description of how the trees and plants should be planted along with the type of soil and amendment that would be suitable for these plants.

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

C. Existing Vegetation

1. All developments subject to site plan review per Section 16.90.020 and required to submit landscaping plans per this section shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Review Authority, in addition to complying with the provisions of Section 16.142. (Parks, Trees and Open Space) and Chapter 16.144 (Wetland, Habitat, and Natural Resources).

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

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

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

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

2. Existing vegetation, except those plants on the Nuisance Plants list as identified in the "Suggested Plant Lists for Required Landscaping Manual" may be used to meet the landscape standards, if protected and maintained during the construction phase of the development.

- a. If existing trees are used, each tree six (6) inches or less in diameter counts as one (1) medium tree.
- b. Each tree that is more than six (6) inches and up to nine (9) inches in diameter counts as two (2) medium trees.
- c. Each additional three (3) inch diameter increment above nine (9) inches counts as an additional medium tree.

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

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

D. Non-Vegetative Features

1. Landscaped areas as required by this Chapter may include architectural features interspersed with planted areas, such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, semi-pervious decorative paving, and graveled areas.

2. Impervious paving shall not be counted toward the minimum landscaping requirements unless adjacent to at least one (1) landscape strip and serves as a pedestrian pathway.

3. Artificial plants are prohibited in any required landscaped area.

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

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

16.92.030 - Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

1. Perimeter Screening Separating Residential Zones:

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

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

Planning Commission Discussion: A central break in the fence on the eastern side of the property would be located between the garages on the adjoining property and in between the covered parking of this Sherwood Plaza development, creating a safety concern for pedestrians. The Commission discussed moving the break further north near the trash enclosure but that would be close to SW Langer Drive and make the break in the fence unnecessary as pedestrians could then walk a short distance to Langer Drive and go around the fence. Additionally, the applicant did not want to include a break in the fence because of overall security concerns. The Commission approved removing this requirement.

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

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

FINDING: Based on the locational and safety concerns identified in the Planning Commission deliberation discussed above, the applicant is not required to satisfy this criterion.

2. Perimeter Landscaping Buffer

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

3. Perimeter Landscape Buffer Reduction

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

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

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

B. Parking Area Landscaping

1. Purpose

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

2. Definitions

- a. **Parking Area Landscaping:** Any landscaped area on the site that is not required as perimeter landscaping § 16.92.030 (Site Landscaping and Screening).
- b. **Canopy Factor**
 - (1) Landscape trees are assigned a canopy factor to determine the specific number of required trees to be planted. The canopy factor is calculated based on the following formula:

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

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

3. **Required Landscaping**

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

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

4. **Amount and Type of Required Parking Area Landscaping**

a. **Number of Trees required based on Canopy Factor**

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

(1) **Any combination of the following is required:**

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

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

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

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

b. **Shrubs:**

(1) **Two (2) shrubs are required per each space.**

(2) **For spaces where the front two (2) feet of parking spaces have been landscaped instead of paved, the standard requires one (1) shrub per space. Shrubs may be evergreen or deciduous.**

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

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

c. Ground cover plants:

(1) Any remainder in the parking area must be planted with ground cover plants.

(2) The plants selected must be spaced to cover the area within three (3) years. Mulch does not count as ground cover.

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

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

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

b. Each landscape island shall be planted with at least one (1) tree.

c. Landscape islands shall be evenly spaced throughout the parking area.

d. Landscape islands shall be distributed according to the following:

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

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

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

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

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

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

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

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

D. Visual Corridors

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

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

16.92.040 Installation and Maintenance Standards

A. Installation

All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Clean Water Services storm water management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.

B. Maintenance and Mitigation of Landscaped Areas

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

C. Irrigation

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

1. Option 1: A permanent built-in irrigation system with an automatic controller installed.
2. Option 2: An irrigation system designed and certified by a licensed landscape architect or other qualified professional as part of the landscape plan, which provides sufficient water to ensure that the plants become established. The system

does not have to be permanent if the plants chosen can survive independently once established.

3. Option 3: Irrigation by hand. If the applicant chooses this option, an inspection will be required one (1) year after final inspection to ensure that the landscaping has become established.

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

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

16.94 Off Street Parking and Loading

16.94.010 - General Requirements

E. Location

1. Residential off-street parking spaces:

- a. Shall be located on the same lot or development as the residential use.
- b. Shall not include garages or enclosed buildings with the exception of a parking structure in multifamily developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).

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

F. Marking

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

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

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

G. Surface and Drainage

- 1. All parking and loading areas shall be improved with a permanent hard surface such as asphalt, concrete or a durable pervious surface. Use of pervious paving material is encouraged and preferred where appropriate considering soils, location, anticipated vehicle usage and other pertinent factors.**

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

H. Repairs

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

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

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

I. Parking and Loading Plan

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

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

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

16.94.020 - Off-Street Parking Standards

A. Generally

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

Table 1: Minimum and Maximum Parking Standards

Sherwood Plaza Apartments Unit Type	Number of Units Proposed	Minimum Parking Spaces Required
--	-----------------------------	------------------------------------

Studio (1 per unit)	6	6
One Bed (1.25 per unit)	41	51
Two Bed (1.5 per unit)	29	44
Three Bedroom (1.75 per unit)	6	11
Visitor Parking (15 % additional)	112 parking spaces x 15%	17

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

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

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

B. Dimensional and General Configuration Standards

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

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

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

2. Layout

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

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

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

3. Wheel Stops

a. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high, located three (3) feet back from the front of the parking stall as shown in the above diagram.

b. Wheel stops adjacent to landscaping, bio-swales or water quality facilities shall be designed to allow storm water runoff.

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

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

C. Bicycle Parking Facilities

1. General Provisions

a. **Applicability.** Bicycle parking spaces shall be provided for new development, changes of use, and major renovations, defined as construction valued at twenty-five (25) percent or more of the assessed value of the existing structure.

b. **Types of Spaces.** Bicycle parking facilities shall be provided in terms of short-term bicycle parking and long-term bicycle parking. Short-term bicycle parking is intended to encourage customers and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for at least several hours a weather-protected place to park bicycles.

c. **Minimum Number of Spaces.** The required total minimum number of bicycle parking spaces for each use category is shown in Table 4, Minimum Required Bicycle Parking Spaces.

d. **Minimum Number of Long-term Spaces.** If a development is required to provide eight (8) or more required bicycle parking spaces in Table 4, at least twenty-five (25) percent shall be provided as long-term bicycle with a minimum of one (1) long-term bicycle parking space.

e. **Multiple Uses.** When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.

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

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

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

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

2. Location and Design.

a. General Provisions

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

b. Short-term Bicycle Parking

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

c. Long-term Bicycle Parking

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

d. Covered Parking (Weather Protection)

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

Table 4: Minimum Required Bicycle Parking Spaces
Residential Categories

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

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

16.96 Onsite Circulation

16.96.010 - On-Site Pedestrian and Bicycle Circulation

A. Purpose

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

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

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

16.96.020 Minimum - Residential standards

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

A. Driveways

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

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

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

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

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

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

B. Sidewalks and Curbs

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

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

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

16.98.020 - Solid Waste Storage

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

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

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

C. Division VI - Public Improvements

16.108– Streets

16.108.030.01 – Required Improvements

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

Staff Analysis: The subject property is bordered by SW Langer Drive to the north. The existing street has a 21-foot wide half-street paved street section with 5-foot wide curb tight sidewalk within a 33-foot wide half street right-of-way section. Standard for a 3 lane collector street is 24 feet of paved width for a half street section with a 5-foot wide landscape strip and 8-foot wide sidewalk within a 39-foot wide half street right-of-way section. The 21 feet of half street paved width with curb-tight sidewalk is consistent throughout this area.

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

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

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

RECOMMENDED CONDITION: Prior to engineering approval, widen sidewalk to 8 feet of width and demonstrate or dedicate right-of-way to a 36-foot half street width along the frontage of SW Langer Drive from the eastern property line of the subject property through the driveway across from the SW Langer Drive/Langer Access intersection. The right-of-way dedication shall be recorded with Washington County prior to final city engineering approval of the public improvements. Street lighting will need to be relocated as necessary.

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

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

16.108.040.03 - Underground Utilities

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

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

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

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

16.108.050.11-Transit Facilities

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

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

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

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

16.110 - Sanitary Sewers

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

Staff Analysis: Currently, a public sanitary sewer main exists northeast of the subject property crossing SW Langer Drive from the east. There is also a private sanitary sewer within the subject property west of the portion to be developed. All surrounding properties are developed with public sanitary sewer service, therefore no public sanitary sewer main extension is required.

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

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

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

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

sewer easement over the public sanitary sewer within the property east of the subject property.

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

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

16.112– Water Supply

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

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

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

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

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

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

16.114 - Storm Water

Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage system consistent with the Comprehensive Plan, the requirements of the Clean Water Services water quality regulations and section 16.114.

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

The preliminary plans indicate that the new development will connect to the existing storm sewer north of the development within SW Langer Drive. : (Add to Analysis) The proposed development shall provide storm sewer service to the development as required to meet Clean Water Services, and the Sherwood Engineering standards.

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

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

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

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

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

16.116.010 - Fire Protection

When land is developed so that any commercial or industrial structure is further than 250 feet or any residential structure is further than 500 feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety. In addition capacity, fire flow, access to facilities and number of hydrants shall be consistent with 16.116.020 and fire district standards.

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

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

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

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

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

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

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

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

16.118.020 – Public and Private Utilities Standard

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

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

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

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

D. Division VIII. Environmental Resources

Chapter 16.142 - PARKS, TREES AND OPEN SPACES

16.142.020 - Multi-Family Developments

A. Standards

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

1. Open Space

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

2. Recreation Facilities

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

3. Minimum Standards

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

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

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

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

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

16.142.040 - Visual Corridors**A. Corridors Required**

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

	Street	Minimum Corridor
3.	Collector	10 feet

B. Landscape Materials

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

3. Establishment and Maintenance

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

4. Required Yard

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

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

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

16.142.050 Trees Along Public Streets or on Other Public Property

16.142.050. Street Trees

- A. Trees are required to be planted to the following specifications along public streets abutting or within any new development or redevelopment. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.**

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

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

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

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

B. Applicability

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

C. Inventory

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

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

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

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

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

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

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

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

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

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

16.146.020 - Noise Sensitive Uses

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

- A. The applicant shall submit to the City a noise level study prepared by a professional acoustical engineer. Said study shall define noise levels at the boundaries of the site in all directions.

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

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

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

16.148.010 - Vibrations

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

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

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

16.150.010 – Air Quality

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

- A. All such uses shall comply with standards for dust emissions as per OAR 340-21-060.
- B. Incinerators, if otherwise permitted by Section 16.140.020, shall comply with the standards set forth in OAR 340-25-850 through 340-25-905.
- C. Uses for which a State Air Contaminant Discharge Permit is required as per OAR 340-20-140 through 340-20-160 shall comply with the standards of OAR 340-220 through 340-20-276.

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

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

16.152.010 - Odors

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

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

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

16.154.010 – Heat and Glare

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

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

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

RECOMMENDATION

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's submittal, staff finds that the requested approvals do not fully comply with the standards but can be conditioned to comply. Therefore, staff recommends **approval of File No: SP 16-04 with the recommended conditions below.**

VI. CONDITIONS OF APPROVAL

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. This land use approval shall substantially comply with the submitted preliminary site plans dated March, 2016 prepared by Emerio Engineering except as indicated in the following conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.
3. The developer/owner/applicant is responsible for all costs associated with private/public facility improvements.
4. **This approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. An on-going condition of the approval is that the site be maintained in accordance with the approved site plan. In the event that landscaping is not maintained, in spite of the assurances provided, this would become a code compliance issue.
6. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.

7. A temporary use permit must be obtained from the Planning Department prior to placing a construction trailer on-site.
8. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.

B. Prior to issuance of grading or erosion control permits from the Building Department:

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

C. Prior to Final Site Plan Approval:

1. Submit the required final site plan review fee along with a brief narrative and supporting documents demonstrating how each of the final site plan conditions are met.
2. Submit plans that indicate the correct number of trees to be removed or retained, the condition of the trees and if necessary, the reason for their removal.
3. Provide the calculations for the individual open space areas demonstrating compliance with Section 16.142.020.
4. Provide verification from a licensed landscape professional that the proposed trees are suitable for this location and are at appropriate distance apart based on the conditions of the site.
5. Provide plans that show street trees adequately placed along the frontage of the site.
6. Provide a tree inventory with the condition of the trees, and the reason the applicant requests the tree's removal in order to assist the City in making its determinations on the retention of the trees.
7. Provide the tree canopy calculation that shows a minimum 30% tree canopy cover for the site.

D. Prior to Engineering Plan Approval,

1. The developer shall perform an analysis of the downstream storm sewer system in accordance with Clean Water Services standards.

2. The developer shall either remove and replace any downstream deficiencies in the existing storm sewer system or provide detention in a manner that the downstream system will have adequate capacity for this new development.
3. The developer shall provide water quality treatment for all new impervious area constructed and any existing impervious area redeveloped unless otherwise approved by the City Engineer and Clean Water Services. Also some or all of the existing impervious area to remain undisturbed within the subject property shall have water quality treatment as required by Clean Water Services in accordance with their standards.
4. All public water infrastructure shall meet City of Sherwood standards and be reviewed and approved by the Sherwood Engineering Department.
5. Design the pedestrian crossing striping that conforms to standards defined in Section 3b.18 (Crosswalk Markings) of the Manual on Uniform Traffic Control Devices. The pedestrian crossing striping shall include longitudinal lines parallel to the pedestrian traffic flow, and diagonal lines placed at 45 degree angle to the longitudinal lines.
6. Widen sidewalk to 8 feet of width and demonstrate or dedicate right-of-way to a 36-foot half street width along the frontage of SW Langer Drive from the eastern property line of the subject property through the driveway across from the SW Langer Drive/Langer Access intersection. The right-of-way dedication shall be recorded with Washington County prior to final city engineering approval of the public improvements. Street lighting will need to be relocated as necessary.
7. The proposed development shall supply sanitary service to the development as needed meeting Sherwood Engineering standards.
8. If the developer desires to connect to the existing sanitary sewer within the neighboring property to the east, then the developer shall provide proof or obtain and record a public sanitary sewer easement over the public sanitary sewer within the property east of the subject property.
9. The developer shall replace the catch basin on the west side of the easternmost driveway and connect it to the existing public storm sewer system within SW Langer Drive or eliminate it if deemed unnecessary by City of Sherwood Engineering Department.
10. Private storm water runoff within the subject property shall be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code.

