Home of the Tualatin River National Wildlife Refuge

Planning Commission Meeting Packet

FOR

November 28, 2017

Work Session at 6:15 PM
Regular Meeting at 7 PM

Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon

City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
November 14, 2017
6:15 PM Work Session
7:00 PM Regular Meeting

Work Session Agenda - 6:15 PM

1. **Planning Commissioner Training** (Josh Soper)
   The City Attorney will discuss public record law, bias and ex parte contact
2. **Annual Boards & Commissions Report to City Council Discussion** (Erika Palmer)

Regular Meeting Agenda - 7:00 PM

1. **Call to Order**
2. **Consent Agenda**
   a. November 14, 2017, 2017 Planning Commission Meeting Minutes approval
3. **Council Liaison Announcements** (Sean Garland)
4. **Staff Announcements** (Erika Palmer)
5. **Community Comments**
6. **Old Business**
   a. **Public Hearing – PA 17-