E. Prior to Issuance of a Building Permit:

1. Receive Sherwood Engineering Department approval of engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets).

2. Obtain approval from the Engineering Department for storm water treatment.
3. Obtain a Storm Water Connection Permit from Clean Water Services.
4. Obtain final site plan approval from the Planning Department.
5. Provide evidence in writing from the fire marshal that the applicant has submitted evidence demonstrating that the existing water lines will provide at least 20 psi of dedicated water service.
6. The applicant shall provide evidence in writing from the fire marshal that the requirements within his comments have been satisfied by the proposed development.
7. Relocate the existing overhead utilities underground along the frontage of the development and beneath the existing easternmost driveway to the existing complex.
8. All public sanitary sewer infrastructure shall be designed to meet the City of Sherwood standards and be reviewed and approved by the Sherwood Engineering Department.
9. The proposed development shall supply domestic, irrigation and fire water to the development as needed meeting Sherwood Engineering standards.
10. Water flows calculations (domestic, irrigation and fire) shall be provided by the developer.
11. The developer shall replace the catch basin on the west side of the easternmost driveway and connect it to the existing public storm sewer system within SW Langer Drive or eliminate it if deemed unnecessary by City of Sherwood Engineering Department.
12. Private storm water runoff within the subject property shall be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code.
13. Reconstruct the existing easternmost driveway to the complex to meet Sherwood Engineering Department standards.
14. Reconstruct existing sidewalk ramp on east side of the existing driveway to the complex (across from the Langer Access road) to bring it in compliance with ADA standards

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

1. Provide an 8 foot public utility easements for the water meter and the FDC vault and assembly in conformance with City standards.
2. All public improvements shall be competed, inspected and approved, as applicable, by the City, CWS, TVF & R, TVWD and other applicable agencies.

3. All agreements required as conditions of this approval must be signed and recorded.
4. All site improvements including but not limited to landscaping, parking and site lighting shall be installed per the approved final site plan and inspected and approved by the Planning Department.
5. All other appropriate department and agency conditions have been met.
6. Ensure that the parking and loading areas are in good repair, wheel stops are in good condition and the painted parking space boundaries and directional symbols are readable.
7. Install wheel stops where they abut sidewalks or interior landscaping.
8. Install the private sanitary sewer in compliance with the current Oregon Plumbing Specialty Code.
9. All public sanitary sewer infrastructure shall be designed to meet the City of Sherwood standards and be reviewed and approved by the Sherwood Engineering Department.
10. The proposed development shall provide storm sewer service to the development as required to meet Clean Water Services, and the Sherwood Engineering standards.
11. If onsite fire protection is required, install backflow protection meeting Sherwood Engineering standards.
12. The existing fire hydrant shall have backflow protection meeting Sherwood Engineering Department standards or be removed from service.
13. Private water lines shall be installed in compliance with the current Oregon Plumbing Specialty Code.
14. All public water infrastructure shall meet City of Sherwood standards and be reviewed and approved by the Sherwood Engineering Department.
15. Install a high visibility advanced pedestrian crossing warning signage and striping at the pedestrian crossing of Langer Drive between the Plaza Site driveway entrance and the Highway 99W right-in/right-out access road. Signage shall conform to standards defined in the Manual on Uniform Traffic Control Devices. Applicant's Engineer shall provide pedestrian crossing signage design drawings to the City for review and approval.
16. Ensure that all landscaping is installed per the approved landscape plan specifications.

G On-going Conditions:

1. An on-going condition of the approval is that the site be maintained in

accordance with the approved site plan. In the event that landscaping is not maintained, in spite of the assurances provided, this would become a code compliance issue.

VII. EXHIBITS

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



Exhibit J: Neighborhood Meeting Documentation



January 27, 2023

Neighborhood Meeting Summary: Sherwood Plaza Partition and Zone Change

Meeting Date: January 26, 2023

Time: 6:00 PM

Location: Marjorie Stewart Community Center
21907 SW Sherwood Boulevard, Sherwood, OR 97140

The following serves as a summary of the Neighborhood Meeting process in accordance with the applicable City regulations. On January 12, 2023 property owners within 1,000 feet of the project site were sent notification of the planned land use application. This notification included the project description, the neighborhood meeting date, time, and location, and a map of the project location and vicinity area.

On January 26, 2023, Marie Holladay, and Darko Simic, PE from AKS Engineering & Forestry, LLC (on behalf of the Applicant) collaborated on an open forum and presentation to attendees. The forum lasted about 18 minutes and included an overview of the preliminary partition plan, existing and future site zoning, description and timeline of planned improvements, and a conceptual site plan of the future facilities.

One member of the public joined the meeting. Topics/questions discussed at the meeting are included in the table, below. At 6:18 PM, the meeting concluded. Affidavit and proof of mailed notice, materials presented at the meeting, and other required documentation is included with the land use application materials.

Topic/Question	Answer
What does the owner plan to build if the updated zoning is approved?	Multi-family housing.
Where will site access be taken from?	Access to the site will be taken from SW Langer Drive; specific access and circulation improvements will be determined through the site plan review process.
Are there limitations from the existing Retail Commercial (RC) district since multi-family housing is a permitted use currently?	Yes, although the RC district allows residential use at an equivalent density to the HDR district, the RC district requires commercial uses to be built on the ground floor in conjunction with any residential development. The configuration of the property limits visibility, access, and site layout for commercial business to thrive.

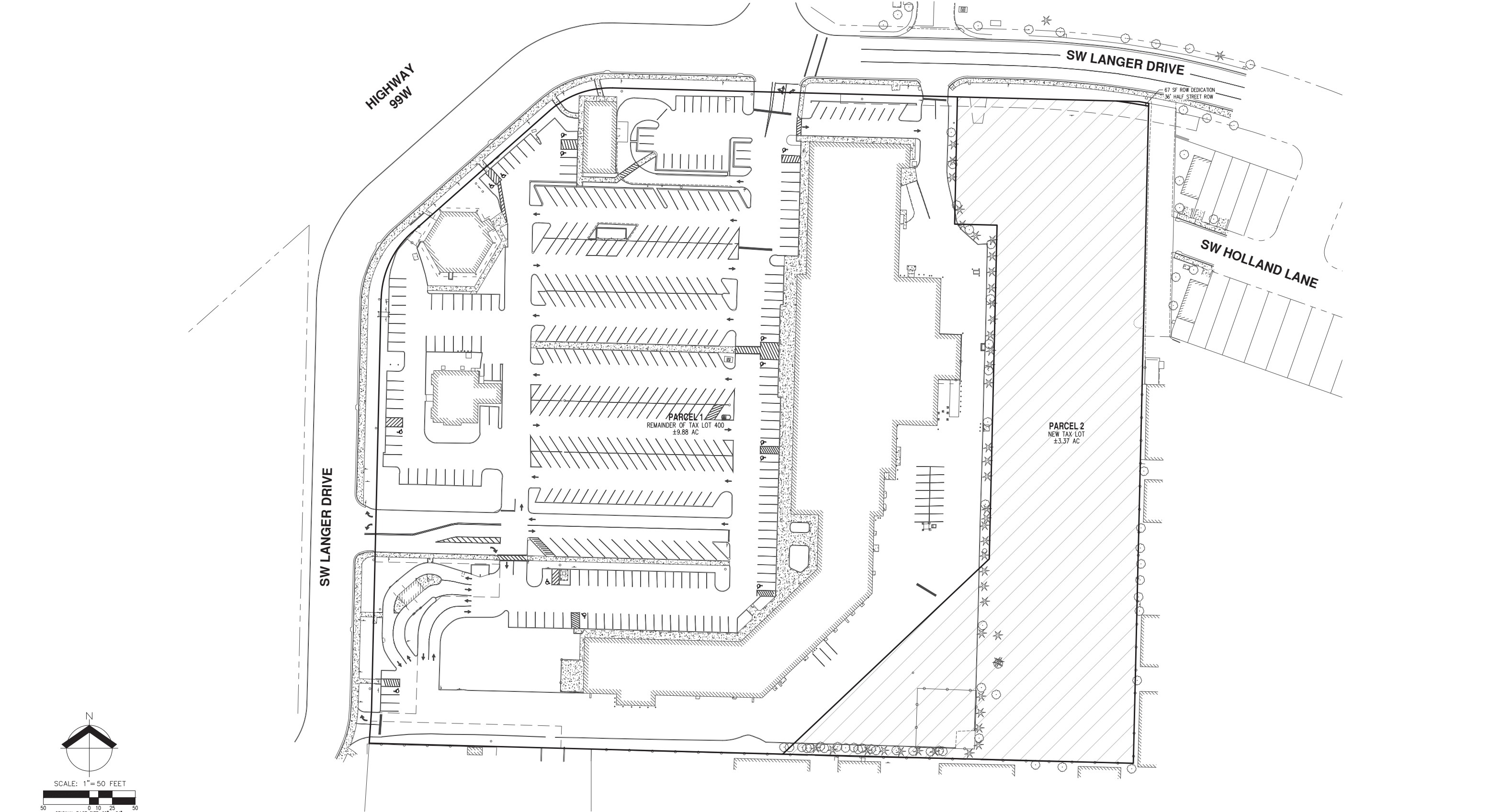
Sincerely,

AKS ENGINEERING & FORESTRY, LLC

Marie Holladay

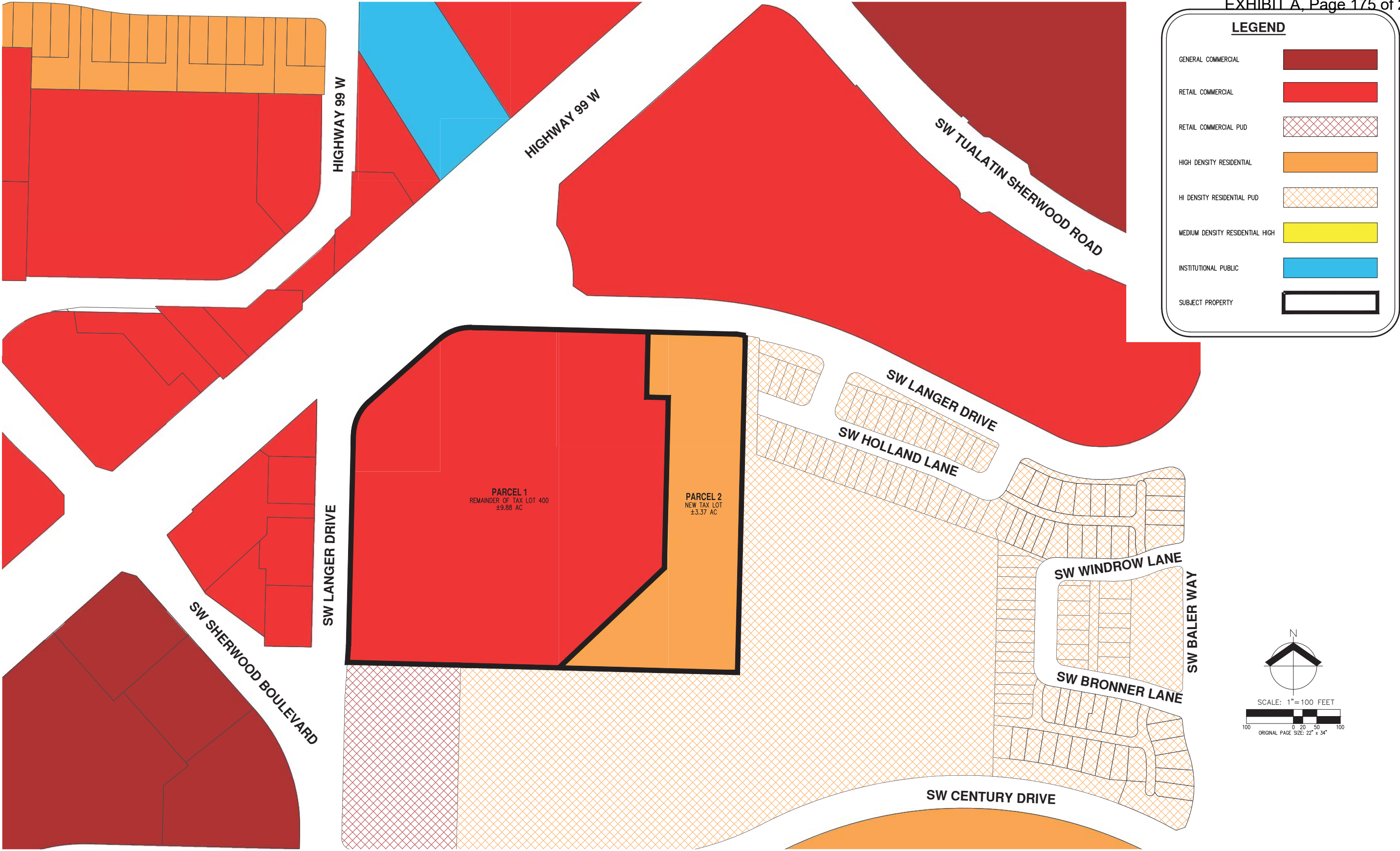
12965 SW Herman Road, Suite 100 | Tualatin, OR 97062

P: 503.563.6151 | www.aks-eng.com | HolladayM@aks-eng.com



PRELIMINARY SITE PARTITION

SHERWOOD PLAZA PARTITION



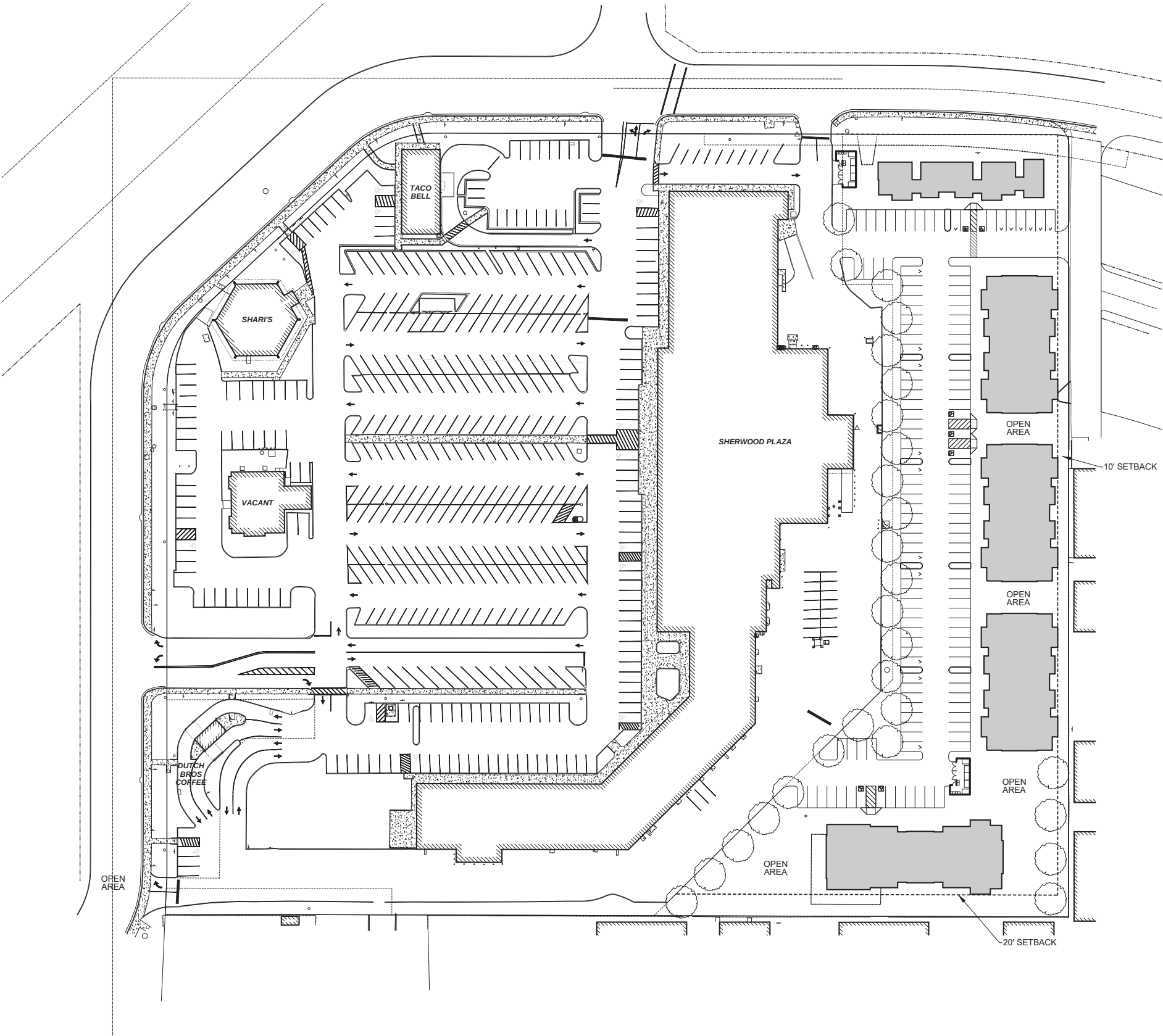
UPDATED SITE ZONING
SHERWOOD PLAZA PARTITION

SCHMIDT
ARCHITECTS, P.C.
16101 SW 72ND AVENUE
SUITE 135
PORTLAND, OR 97224
(503) 220-8517
www.schmidtarchitectspc.com
AKA Tiland/Schmidt Architects, P.C.

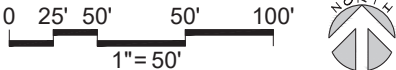
SHERWOOD PLAZA APARTMENTS
HIGHWAY 99 AND SW LANGER DRIVE
SHERWOOD, OREGON 97140

PROJECT NO. 2022-151
DATE: 01-23-2023
DRAWN BY: KDM/TUG
CHECKED BY: RMS
REVISIONS
2022-151 SP6 / Site Plan 6

SP6
265



1 SITE PLAN
1" = 50'





AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

Sherwood Plaza Partition and Zone Change	Neighborhood Meeting
January 27, 2023	Marjorie Stewart Community Center
6:00 p.m.	21907 SW Sherwood Blvd, Sherwood, OR 97140

PLEASE PRINT CLEARLY

Printed Name	Full Mailing Address	Email Address	Phone #
BILLY – SUNFIELD LAKES APTS.	16100 SW CENTURY DRIVE, SHERWOOD, OR 97140	SFLMGR@AMCLLC.NET	(503) 625-3636

Rental Agreement

Rental Number: MS2023.3

Renter's Name: Marie Holladay AKS Engineering & Forestry, LLC
Address: 12965 SW Herman Road, Ste. 100 Tualatin, OR 97062
Contact (if different):
Email: holladaym@aks-eng.com
Phone: 503-563-6151 **Tax ID:** NA

Resident/NonProfit status: non- resident, for profit

Event: Neighborhood Meeting
Date(s): 1/26/2023 5:30pm - 7pm

Rental Fee: 97.50 (Large Class Room, fp/nr, \$65/ hr for 1.25 hours))
Space Deposit: 100.00 (deposit is fully refundable)
Key Deposit: 75.00 (deposit is fully refundable)
Total Amount: 272.50

Due upon signing: 272.50

Final Payment:
Due: At time of signing

Please note: Additional fees may be assessed to the renter following the event to cover costs of damage, time overages, facility cleaning and other instances outlined in Rental Guidelines & Regulations.

Renter Signature:



Date:

1/5/2023

Printed name:

MARIE HOLLADAY
 AKS ENGINEERING & FORESTRY, LLC

Renter is required to review and sign Facility Rental Guidelines & Regulations document as a part of this rental agreement.



January 12, 2023

RE: NEIGHBORHOOD MEETING NOTICE
City of Sherwood Land Use Application for a Zone Map Amendment

Dear Property Owner/Neighbor:

AKS Engineering & Forestry, LLC is holding an in-person neighborhood meeting regarding the potential submittal of a zone map amendment application. The property is located within the City of Sherwood, south of Highway 99W, along SW Langer Drive (Tax Lot 400 of Washington County Assessor's Map 2S 1 29CB). The ± 13.2 -acre site is zoned Retail Commercial (RC) and is improved with the Sherwood Plaza shopping mall and commercial entities. The ± 3.3 -acre east side of the property is currently vacant and envisioned for a zone change to High Density Residential (HDR) to site multi-family homes.

The purpose of this meeting is to provide a forum for the applicant and surrounding property owners/neighbors to review the preliminary plans and to provide feedback so that it may be considered before a land use application is submitted to the City of Sherwood. This meeting gives you the opportunity to share with us any special information you know about the property involved. We will attempt to answer questions which may be relevant to meeting development standards consistent with the City of Sherwood Zoning and Community Development Code.

You are invited to attend the meeting on:

January 26, 2023 at 6:00 PM
Marjorie Stewart Community Center
21907 SW Sherwood Boulevard, Sherwood, OR 97140

Please note this meeting will be an informational meeting on preliminary plans. These plans may be altered prior to submittal of the application to the City of Sherwood. I look forward to discussing this project with you. If you have questions but will be unable to attend, please feel free to call me at 503-563-6151.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

A handwritten signature in black ink, appearing to read "MH" or "Marie Holladay".

Marie Holladay

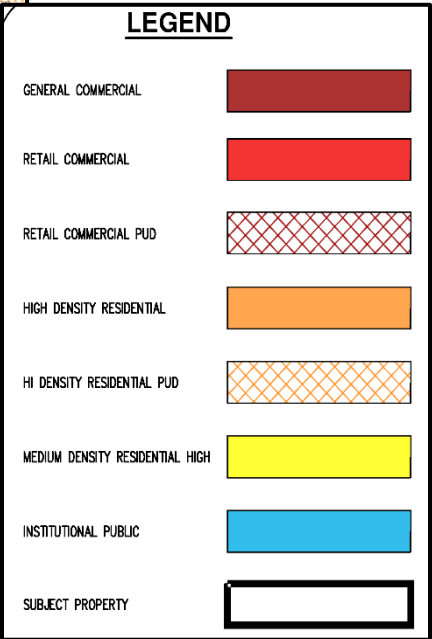
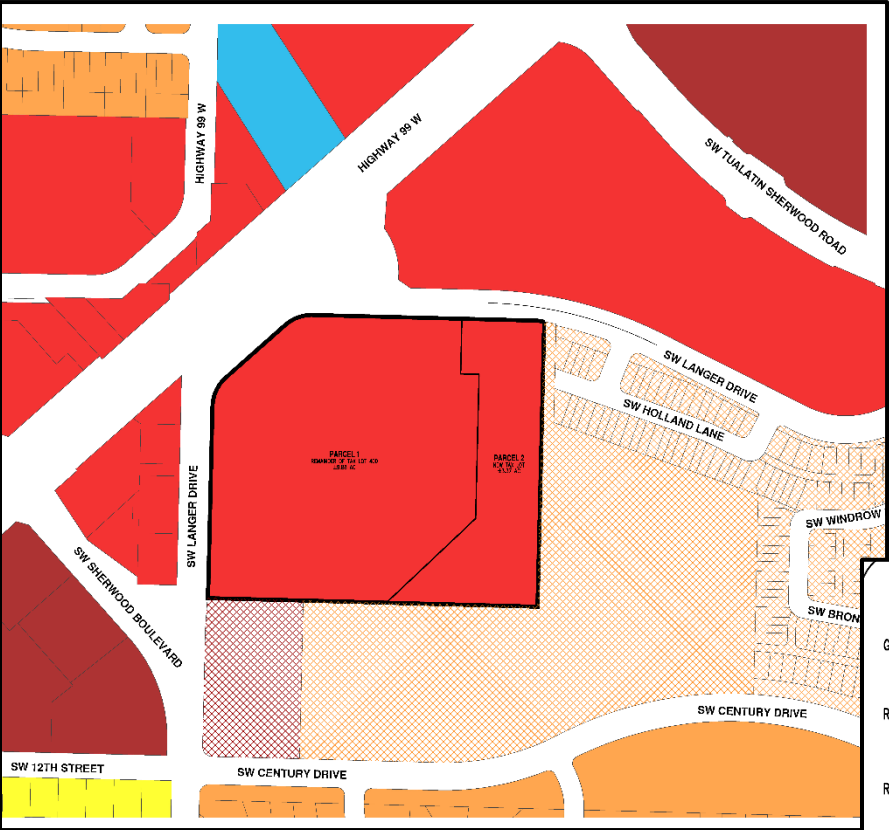
AKS ENGINEERING & FORESTRY, LLC

12965 SW Herman Road, Suite 100 | Tualatin, OR 97062
 P: 503.563.6151 | www.aks-eng.com | HolladayM@aks-eng.com

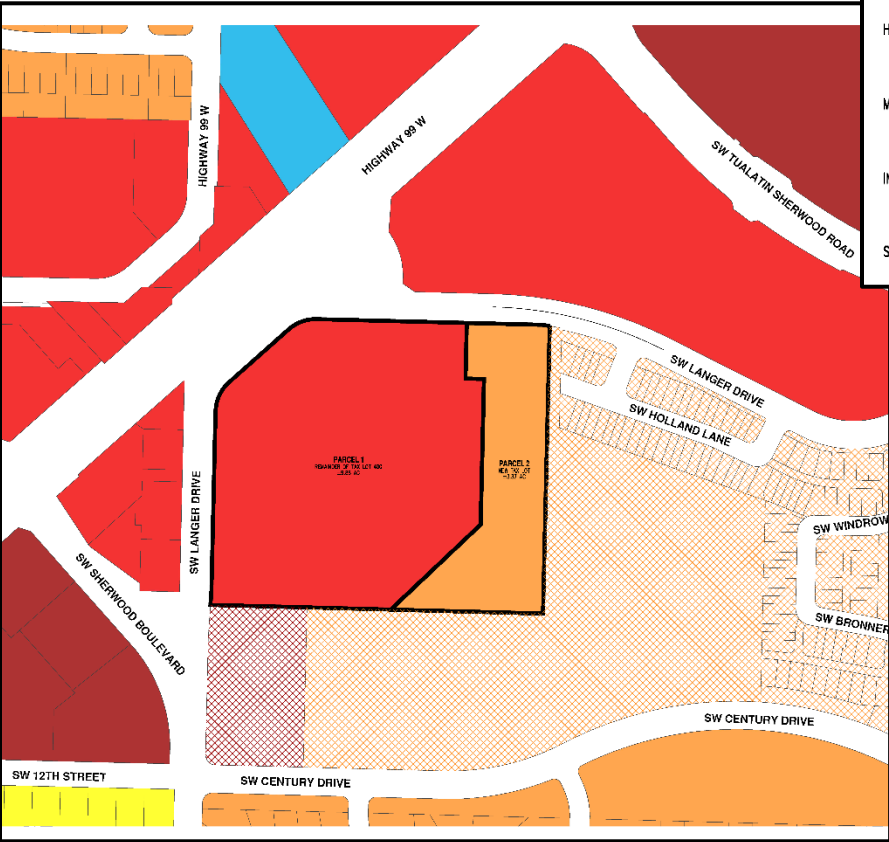
Attached:

Existing and Updated Site Zoning Maps

EXISTING ZONING – RETAIL COMMERCIAL



UPDATED ZONING – HIGH DENSITY RESIDENTIAL



Affidavit of Mailing

DATE: 01-12-2023

STATE OF OREGON)

)

Washington County)

I, Lisa Pascoe, representative for the Sherwood Plaza Plan Map Amendment proposed development project do hereby certify that the attached notice to adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject project, was placed in a U.S. Postal receptacle on 01-12-2023

Lisa Pascoe
Representatives Name:

Name of the Organization: AKS Engineering & Forestry, LLC
12965 SW Herman Road, Suite 100
Tualatin, OR 97062



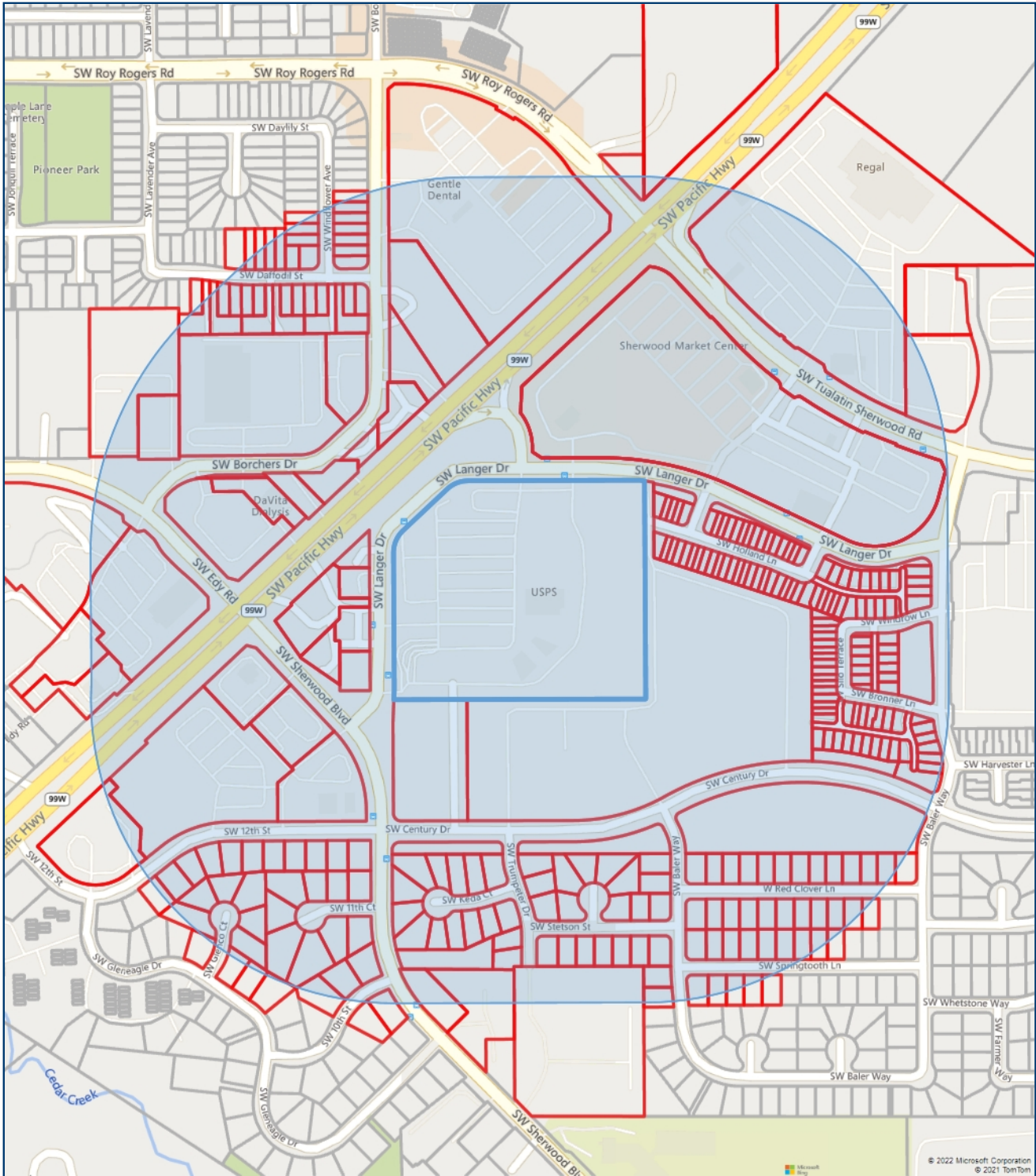
Date of Production: 12/28/2022

TERMS AND CONDITIONS OF INFORMATION REPORTS

IMPORTANT - READ CAREFULLY: AN INFORMATION REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THE INFORMATION REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE REQUESTOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THE INFORMATION REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN TITLE'S PRIOR WRITTEN CONSENT. FIRST AMERICAN TITLE DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION CONTAINED IN THE INFORMATION REPORT IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION THEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF AN INFORMATION REPORT, REQUESTOR AGREES THAT FIRST AMERICAN TITLE'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THE INFORMATION REPORT SHALL BE LIMITED TO THE GREATOR OF THE FEE CHARGED FOR THE INFORMATION REPORT OR \$15. REQUESTOR ACCEPTS THE INFORMATION REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN TITLE WOULD NOT HAVE ISSUED THE INFORMATION REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN TITLE MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF REQUESTOR'S USE OF THE INFORMATION CONTAINED IN THE INFORMATION REPORT.



1000 ft Buffer
16112 SW Langer Dr, Sherwood, OR 97140
Report Generated: 12/28/2022



The present data and maps are intended for informational purposes only. Some information has been procured from third-party sources and has not been independently verified. Individual parts are owned by their respective copyright owners and not by First American. First American Title Company makes no express or implied warranty respecting the information presented and assumes no responsibility for errors or omissions.

2S129CC-04700
160859 Sw Red Clover Ln Llc
Po Box 568
Lake Oswego, OR 97034

2S130DA-01900
3 By 3 Llc
Po Box 2148
Milwaukee, WI 53201

2S130DA-00300
99 & Eddy Llc
30 S Meridian St STE 1100
Indianapolis, IN 46204

2S130DA-00400
99 & Eddy Llc
30 S Meridian St STE 1100
Indianapolis, IN 46204

2S129CC-04900
Colin & Nina Abbott
16159 SW Baler Way
Sherwood, OR 97140

2S130AD-03500
Alta & Scott Adams
16606 SW Daffodil St
Sherwood, OR 97140

2S129CA-05300
Carol & Leo Aguilera
16070 SW Langer Dr
Sherwood, OR 97140

2S130AD-05900
Adriana Aguilar & Eros Minera
20756 SW Windflower Ave
Sherwood, OR 97140

2S130DD-05700
Joann Albrecht
Po Box 643
Sherwood, OR 97140

2S130AD-08400
Doaa Darraji & Safwan Yaseen
413 NW Evans St
Sheridan, OR 97378

2S129B0-00500
Alpsherwood Llc
Po Box 80488
Portland, OR 97280

2S129CC-05300
Joseph Alvarez
21546 SW Wallace Pl
Sherwood, OR 97140

2S130AD-05500
Jillian & Michael Amaranthus
20733 SW Windflower Ave
Sherwood, OR 97140

2S129CC-03800
Amber Investments Llc
458 5th St
Lake Oswego, OR 97034

2S129CA-12200
Jay & Stacie Anderson
21363 SW Baler Way
Sherwood, OR 97140

2S130DD-04800
Kyle Anderson
16535 SW 11th Ct
Sherwood, OR 97140

2S130AD-04300
Pamela Andrews
16730 SW Daffodil St
Sherwood, OR 97140

2S129CA-17100
Arbor Terrace Hoa
,

2S129CA-17200
Arbor Terrace Hoa
,

2S129CA-17300
Arbor Terrace Hoa
,

2S129CA-17400
Arbor Terrace Hoa
,

2S129CA-17500
Arbor Terrace Hoa
,

2S129CA-17600
Arbor Terrace Hoa
,

2S129CA-17700
Arbor Terrace Hoa
,

2S129CA-17800
Arbor Terrace Hoa
,

2S129CA-17900
Arbor Terrace Hoa
,

2S129CA-18000
Arbor Terrace Hoa
,

2S129CA-18100
Arbor Terrace Hoa
,

2S129CA-18200
Arbor Terrace Hoa
,

2S129CA-18900
Arbor Terrace Hoa
,

2S129CA-19000
Arbor Terrace Hoa

2S130DD-07300
Erin & Mark Ariza
21574 SW Glenco Ct
Sherwood, OR 97140

2S129CA-11600
Arndt Ronald C 2015 Trust
80395 Weiskopf
La Quinta, CA 92253

2S129CA-08300
Asparro James & Janet Rev Trus
2 Via Optima
Santa Fe, NM 87507

2S129CA-11300
Asparro James & Janet Rev Trus
2 Via Optima
Santa Fe, NM 87507

2S130DD-07200
Brian & Rainy Aznoe
17500 SW Seiffert Rd
Sherwood, OR 97140

2S129CD-00200
Abdelmajid & Jill Badouli
17481 SW Fitch Ct
Sherwood, OR 97140

2S129CC-04400
Emmanuel & Mary Banful
16023 SW Red Clover Ln
Sherwood, OR 97140

2S130AD-14900
Gregorio & Rosa Barajas
20403 SW Borchers Dr
Sherwood, OR 97140

2S130AD-04000
Lori & Martin Becker
15156 SW 107th Ter
Portland, OR 97224

2S129CA-02900
Corrie Bergin
16089 SW Holland Ln
Sherwood, OR 97140

2S129CC-01200
Joseph Berta & Megan Murphy
28000 S Western Ave UNIT 403
San Pedro, CA 90732

2S130DD-04100
Beymer-Dorn Enterprises Llc
8156 SW Woody End St
Portland, OR 97224

2S130DD-04900
Beymer-Dorn Enterprises Llc
8156 SW Woody End St
Portland, OR 97224

2S130DD-05000
Beymer-Dorn Enterprises Llc
8156 SW Woody End St
Portland, OR 97224

2S130DD-05100
Beymer-Dorn Enterprises Llc
8156 SW Woody End St
Portland, OR 97224

2S130DD-05200
Beymer-Dorn Enterprises Llc
8156 SW Woody End St
Portland, OR 97224

2S130DD-05300
Beymer-Dorn Enterprises Llc
8156 SW Woody End St
Portland, OR 97224

2S130DD-05400
Beymer-Dorn Enterprises Llc
8156 SW Woody End St
Portland, OR 97224

2S129CB-00300
Big Sunfield Lakes Or Llc & Brookline
25 Brookline
Aliso Viejo, CA 92656

2S129CA-08900
Biskey Holly Rev Trust & Holly M & Brian
Po Box 788
Sherwood, OR 97140

2S129CA-02800
Blakeslee Properties Llc
Po Box 1450
Sherwood, OR 97140

2S129CA-07000
Katherine Blakeslee
16022 SW Holland Ln
Sherwood, OR 97140

2S129CD-01000
Mary & William Bone
15862 SW Red Clover Ln
Sherwood, OR 97140

2S130AD-04600
Borica Gardens Llc
6701 Oakwood Pl
Arlington, WA 98223

2S129CC-08600
Daniel & David Bradley
13525 SW 21st St
Beaverton, OR 97008

2S129CA-04300
Jordana & Nathan Brumfield
16156 SW Holland Ln
Sherwood, OR 97140

2S130DD-06000
Bruton Properties Llc
12855 SW 22nd St
Beaverton, OR 97008
Ordinance 2023-005, Exhibit 1
May 16, 2023
Page 214 of 239

2S130AD-05700
Stanley Cage
20700 SW Windflower Ave
Sherwood, OR 97140

2S129CD-01600
Bich Cao
15929 SW Springtooth Ln
Sherwood, OR 97140

2S129CD-01300
Nancy Carl
15934 SW Red Clover Ln
Sherwood, OR 97140

2S130AD-05600
Felipe Carrillo & Octavia Delgado
20705 SW Windflower Ave
Sherwood, OR 97140

2S129CC-02000
Diane Cavaness
16172 SW Stetson St
Sherwood, OR 97140

2S129CA-11200
Jennifer & William Chaffin
15843 SW Century Dr
Sherwood, OR 97140

2S129CA-08800
Stephen Chao
3075 SW 70th Ave
Portland, OR 97225

2S130DA-01200
Chevron Usa Inc
Po Box 285
Houston, TX 77001

2S130DA-01300
Chevron Usa Inc
Po Box 285
Houston, TX 77001

2S130DA-01400
Chevron Usa Inc
Po Box 285
Houston, TX 77001

2S129CA-08400
Manikandan & Muthuvalli Chockalingam
751 W Aloe Pl
Chandler, AZ 85248

2S129CA-02400
Grant & Lorna Cochran
11053 Bluff Creek Cir
Anchorage, AK 99515

2S129CA-05600
Amanda & Joshua Congdon
16044 SW Langer Dr
Sherwood, OR 97140

2S130DA-00100
Abrams Lloyd
907 Camino Santander
Santa Fe, NM 87505

2S130DA-00200
Abrams Lloyd
907 Camino Santander
Santa Fe, NM 87505

2S129CC-00200
Ron Cornwell
16359 SW Keda Ct
Sherwood, OR 97140

2S130AD-06000
Vito Cortese
15575 SW Nora Rd
Beaverton, OR 97007

2S129CC-01500
Scott Cunningham
21635 SW Trumpeter Dr
Sherwood, OR 97140

2S130AD-03100
Dahn Grover C & Kayce A Rev Li
Po Box 666
Dubois, WY 82513

2S129CA-05000
Jonathan & Adrienne Dale
16096 SW Holland Ln
Sherwood, OR 97140

2S129CA-08100
Dario Nemecia S Survivors Trus
21240 SW Silo Ter
Sherwood, OR 97140

2S129CA-02300
Joseph Davenport
16141 SW Holland Ln
Sherwood, OR 97140

2S129CC-00500
Deborah & Keith Davis
16443 SW Keda Ct
Sherwood, OR 97140

2S130AD-05100
Cindy & John Davis
27545 NE Bell Rd
Newberg, OR 97132

2S129CC-01800
Jennifer Day
16220 SW Stetson St
Sherwood, OR 97140

2S129CA-11400
Pamela & Thomas Demonbrun
11026 SW Gram St
Tualatin, OR 97062

2S129CA-02500
Anna Denton
16123 SW Holland Ln
Sherwood, OR 97140

2S129CA-01600
Helen E Cain Living Trust
16195 SW Holland Ln
Sherwood, OR 97140

2S129CC-01100
Charyl & Michael Dowdell
16370 SW Keda Ct
Sherwood, OR 97140

2S129CA-04700
Dsm Properties Llc
22047 SW Fisk Ter
Sherwood, OR 97140

2S129CC-01400
Christopher Mcbane
21607 SW Trumpeter Dr
Sherwood, OR 97140

2S130DA-00600
Dva Medical Llc
3130 NE Alameda Ter
Portland, OR 97212

2S129CC-05200

Nathan Eberle
1330 SW 3rd Ave APT 807
Portland, OR 97201

2S130DD-07500

Richard & Sydney Edie
16667 SW Gleneagle Dr
Sherwood, OR 97140

2S129CA-05100

Melissa & Zachariah Emmons
16084 SW Holland Ln
Sherwood, OR 97140

2S129B0-00501

Ensolv LLC
20945 SW Pacific Hwy
Sherwood, OR 97140

2S129CA-11700

Allison Erdman
15803 SW Century Dr
Sherwood, OR 97140

2S129CA-03800

Ralph Eschenbach
20 Oakhill Dr
Woodside, CA 94062

2S129CA-10700

John & Linda Ezell
15804 SW Bronner Ln
Sherwood, OR 97140

2S129CC-03500

Bruce & Nicole Fabian
16016 SW Springtooth Ln
Sherwood, OR 97140

2S129CC-05700

Timothy Fallon
16243 SW Stetson St
Sherwood, OR 97140

2S129CC-03400

Corey Fillner & Cory Capko
16038 SW Springtooth Ln
Sherwood, OR 97140

2S129CC-06000

Bryan & Janine Fischer
21500 SW Trumpeter Dr
Sherwood, OR 97140

2S130DD-07100

Michael & Krystle Flagler
21538 SW Glenco Ct
Sherwood, OR 97140

2S129CA-09400

Jacob & Jessica Foust
21283 SW Silo Ter
Sherwood, OR 97140

2S130DA-02000

Kwan Oregon LLC
Po Box 3637
Salem, OR 97302

2S130AD-03600

Jennifer & Maria Bernal
16622 SW Daffodil St
Sherwood, OR 97140

2S130AD-03700

Alissa Gaebe & Shirley Weber-Gaebe
16638 SW Daffodil St
Sherwood, OR 97140

2S129CA-09500

Jason & Amber Gardner
16227 SW 1st St
Sherwood, OR 97140

2S129CA-03500

Ryan Garry
16228 SW Holland Ln
Sherwood, OR 97140

2S129CA-02000

Lisa Gaur
16163 SW Holland Ln
Sherwood, OR 97140

2S130DD-03000

Gary Gibbons
16526 SW 10th St
Sherwood, OR 97140

2S130DA-01700

Glpj LLC
59759 W Kappler Rd
Saint Helens, OR 97051

2S130DA-01600

Double K Ventures Inc & Golden Arch Lp
8255 SW Hunziker Rd STE 101
Portland, OR 97223

2S129CA-06800

Bo Gong
16003 SW Windrow Ln
Sherwood, OR 97140

2S129CA-06100

Juan Gonzalez
21157 SW Baler Way
Sherwood, OR 97140

2S129CC-03300

Gorman Louise R Liv Trust
16060 SW Springtooth Ln
Sherwood, OR 97140

2S129CA-06200

Deborah Goto & Bryce Tani
21169 SW Baler Way
Sherwood, OR 97140

2S129CC-02400

Kevin & Michelle Grainey
16109 SW Baler Way
Sherwood, OR 97140

2S130DD-05900

Barbanas & Katie Grant
16710 SW 12th St
Sherwood, OR 97140

2S129CA-02200

Jonathan Green & Carolyn Rash
16149 SW Holland Ln
Sherwood, OR 97140

2S129CC-05500

David & Michele Green
21519 SW Wallace Pl
Sherwood, OR 97140

2S130DA-01800
Green Tin Roof Llc
Po Box 760
Yamhill, OR 97148

2S129CA-09700
Jenifer & Martin Groshong
21309 SW Silo Ter
Sherwood, OR 97140

2S130AD-08700
Michael Gross
20660 SW Windflower Ave
Sherwood, OR 97140

2S129CA-10100
Veronica Beasley-Grove & John Grove
416 W Athens Ave
Clovis, CA 93611

2S129CA-03700
H & H Property Group Llc
7070 SW Nyberg St STE B
Tualatin, OR 97062

2S129CA-05900
Jeong & Paul Haas
22198 SW Fisk Ter
Sherwood, OR 97140

2S129CC-05400
Brian Hagen
Po Box 654
Sherwood, OR 97140

2S129CC-04800
Marta & Terrence Haimoto
16175 SW Baler Way
Sherwood, OR 97140

2S129CA-07500
Hala Properties Llc
1516 Nehoa St APT 7
Honolulu, HI 96822

2S130DD-04000
Erin & Kirsten Hall
16645 SW Gleneagle Dr
Sherwood, OR 97140

2S129CA-04000
Robert Halstead
16182 S Wholland Ln
Sherwood, OR 97140

2S129CA-05400
Dustin Hansen & Joeciey Valero-Hansen
16062 SW Langer Dr
Sherwood, OR 97140

2S130DD-03700
Brenda & Glenn Hansen
2525 NE 35th Pl
Portland, OR 97212

2S129CA-10200
Sarah Harnitchek
15844 SW Bronner Ln
Sherwood, OR 97140

2S129CD-00100
Jaelynn Harris
15963 SW Red Clover Ln
Sherwood, OR 97140

2S129CD-00700
Havel Nelson & Lorita Rev Liv
15819 SW Red Clover Ln
Sherwood, OR 97140

2S129CD-00600
Hebert Roy & Linda Rev Trust
15843 SW Red Clover Ln
Sherwood, OR 97140

2S130AD-03800
Marleina Heim
16656 SW Daffodil St
Sherwood, OR 97140

2S129CA-03400
Erna & Thomas Hibbitts
16234 SW Holland Ln
Sherwood, OR 97140

2S129CD-00500
Joseph & Marie Higel
15867 SW Red Clover Ln
Sherwood, OR 97140

2S129CA-01300
Joshua & Michelle Holland
16245 SW Holland Ln
Sherwood, OR 97140

2S129CA-05800
Jonathan & Susan Holzer
15988 SW Langer Dr
Sherwood, OR 97140

2S129CA-10000
Leslie & Roger Hovey
21337 SW Silo Ter
Sherwood, OR 97140

2S129CA-03100
Katrina Howell
16260 SW Holland Ln
Sherwood, OR 97140

2S130AD-15000
Carla & Timothy Hubbard
20055 SW Pacific Hwy STE 210
Sherwood, OR 97140

2S130AD-04700
Nicholas & Tracy Hughes
16786 SW Daffodil St
Sherwood, OR 97140

2S130AD-11100
loqua Properties Llc
1220 Skyland Dr
Lake Oswego, OR 97034

2S129CA-07600
Marc & Emily James
4691 Chelsea Ln
Lake Oswego, OR 97035
Ordinance 2023-005, Exhibit 1
May 16, 2023
Page 217 of 239

2S130AD-04200
Howard Jarvis
9303 SW 55th Ave
Portland, OR 97219

2S129CA-11000
Kira Jedan & Kevin Larkin
15869 SW Century Dr
Sherwood, OR 97140

2S129CA-06600
La Jeffers
15985 SW Windrow Ln
Sherwood, OR 97140

2S129CC-01600
Colleen & Joel Jeffrey
16276 SW Stetson St
Sherwood, OR 97140

2S129CA-05500
Sarah Jernstedt
16050 SW Langer Dr
Sherwood, OR 97140

2S129CC-01000
Juan & Rachel Jimenez
16392 SW Keda Ct
Sherwood, OR 97140

2S129B0-01500
Jmcm Morse Sherwood Llc
10515 SW Allen Blvd
Beaverton, OR 97005

2S129CA-10300
Kristopher Johansson
15836 SW Bronner Ln
Sherwood, OR 97140

2S130DD-04700
Johnson Raelene F Liv Trust
16557 SW 11th Ct
Sherwood, OR 97140

2S130DD-04200
Derenda & Jack Kashdin
16540 SW 11th Ct
Sherwood, OR 97140

2S130AD-15200
Cody & Cortney Kaveh
16631 SW Daffodil St
Sherwood, OR 97140

2S129CA-09900
Rachel Keller
21329 SW Silo Ter
Sherwood, OR 97140

2S129CD-01200
Jeffery & Lisa Keller
2215 SE Grant St
Portland, OR 97214

2S129CA-03600
Susan Kelly
2550 Kensington Ct
West Linn, OR 97068

2S129CA-08000
Deryk & Heather Kernan
21247 SW Baler Way
Sherwood, OR 97140

2S129CA-10600
Patricia & Todd Kimble
15812 SW Bronner Ln
Sherwood, OR 97140

2S130DD-03600
Gene & Josette King
16521 SW 10th St
Sherwood, OR 97140

2S130AD-04100
Belinda Kjensrud
16702 SW Daffodil St
Sherwood, OR 97140

2S129CA-04600
Laura Klaassen
16130 SW Holland Ln
Sherwood, OR 97140

2S129CC-01300
David Kobzina & Blake Latimer
16326 SW Keda Ct
Sherwood, OR 97140

2S129CA-06300
Gowtham Krishnamoorthy
21181 SW Baler Way
Sherwood, OR 97140

2S129CC-06800
Kwds Llc
Po Box 145
Wilsonville, OR 97070

2S130DD-05600
Donald & Karen Lachman
35301 SW Geer Rd
Newberg, OR 97132

2S129CD-00300
Charles & Janice Ladwig
15915 SW Red Clover Ln
Sherwood, OR 97140

2S129CC-04600
Abygale & Denis Lagasca
16067 SW Red Clover Ln
Sherwood, OR 97140

2S130DA-02300
Lake Bowman Mhp Llc
Po Box 264
Fox Island, WA 98333

2S129CA-11800
Langer Baler Llc
15585 SW Tualatin Sherwood Rd
Sherwood, OR 97140

2S130DD-05500
Larson Patrick & Joann Liv Tru
34801 SW South Ranch Rd
Newberg, OR 97132

2S129CA-01400
Janet Lasher
16233 SW Holland Ln
Sherwood, OR 97140

2S129CA-07300
Maria & William Leathers
16052 SW Holland Ln
Sherwood, OR 97140
Ordinance 2023-005, Exhibit 1
May 16, 2023
Page 218 of 239

2S130AD-04400
Donald & Janet Lee
16744 SW Daffodil St
Sherwood, OR 97140

2S129CC-03900
Mathew & Raina Leech
16087 SW Springtooth Ln
Sherwood, OR 97140

2S129CD-01100
Andrew & Signe Lennox
15886 SW Red Clover Ln
Sherwood, OR 97140

2S129CA-06500
Leusing Kevin A & Marina 2017
15977 SW Windrow Ln
Sherwood, OR 97140

2S129CC-00600
Bradley Lien
16471 SW Keda Ct
Sherwood, OR 97140

2S129CC-00400
Sung Lim & Tina Kang-Lim
17970 SW Inkster Dr
Sherwood, OR 97140

2S129CA-04100
Lin Jo Properties Llc
Po Box 576
Condon, OR 97823

2S129CC-04200
Jeffrey & Jennifer Lindgren
16040 SW Red Clover Ln
Sherwood, OR 97140

2S129CA-06700
Courtney Lord & Armando Valenzuela
15991 SW Windrow Ln
Sherwood, OR 97140

2S129B0-01400
Ls Propdrop Llc
Po Box 5350
Bend, OR 97708

2S129CA-01200
Michele Machiels & Matthew Nurse
16251 SW Holland Ln
Sherwood, OR 97140

2S129CA-01900
Sabrina Mack & Daniel Pelletier
16169 SW Holland Ln
Sherwood, OR 97140

2S129CD-01700
Marsha Mangels & Keith Schuman
15907 SW Springtooth Ln
Sherwood, OR 97140

2S129CA-11100
Nicole Houston & Joel Manley
15861 SW Century Dr
Sherwood, OR 97140

2S129CA-06000
Christine & Dean Martin
15970 SW Langer Dr
Sherwood, OR 97140

2S129CA-10800
Paul Matis
11375 SW Capitol Hwy
Portland, OR 97219

2S129CA-05200
Shaun Mcaravey
18154 SW Huckleberry Ct
Sherwood, OR 97140

2S129CC-05900
Teresa Guerra & Allison Meadows
21552 SW Trumpeter Dr
Sherwood, OR 97140

2S129CA-07100
Richard & Freddie Messenger
16028 SW Holland Ln
Sherwood, OR 97140

2S129CC-00300
William Milligan
16387 SW Keda Ct
Sherwood, OR 97140

2S130DD-03500
Dana Minor
16535 SW 10th St
Sherwood, OR 97140

2S129CA-04200
Haydar Mnaseeri & Tibah Tekreeti
16168 SW Holland Ln
Sherwood, OR 97140

2S129CA-04900
David Moorehead
16104 SW Holland Ln
Sherwood, OR 97140

2S130DD-06700
Josiah & Lori Mortier
21585 SW Glenco Ct
Sherwood, OR 97140

2S129CC-05600
James & Janet Moua
21541 SW Wallace Pl
Sherwood, OR 97140

2S130AD-04500
David & Victoria Murar
15100 SW Ivy Glenn Ct
Beaverton, OR 97007

2S130DD-07000
Brenda Mutch & Mutch Gordon Jr
21511 SW Glenco Ct
Sherwood, OR 97140

2S130DD-04300
Elizabeth & Hilton Myers
Po Box 698
Sherwood, OR 97140

2S129CB-00200
Ventas Altus & Nationwide Health
Po Box 71970
Phoenix, AZ 85050

2S130DD-06800
Jahari Neil
21569 SW Glenco Ct
Sherwood, OR 97140
Ordinance 2023-005, Exhibit 1
May 16, 2023
Page 219 of 239

2S129CA-10500
Claudia New
15820 SW Bronner Ln
Sherwood, OR 97140

2S130DA-01500
Ngoc Nguyen & Ngoc Vu
1345 SW 19th Dr
Gresham, OR 97080

2S130DA-02400
New World Investment & Nwi Or3 Llc
8705 SW Nimbus Ave STE 260
Beaverton, OR 97008

2S129CA-10400
Jennifer & Timothy Olson
17240 SW Villa Rd
Sherwood, OR 97140

2S129CA-11500
Jennifer & Timothy Olson
17240 SW Villa Rd
Sherwood, OR 97140

2S129CC-08900
Felipe & Lisa Olvera
15980 SW Red Clover Ln
Sherwood, OR 97140

2S129CC-00100
Michael Oneil
16331 SW Keda Ct
Sherwood, OR 97140

2S130AD-08500
Raquel Orona
20684 SW Windflower Ave
Sherwood, OR 97140

2S129CA-03300
Donna Pace
16246 SW Holland Ln
Sherwood, OR 97140

2S129CD-01400
Joe Parker
15958 SW Red Clover Ln
Sherwood, OR 97140

2S129CA-09800
Payne Jean C Rev Liv Trust & Payne John
21317 SW Silo Ter
Sherwood, OR 97140

2S129CC-04300
Brenda & Douglas Pedersen
16018 SW Red Clover Ln
Sherwood, OR 97140

2S129CC-08800
Stacie & Thomas Pedginski
15985 SW Red Clover Ln
Sherwood, OR 97140

2S129CA-03900
Jeffrey Pfeifer
16194 SW Holland Ln
Sherwood, OR 97140

2S129B0-00400
Portland General Electric Co
121 SW Salmon St
Portland, OR 97204

2S129CA-08200
Preecha Promprabtuk
21232 SW Silo Ter
Sherwood, OR 97140

2S130DA-00700
Providence Health & Services-O
800 5th Ave # 1200
Seattle, WA 98104

2S130AD-08600
Marko Puljic & Gaynell Fuchs
20672 SW Windflower Ave
Sherwood, OR 97140

2S130AD-03200
Ranjan Manish & Juhi Singh Rev
16540 SW Daffodil St
Sherwood, OR 97140

2S129CA-07200
Alan Ransom
16040 SW Holland Ln
Sherwood, OR 97140

2S129BC-00100
Washington County
1400 SW Walnut St
Hillsboro, OR 97123

2S129CC-09100
Retzlaff Greg Living Trust & Retzlaff
4801 Heritage Ln
Lake Oswego, OR 97035

2S129B0-00600
Rhino Holdings Sherwood Llc
2200 Paseo Verde Pkwy STE 260
Henderson, NV 89052

2S129CA-12100
Douglas Rice
17820 SW 111th Ave
Tualatin, OR 97062

2S130AD-10900
Aaron Riutzel & Ashley Ward
16675 SW Daffodil St
Sherwood, OR 97140

2S129CA-01100
Kristin Roberts
16259 SW Holland Ln
Sherwood, OR 97140

2S129CA-07400
Sharon Roberson
16060 SW Holland Ln
Sherwood, OR 97140

2S130AD-14800
Roda Llc
20407 SW Borchers Dr
Sherwood, OR 97140

2S129CC-04000
Savannah Bettis & Brandon Rotap
16084 SW Red Clover Ln
Sherwood, OR 97140

2S130AD-15100
Amanda & Adrian Lopez
16633 SW Daffodil St
Sherwood, OR 97140
Ordinance 2023-005, Exhibit 1
May 16, 2023
Page 220 of 239

2S129CA-08500
Joel & Rosemary Rubinstein
21206 SW Silo Ter
Sherwood, OR 97140

2S129CC-02100
Christina & Michael Russell
16150 SW Stetson St
Sherwood, OR 97140

2S129CC-09200

Dana Ryan
15975 SW Springtooth Ln
Sherwood, OR 97140

2S129CC-05100

Saja Majeed & Ali Salman
16157 SW Stetson St
Sherwood, OR 97140

2S129CA-07800

Preston Saroni Hodges & Cari Lrvine
21233 SW Baler Way
Sherwood, OR 97140

2S130DD-07400

Sattler Mary I Rev Liv Trust
21592 SW Glenco Ct
Sherwood, OR 97140

2S129CC-03600

Melody & Paul Savage
16021 SW Springtooth Ln
Sherwood, OR 97140

2S129B0-00200

Barbara & Eric Anderson
18007 SW Belton Rd
Sherwood, OR 97140

2S130DD-04500

Molly McGee & Matthew Schindler
16593 SW 11th Ct
Sherwood, OR 97140

2S130AD-03400

Barbara & Theodor Schricker
1533 Hilton Ct
San Jose, CA 95130

2S129CC-09000

Timothy & Christine Scott
16002 SW Red Clover Ln
Sherwood, OR 97140

2S129CA-11900

Juan Serrano Jr
21327 SW Baler Way
Sherwood, OR 97140

2S130AD-11000

Matthew & Victoria Shaylor
16699 SW Daffodil St
Sherwood, OR 97140

2S129CA-00100

Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S129CA-18800

Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S129CB-00100

Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S129CC-06100

Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S129CC-06200

Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S130AD-11300

Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S130AD-11400

Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S130DA-00800

Sherwood Senior Living Llc
10305 SW Park Way STE 204
Portland, OR 97225

2S129CA-09100

Doreen Shine
21257 SW Silo Ter
Sherwood, OR 97140

2S129CA-04400

Abryl Amaro & Otis Shinn Iii
16150 SW Holland Ln
Sherwood, OR 97140

2S129CC-03700

Amy & Brian Silverman
18334 NE 103rd Ct
Redmond, WA 98052

2S130AD-10800

Tamara Simpson
16677 SW Daffodil St
Sherwood, OR 97140

2S129CB-00400

Portland Fixture Limited Partn
15350 SW Sequoia Pkwy STE 140
Portland, OR 97224

2S130AD-03300

Carl & Bernice Carl
1635 SE Grand Ave
Portland, OR 97214

2S129CC-09300

Springtooth Llc
1447 Lake Front Rd
Lake Oswego, OR 97034

2S129CA-07900

Dorine & Steven Stanage
Po Box 3147
Newberg, OR 97132

2S129CC-01700

Lorena Stevens
16248 SW Stetson St
Sherwood, OR 97140
Ordinance 2023-005, Exhibit 1
May 16, 2023
Page 221 of 239

2S129CC-04100

Stevens Ken & Peggy Trust
13680 SW Morgan Rd
Sherwood, OR 97140

2S130AD-03900

Stevens Ken & Peggy Trust
13680 SW Morgan Rd
Sherwood, OR 97140

2S129CC-06600
Stewart Terrace Apartments Llc
Po Box 5668
Portland, OR 97228

2S130DD-04400
Fenna Straatman
16584 SW 11th Ct
Sherwood, OR 97140

2S129CC-05800
Kady Strode
16271 SW Stetson St
Sherwood, OR 97140

2S129CC-05000
Clay Studtman
16135 SW Stetson St
Sherwood, OR 97140

2S129CA-06400
Sean Sullivan
21193 SW Baler Way
Sherwood, OR 97140

2S129CC-00700
Katrin & Sergey Svinsitskiy
16476 SW Keda Ct
Sherwood, OR 97140

2S129B0-01100
Tacke Llc & Laf Llc
901 NE Glisan St # 200
Portland, OR 97232

2S129CA-08700
Benny J Talmich And Teresa E T & Benny
21223 SW Silo Ter
Sherwood, OR 97140

2S129CA-12000
Linh Huynh & Randal Tang
21339 SW Baler Way
Sherwood, OR 97140

2S129CA-04500
Sarah & William Tauber
16142 SW Holland Ln
Sherwood, OR 97140

2S129CC-00800
Henri Tavera
16448 SW Keda Ct
Sherwood, OR 97140

2S129CC-02300
Laurie & Scott Thiel
21875 SW Elwert Rd
Sherwood, OR 97140

2S129CA-07700
Jenny Thrasher
21227 SW Baler Way
Sherwood, OR 97140

2S129CA-01700
Heather Thweatt
16189 SW Holland Ln
Sherwood, OR 97140

2S130DA-00500
Berke Paw Group Apc & Topper Properties
22287 Mulholland Hwy # 550
Calabasas, CA 91302

2S129CC-04500
Michele & Michelob Tran
16045 SW Red Clover Ln
Sherwood, OR 97140

2S129CA-01500
Keith Halasy & Erin Tripp
16227 SW Holland Ln
Sherwood, OR 97140

2S129CA-09300
Cynthia Trumpower
21275 SW Silo Ter
Sherwood, OR 97140

2S129CC-01900
Christopher & Erin Tull
16194 SW Stetson St
Sherwood, OR 97140

2S129CA-08600
Matthew Ulmer
21217 SW Silo Ter
Sherwood, OR 97140

2S129CC-00900
Christopher Vanetten
16420 SW Keda Ct
Sherwood, OR 97140

2S129CD-00400
Ricky A & Tamara L Vauble Trs & Vauble
15891 SW Red Clover Ln
Sherwood, OR 97140

2S129CA-09200
Stephen Verotsky
21269 SW Silo Ter
Sherwood, OR 97140

2S129CA-09600
Mark & Vito Villanueva
21297 SW Silo Ter
Sherwood, OR 97140

2S129CA-10900
Cheryll Vito
15877 SW Century Dr
Sherwood, OR 97140

2S130DD-05800
Candice & Jacob Waibel
1057 SW View Crest Dr
Dundee, OR 97115

2S129CC-02200
Glen & Janice Warner
15985 SW Oriole Ct
Sherwood, OR 97140

2S129BC-00400
By Walter Ratzlaf & Washington County
1400 SW Walnut St # 18
Hillsboro, OR 97123
Ordinance 2023-005, Exhibit 1
May 16, 2023
Page 222 of 239

2S129CA-01800
Kimberly Weatherman
16181 SW Holland Ln
Sherwood, OR 97140

2S129CA-02100
Eric Weigel
16155 SW Holland Ln
Sherwood, OR 97140

2S129CA-03200
Susan Welde
10819 Braddock Dr
Culver City, CA 90230

2S129CC-06500
West Coast Home Solutions Llc
25030 SW Parkway Ave STE 110
Wilsonville, OR 97070

2S130AD-05800
Frances White
20728 SW Windflower Ave
Sherwood, OR 97140

2S129CA-05700
Nina Soepriyadi & Jon Wickersheim
15996 SW Langer Dr
Sherwood, OR 97140

2S129CA-02700
Aida Wijaya
16103 SW Holland Ln
Sherwood, OR 97140

2S130DD-06900
Becki & Colin Wildschut
21533 SW Glenco Ct
Sherwood, OR 97140

2S129CC-03200
Hugh Lynn & Christine Lynn Wil
16082 SW Springtooth Ln
Sherwood, OR 97140

2S129CC-08700
Darren & Jamie Wilmarth
16007 SW Red Clover Ln
Sherwood, OR 97140

2S130DA-01000
Wk Belden Investments Llc
16385 SW Langer Dr
Sherwood, OR 97140

2S130DA-01100
Wk Belden Investments Llc
16385 SW Langer Dr
Sherwood, OR 97140

2S129CA-09000
Lance Wong
21249 SW Silo Ter
Sherwood, OR 97140

2S129CA-02600
Chee Woo & Hsiao Wu
23921 SW Red Fern Dr
Sherwood, OR 97140

2S130DD-04600
Colin & Linda Woodbury
16579 SW 11th Ct
Sherwood, OR 97140

2S129CD-01500
Janet & John Woods
15951 SW Springtooth Ln
Sherwood, OR 97140

2S129CA-04800
David Brugato & Audrey Wright
16116 SW Holland Ln
Sherwood, OR 97140

2S129CA-06900
Jingru Sun & Jiaqi Yu
16015 SW Windrow Ln
Sherwood, OR 97140

2S129CA-03000
Zobrist Robert J & Shauna L Fa
69501 Lasso
Sisters, OR 97759

2S130DA-01200
Chevron Usa Inc
Po Box 285
Houston, TX 77001

2S130DA-01400
Chevron Usa Inc
Po Box 285
Houston, TX 77001

2S129B0-00501
Enserv Llc
20945 SW Pacific Hwy
Sherwood, OR 97140

2S130DA-01800
Green Tin Roof Llc
Po Box 760
Yamhill, OR 97148

2S129BC-00100
Safeway Store #1800
Po Box 800729
Dallas, TX 75380

2S129B0-00600
Rhino Holdings Sherwood Llc
2200 Paseo Verde Pkwy STE 260
Henderson, NV 89052

2S129B0-00600
Rhino Holdings Sherwood Llc
2200 Paseo Verde Pkwy STE 260
Henderson, NV 89052

2S129B0-00600
Rhino Holdings Sherwood Llc
2200 Paseo Verde Pkwy STE 260
Henderson, NV 89052

2S129B0-00200
Barbara & Eric Anderson
18007 SW Belton Rd
Sherwood, OR 97140

2S129B0-00200
Barbara & Eric Anderson
18007 SW Belton Rd
Sherwood, OR 97140

2S129B0-01100
Tacke Llc & Laf Llc
901 NE Glisan St # 200
Portland, OR 97232
Ordinance 2023-005, Exhibit 1
May 16, 2023
Page 223 of 239



Exhibit K [Updated March 2023]: Tualatin Valley Fire & Rescue (TVF&R) Service Provider Letter

EXHIBIT A Page 196 of 202
FIRE CODE / LAND USE / BUILDING REVIEW
APPLICATION



North Operating Center
 11945 SW 70th Avenue
 Tigard, OR 97223
 Phone: 503-649-8577

South Operating Center
 8445 SW Elligsen Rd
 Wilsonville, OR 97070
 Phone: 503-649-8577

REV 6-30-20

Project Information

Applicant Name: Darko Simic
 Address: 12965 SW Herman Rd.
 Phone: 503-563-6151 ext. 220
 Email: darkos@aks-eng.com
 Site Address: 16310 SW Langer Dr
 City: Sherwood
 Map & Tax Lot #: 400
 Business Name: Six Corners LLC
 Land Use/Building Jurisdiction: Sherwood
 Land Use/ Building Permit # _____

Choose from: Beaverton, Tigard, Newberg, Tualatin, North Plains, West Linn, Wilsonville, Sherwood, Rivergrove, Durham, King City, Washington County, Clackamas County, Multnomah County, Yamhill County

Project Description

Sherwood Plaza partition for future development.

Permit/Review Type (check one):

- ☐ Land Use / Building Review - Service Provider Permit
- ☐ Emergency Radio Responder Coverage Install/Test
- ☐ LPG Tank (Greater than 2,000 gallons)
- ☐ Flammable or Combustible Liquid Tank Installation (Greater than 1,000 gallons)
 - * Exception: Underground Storage Tanks (UST) are deferred to DEQ for regulation.
- ☐ Explosives Blasting (Blasting plan is required)
- ☐ Exterior Toxic, Pyrophoric or Corrosive Gas Installation (in excess of 810 cu.ft.)
- ☐ Tents or Temporary Membrane Structures (in excess of 10,000 square feet)
- ☐ Temporary Haunted House or similar
- ☐ OLCC Cannabis Extraction License Review
- ☐ Ceremonial Fire or Bonfire (For gathering, ceremony or other assembly)

For Fire Marshal's Office Use Only

TVFR Permit # 2023-0027
 Permit Type: SPP-Sherwood
 Submittal Date: 3-6-23
 Assigned To: DFM Arn
 Due Date: NA
 Fees Due: \$0
 Fees Paid: \$0

Approval/Inspection Conditions
 (For Fire Marshal's Office Use Only)

This section is for application approval only

[Signature] 0430 3-8-23
 Fire Marshal or Designee Date

Conditions: See approved fire service plans.

See Attached Conditions: ☐ Yes ☒ No

Site Inspection Required: ☐ Yes ☒ No

May 16, 2023
 Page 225 of 239

This section used when site inspection is required

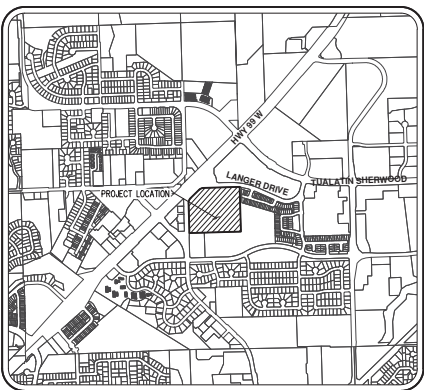
Inspection Comments:

Final TVFR Approval Signature & Emp ID

Date 285

SHERWOOD PLAZA

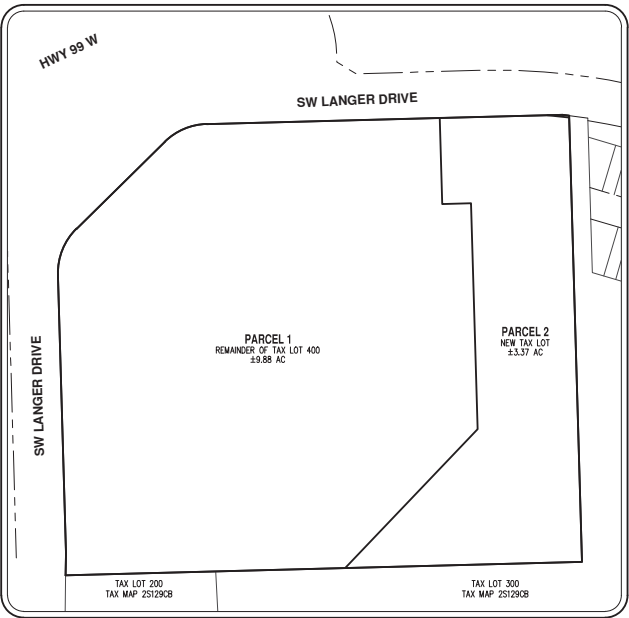
PRELIMINARY PARTITION AND ZONE CHANGE PLANS



VICINITY MAP



LEGEND			
EXISTING		PROPOSED	
DECIDUOUS TREE		STORM DRAIN CLEAN OUT	
CONIFEROUS TREE		STORM DRAIN CATCH BASIN	
FIRE HYDRANT		STORM DRAIN AREA DRAIN	
WATER BLOWOFF		STORM DRAIN MANHOLE	
WATER METER		GAS METER	
WATER VALVE		GAS VALVE	
DOUBLE CHECK VALVE		GUY WIRE ANCHOR	
AIR RELEASE VALVE		UTILITY POLE	
SANITARY SEWER CLEAN OUT		POWER VAULT	
SANITARY SEWER MANHOLE		POWER JUNCTION BOX	
SION		POWER PEDESTAL	
STREET LIGHT		COMMUNICATIONS VAULT	
MAILBOX		COMMUNICATIONS JUNCTION BOX	
		COMMUNICATIONS RISER	
EXISTING		PROPOSED	
RIGHT-OF-WAY LINE		BOUNDARY LINE	
BOUNDARY LINE		PROPERTY LINE	
PROPERTY LINE		CENTERLINE	
CENTERLINE		DITCH	
DITCH		CURB	
CURB		EDGE OF PAVEMENT	
EDGE OF PAVEMENT		EASEMENT	
EASEMENT		FENCE LINE	
FENCE LINE		GRAVEL EDGE	
GRAVEL EDGE		POWER LINE	
POWER LINE		OVERHEAD WIRE	
OVERHEAD WIRE		COMMUNICATIONS LINE	
COMMUNICATIONS LINE		FIBER OPTIC LINE	
FIBER OPTIC LINE		GAS LINE	
GAS LINE		STORM DRAIN LINE	
STORM DRAIN LINE		SANITARY SEWER LINE	
SANITARY SEWER LINE		WATER LINE	
WATER LINE			



SITE MAP
1"=80'

- SHEET INDEX**
- P01 COVER SHEET WITH PLAN LEGEND
 - P02 EXISTING CONDITIONS PLAN
 - P03 PRELIMINARY PARTITION PLAN
 - P04 EXISTING SITE ZONING
 - P05 UPDATED SITE ZONING
 - SP6 CONCEPTUAL SITE PLAN

**APPLICANT/
PROPERTY OWNER**

SIX CORNERS, LLC
121 SW MORRISON ROAD, SUITE 600
PORTLAND, OR 97204

**PLANNING/CIVIL
ENGINEERING/SURVEYING/
NATURAL RESOURCE/
ARBORIST/LANDSCAPE
ARCHITECTURE FIRM**

AKS ENGINEERING & FORESTRY, LLC
CONTACT: MARIE HOLLADAY
12965 SW HERMAN RD, SUITE 100
TUALATIN, OR 97062
PH: 503-563-6151

PROJECT LOCATION

LOCATED SOUTH AND EAST OF SW LANGER DRIVE IN THE CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

PROPERTY DESCRIPTION

TAX LOT 400 (WASHINGTON COUNTY ASSESSOR'S MAP 2S 129 CB) LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON

EXISTING LAND USE

COMMERCIAL SITE AND OPEN SPACE

EXISTING ZONING

RETAIL COMMERCIAL

UPDATED ZONING

HIGH DENSITY RESIDENTIAL

PROJECT PURPOSE

A TWO-PARCEL PARTITION AND SUBSEQUENT ZONE CHANGE

VERTICAL DATUM

ELEVATIONS ARE BASED ON WASHINGTON COUNTY BENCHMARK NO. 39, LOCATED AT THE SOUTH SIDE OF EASTBOUND HWY 99W AND WEST SIDE OF SW LANGER DRIVE. ELEVATION = 210.23 FEET (NGVD 29).



AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
WWW.AKS-ENG.COM

ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

SHERWOOD PLAZA

PARTITION

SHERWOOD

TAX LOT 400

COVER SHEET WITH PLAN

LEGEND

DESIGNED BY: DS
DRAWN BY: DS
MANAGED BY: DS
CHECKED BY: PAS
DATE: 01/30/2023

RECEIVED PROFESSIONAL SEAL
TYLER R. TUPPER
TUALATIN VALLEY FIRE & RESCUE
APPROVED PLANS
RENEWAL DATE: 8/30/24

REVISIONS:

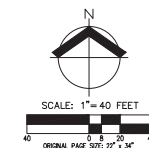
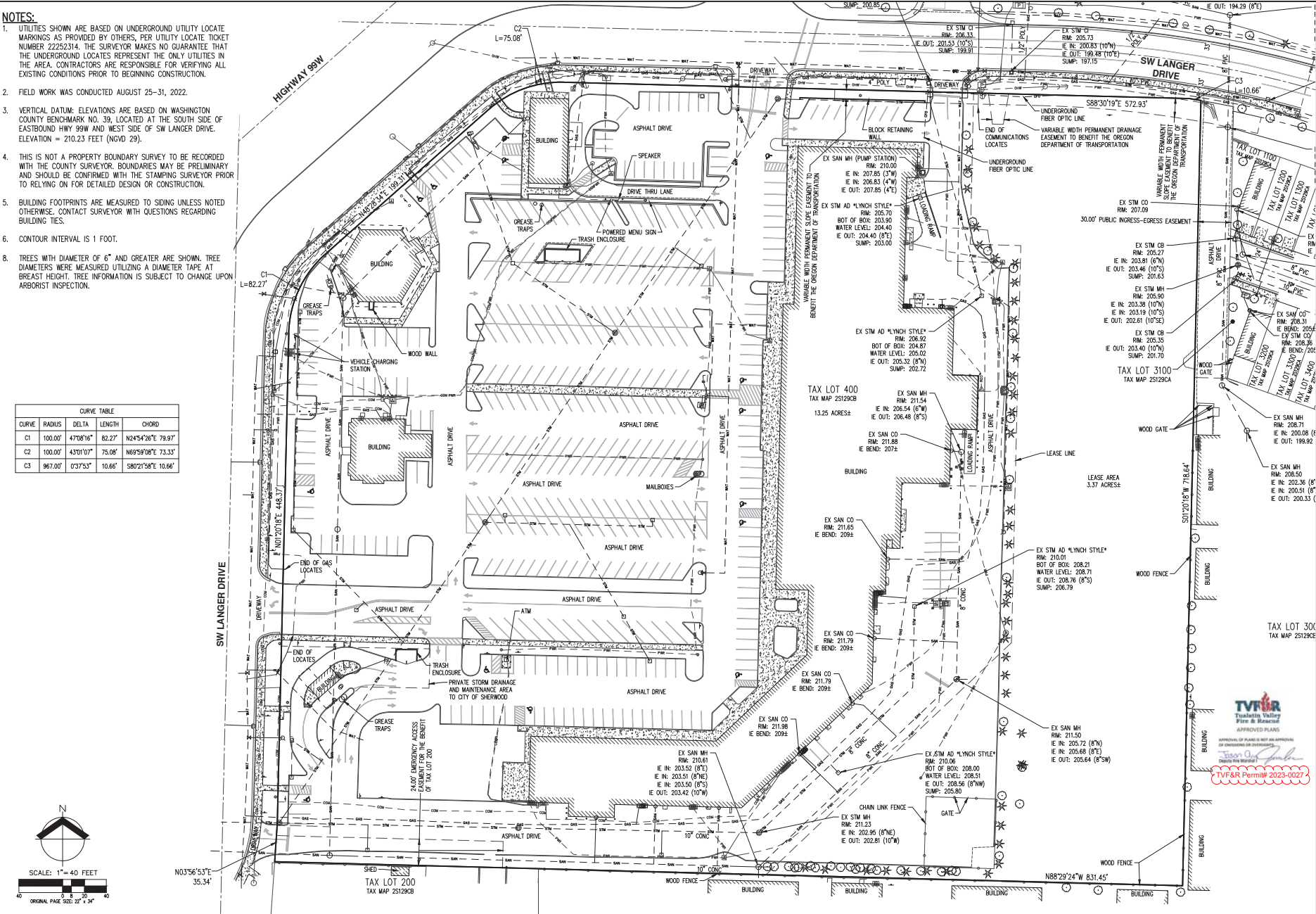
JOB NUMBER
9539

SHEET
P01

AKS DRAWING FILE: 9539 COVER SHEET | LAYOUT: P01

- NOTES:**
1. UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PER UTILITY LOCATE TICKET NUMBER 22252314. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
 2. FIELD WORK WAS CONDUCTED AUGUST 25-31, 2022.
 3. VERTICAL DATUM: ELEVATIONS ARE BASED ON WASHINGTON COUNTY BENCHMARK NO. 39, LOCATED AT THE SOUTH SIDE OF EASTBOUND HWY 99W AND WEST SIDE OF SW LANGER DRIVE. ELEVATION = 210.23 FEET (NGVD 29).
 4. THIS IS NOT A PROPERTY BOUNDARY SURVEY TO BE RECORDED WITH THE COUNTY SURVEYOR. BOUNDARIES MAY BE PRELIMINARY AND SHOULD BE CONFIRMED WITH THE STAMPING SURVEYOR PRIOR TO RELYING ON FOR DETAILED DESIGN OR CONSTRUCTION.
 5. BUILDING FOOTPRINTS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE. CONTRACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
 6. CONTOUR INTERVAL IS 1 FOOT.
 7. TREES WITH DIAMETER OF 6" AND GREATER ARE SHOWN. TREE DIAMETERS WERE MEASURED UTILIZING A DIAMETER TAPE AT BREAST HEIGHT. TREE INFORMATION IS SUBJECT TO CHANGE UPON ARBORIST INSPECTION.

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	100.00'	47°08'16"	82.27'
C2	100.00'	43°01'07"	75.08'
C3	967.00'	03°57'53"	10.66'





AKS
ENGINEERING & FORESTRY, LLC
12945 SW HERMAN RD., STE. 100
PORTLAND, OR 97224
503.243.5151
WWW.AKS-ENG.COM

**SHERWOOD PLAZA
PARTITION**

OREGON

SHERWOOD

TAX MAP 25129CB
TAX LOT 400

**EXISTING CONDITIONS
PLAN**

DESIGNED BY: DS
DRAWN BY: DS
MANAGED BY: DS
CHECKED BY: PAS
DATE: 01/30/2023

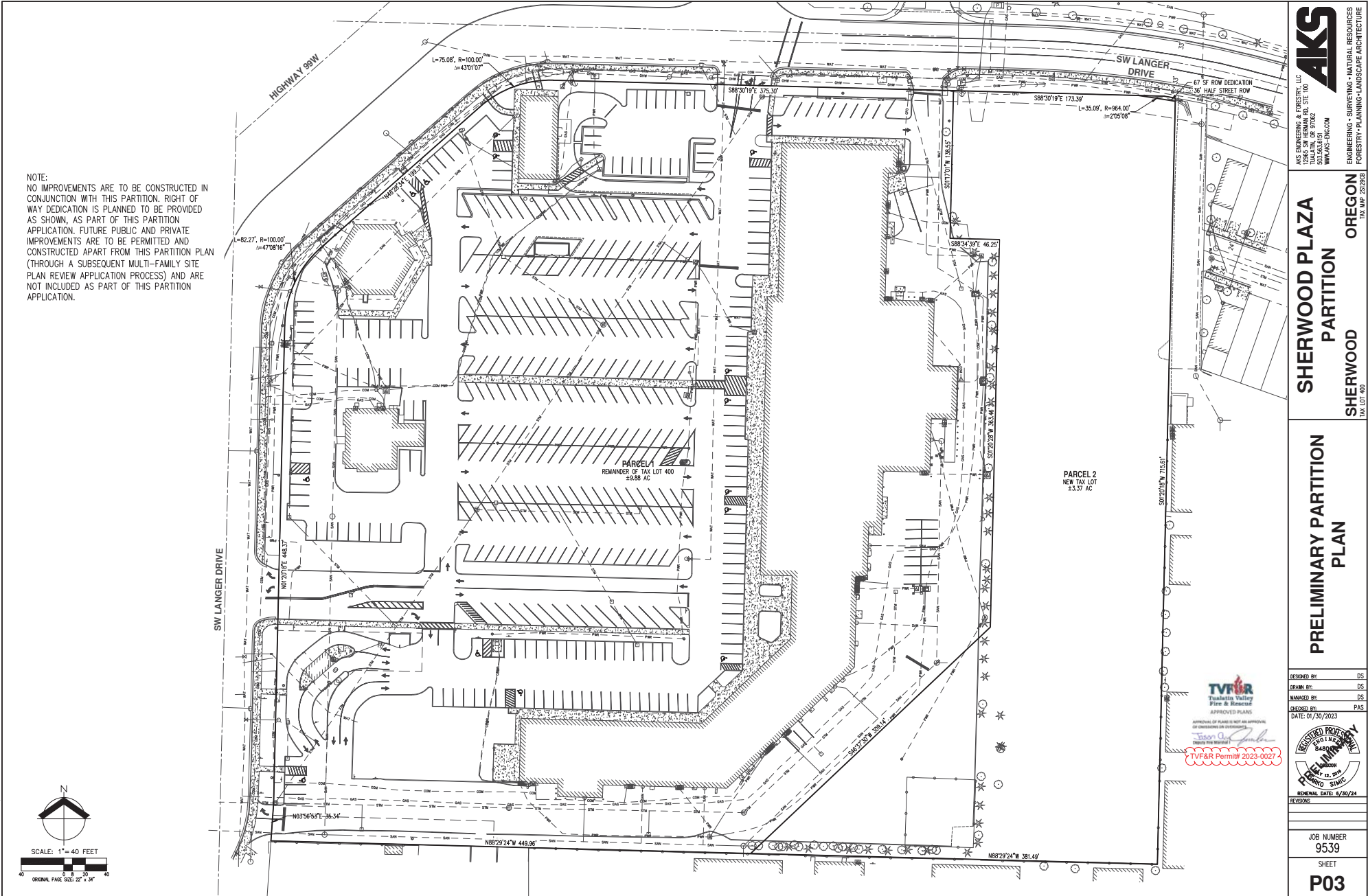
REGISTERED
PROFESSIONAL
LAND SURVEYOR

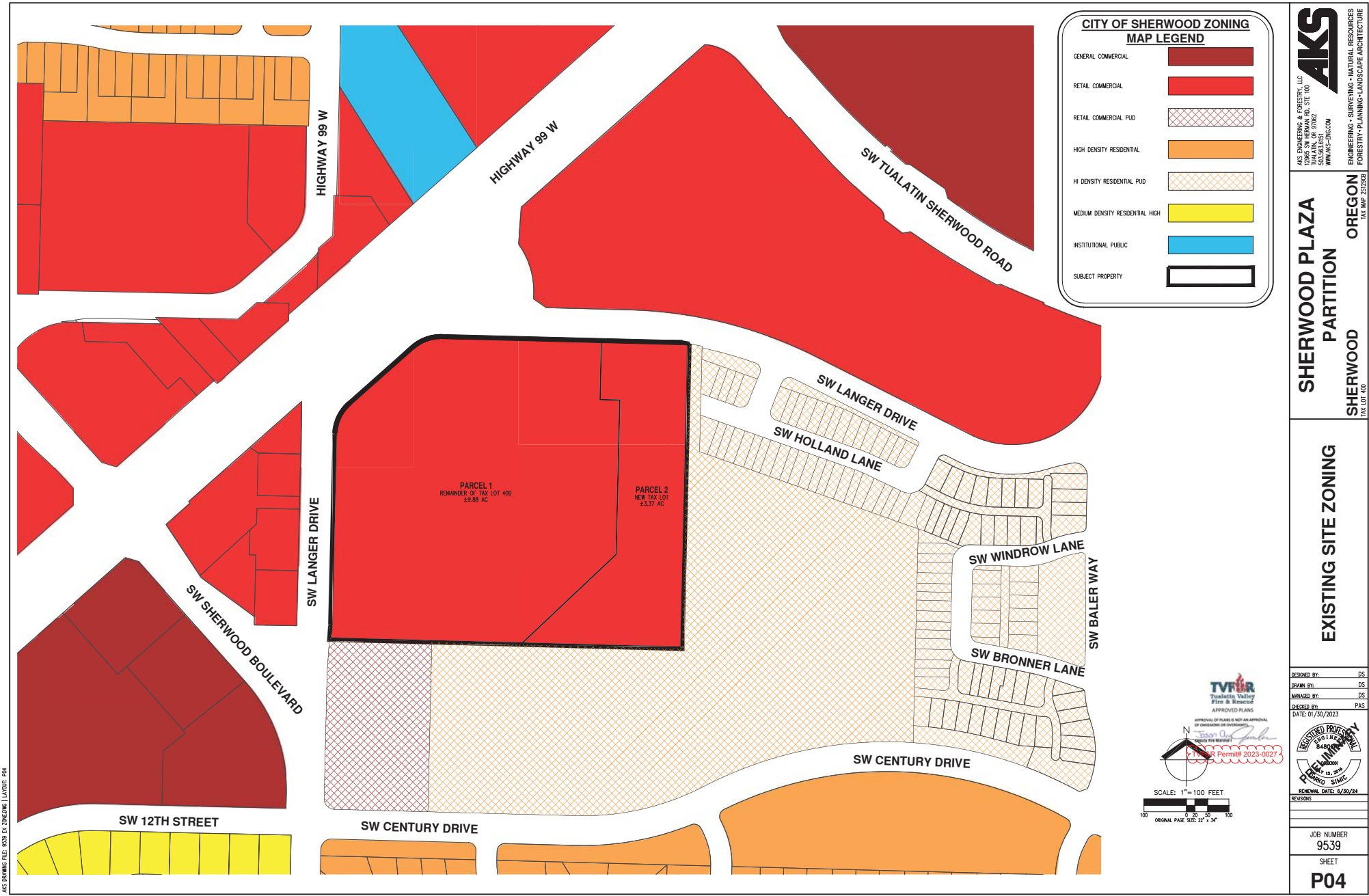
OREGON
NOV 11, 2008
EXPIRY 8, 2028
601245

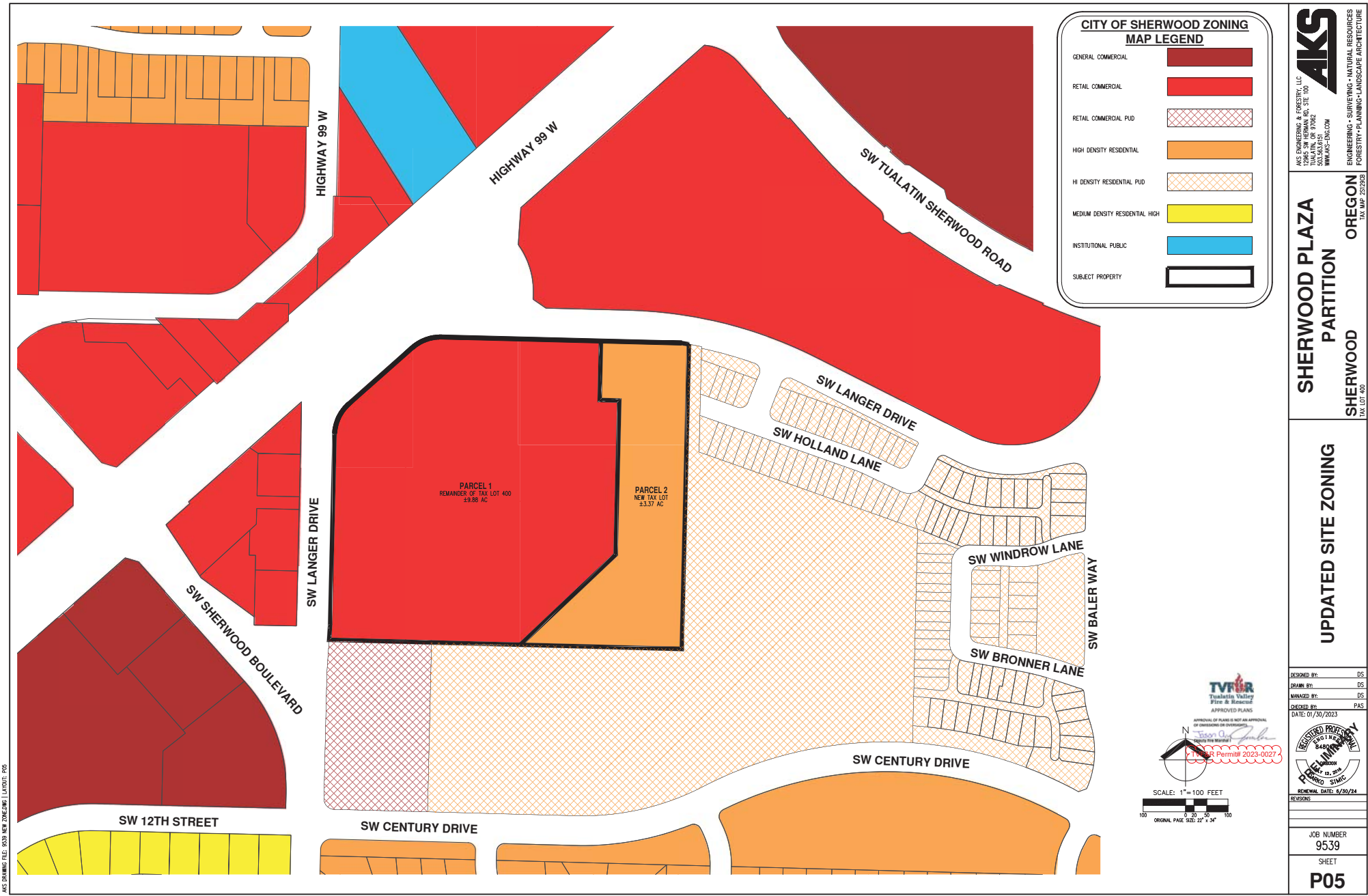
RENEWED: 12/31/24

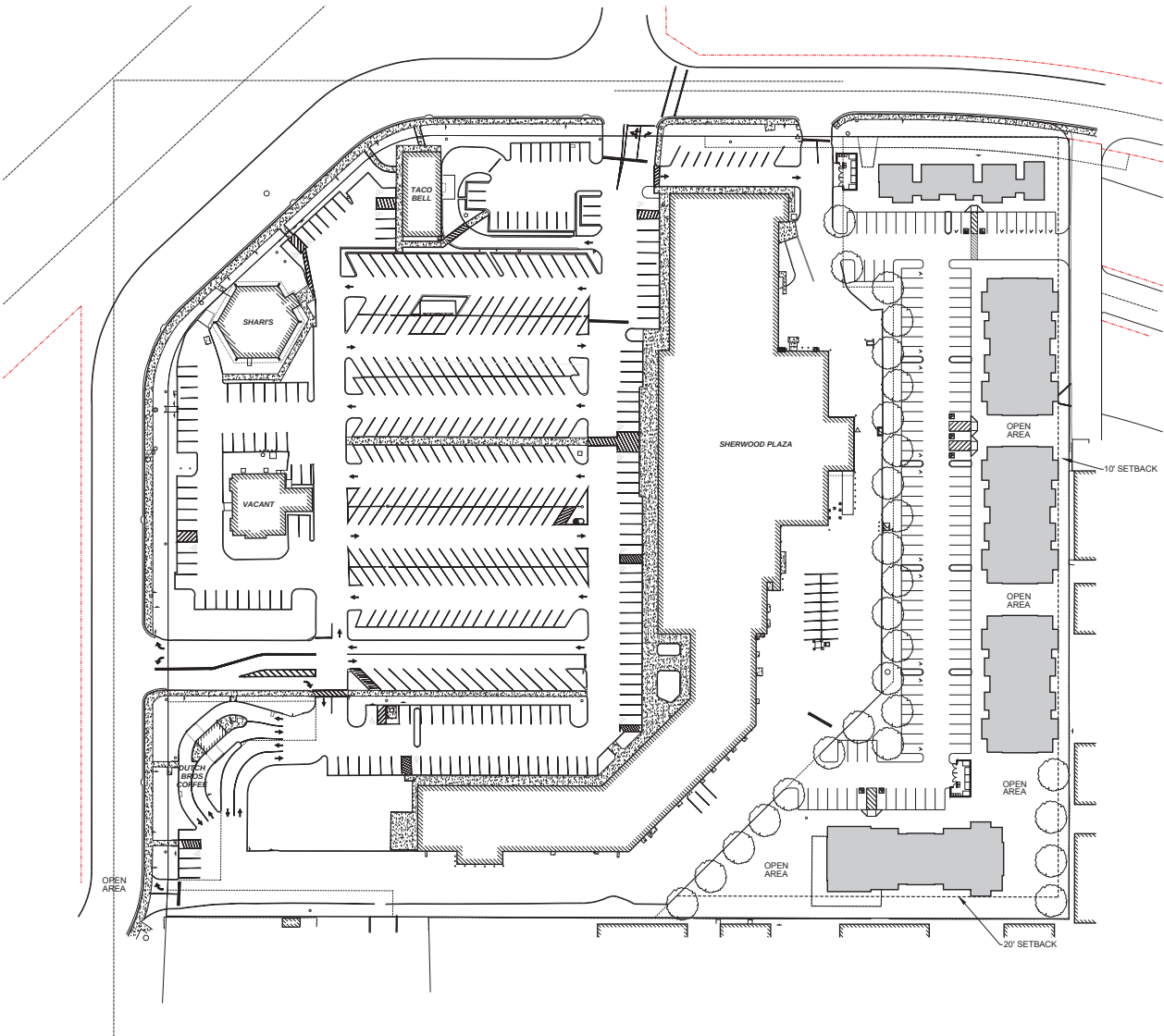
REVISIONS

JOB NUMBER	9539
SHEET	P02

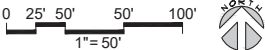








1 **SITE PLAN**
1" = 50'



SCHMIDT
ARCHITECTS, P.C.
16101 SW 72ND AVENUE
SUITE 115
PORTLAND, OR 97224
(503) 220-8517
www.schmidtarchitectspc.com
AKA Tland/Schmidt Architects, P.C.

SHERWOOD PLAZA APARTMENTS
HIGHWAY 99 AND SW LANGER DRIVE
SHERWOOD, OREGON 97140
LANGER FAMILY LLC



PROJECT NO. 2022-151
DATE: 01-23-2023 DRAWN BY: KCP/PLG CHECKED BY: PMB
REVISIONS
2023-01-26 / Site Plan 6
SP6



Engineering Land Use Application Comments

To: Joy Chang, Senior Planner

From: Craig Christensen, P.E., Civil Engineer

Project: Sherwood Plaza Partition and Zone Change (LU 2023-005)

Date: April 12, 2023

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

Overview

The subject property consists of an existing shopping center over the western portion of the subject property and vacant land over the eastern portion of the subject property, behind the commercial buildings. The proposed development consists of partitioning the subject property into 2 parcels in which the western parcel will contain the existing shopping center while the eastern parcel is proposed to be rezoned to allow for future site development into a potential apartment complex.

Sanitary Sewer

Currently the existing shopping center is served by public sanitary sewer.

The proposed eastern parcel has access to a nearby public sanitary sewer within SW Langer Drive.

Since both new parcels have public sanitary sewer service or access to public sanitary sewer service, there are no public sanitary sewer extensions necessary as a result of this land use unless otherwise required by Clean Water Services (CWS).

Currently there is an 8-inch diameter public sanitary sewer within the southwest corner of the subject property. This public sanitary sewer will need a public sanitary sewer easement dedicated to the city of Sherwood.

CONDITION: Prior to Final Plat, any public sanitary sewer located within the subject property that is not within a public sanitary sewer easement shall have a public sanitary

sewer easement dedicated to the city of Sherwood meeting the approval of the Sherwood Engineering Department.

Water

Currently the existing shopping center is served by public water.

The proposed eastern parcel has access to a nearby public water line within SW Langer Drive.

Since both new parcels have public water service or access to public water service, there are no public water line extensions necessary as a result of this land use.

Currently there is an 8-inch diameter public water main west of the commercial building within private property. This public water line will need a public water line easement dedicated to the city of Sherwood.

Currently there is a 6-inch diameter fire line east of the commercial building within private property. A backflow device within a vault shall be installed on this water line as near as possible to the public right-of-way. Fire line beyond this new backflow will be privately owned. This water line will need a public water line easement dedicated to the city of Sherwood.

CONDITION: Prior to Approval of the Engineering Public Improvement Plans, a backflow device within a vault shall be installed on the existing water line east of the existing commercial building meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Final Plat, any public water line located within the subject property that is not within a public water line easement shall have a public water line easement dedicated to the city of Sherwood meeting the approval of the Sherwood Engineering Department.

Storm Sewer

Currently the existing shopping center is served by public storm sewer.

The proposed eastern parcel has access to a nearby public storm sewer within SW Langer Drive.

Since both new parcels have public storm sewer service or access to public storm sewer service, there are no public storm sewer extensions necessary as a result of this land use unless otherwise required by Clean Water Services (CWS).

Currently there is an 18-inch diameter public storm sewer within the southwest corner of the subject property. This public storm sewer will need a public storm sewer easement dedicated to the city of Sherwood.

Currently there are 2 catch basins within SW Langer Drive that have storm sewer piping that connects to on-site private storm sewer piping. This public storm sewer will need a public storm sewer easement dedicated to the city of Sherwood. Also the private storm sewer on-site receiving storm runoff from these catch basins will need a public drainage easement dedicated to the city of Sherwood to allow for this storm runoff conveyance.

No new/modified impervious area is part of this land use application, therefore no conditions for water quality/hydro-modification facilities is required at this time unless otherwise conditioned by CWS.

CONDITION: Prior to Final Plat, any private storm sewer lines within the subject property receiving water from a public catch basin shall have a public storm drainage easement dedicated to the city of Sherwood meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Final Plat, any public storm sewer located within the subject property that is not within a public storm sewer easement shall have a public storm sewer easement dedicated to the city of Sherwood meeting the approval of the Sherwood Engineering Department.

Transportation

As part of the land use zone change submission for the subject property, a memorandum showing that the proposed use for the site will generate less traffic than a commercial development was included.

Since no traffic is generated by a partition nor by a zone change, there are no traffic impacts to the public street system that require construction of public improvements at this time.

The subject property has street frontage along SW Langer Drive (Collector Street). The majority of the site has 50 feet of half street right-of-way except the eastern portion which has 33 feet of half street right-of-way. The city standard for a 3-lane collector status street is 38 feet in a residential area. Therefore the subject development will need to dedicate right-of-way as necessary to meet a minimum 38-foot half street right-of-way width.

The proposed new eastern parcel, due to existing driveway layouts along SW Langer Drive, can't have direct access onto SW Langer Drive. Therefore the subject development will need to provide an access easement(s) as necessary to allow for future vehicular access to the eastern parcel.

CONDITION: Prior to Final Plat, the developer shall dedicate right-of-way along the subject property frontage of SW Langer Drive as necessary for a 38-foot half street right-of-way section meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Final Plat, the developer shall dedicate an 8-foot wide PUE along the subject property frontage of SW Langer Drive meeting the approval of the Sherwood Engineering Department unless otherwise approved by the City Engineer.

CONDITION: Prior to Final Plat, the developer shall dedicate/obtain a private access easement(s) to the benefit of the proposed eastern parcel for vehicular access to SW Langer Drive meeting the approval of the Sherwood Engineering Department.

Grading and Erosion Control:

Since this is a property line adjustment/zone change, there will be no grading work needing a permit performed at this time.

Erosion control measures will need to be included in the engineering public improvement plans.

Other Engineering Issues:

A CWS Service Provider Letter has been obtained and stated no significant impacts.

CONDITION: Prior to Final Plat, a CWS Storm Water Connection Permit Authorization shall be obtained.

CONDITION: Prior to Final Plat, an Engineering Compliance Agreement shall be executed between the developer and the city of Sherwood.

There are currently overhead utility lines along the subject property frontage, however since no site development is occurring at this time, undergrounding of the overhead utilities is not required.

Since the subject development does not include land use for a site plan, no Sherwood Broadband improvements will be required at this time.

End of Engineering Land Use Review Comments.

M E M O R A N D U M

Date: April 11, 2023

To: Joy Chang, Senior Planner, City of Sherwood

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

Subject: Sherwood Plaza Apartments Partition, LU 2023-005 PA/MLP, 2S129CB00400

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

PRIOR TO ANY WORK ON THE SITE AND PARTITION PLAT RECORDING

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

- a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.
- b. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans.
- c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.
- d. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 19-5, Section 4.04. Access shall be provided for maintenance of facility per R&O 19-5, Section 4.07.6.
- e. If use of an existing offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and, any additional improvements and/or upgrades that may be needed to utilize that facility.

- f. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review and acceptance.
- g. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.
- h. Application may require additional permitting and plan review from CWS Source Control Program. For any questions or additional information, please contact Source Control at (503) 681-5175.
- i. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.

CONCLUSION

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

Joy Chang

From: DANIELSON Marah B <Marah.B.DANIELSON@odot.oregon.gov>
Sent: Monday, March 13, 2023 4:40 PM
To: Joy Chang
Cc: TAYAR Abraham; RUSSELL John
Subject: FW: ODOT Case # 12734 Sherwood Plaza Apartments, Zone Change, Partition

Follow Up Flag: Follow up
Flag Status: Flagged

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

Hi Joy,

As per the message from John below, ODOT has reviewed the Transportation Planning Rule analysis and concurs with the applicants findings that the zone change will result in a reduction of trips and therefore will not have a significant effect on State highway facilities. No additional information is needed for ODOT's review. Please let me know if you have any questions.

Thanks!
 Marah

From: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Sent: Monday, March 13, 2023 11:18 AM
To: DANIELSON Marah B <Marah.B.DANIELSON@odot.oregon.gov>
Cc: TAYAR Abraham <Abraham.TAYAR@odot.oregon.gov>
Subject: RE: ODOT Case # 12734 Sherwood Plaza Apartments, Zone Change, Partition

Marah,

As we discussed, the TPR analysis concluded that "The change in zoning from RC to HDR would result in a decrease in potential trip generation, therefore no significant impact would occur as defined by the TPR and OHP Policy 1F.5."

I concur with this conclusion and have no further comment.

Thank you,

John Russell, PE [he/him]
 Traffic Analysis Engineer
 Oregon Dept of Transportation
John.Russell@odot.oregon.gov
 503.731.8282

From: Marah.B.Danielson@odot.state.or.us <Marah.B.Danielson@odot.state.or.us>
Sent: Monday, March 6, 2023 11:48 AM
To: DANIELSON Marah B <Marah.B.DANIELSON@odot.oregon.gov>; TAYAR Abraham

<Abraham.TAYAR@odot.oregon.gov>; RUSSELL John <John.RUSSELL@odot.oregon.gov>

Subject: ODOT Case # 12734 Sherwood Plaza Apartments, Zone Change, Partition

Hi John and Avi,

Please review this Sherwood ZC for TPR findings. The application has been uploaded to DRS and TIA/TPR can be found in exhibit E. Comments due on 3/13/23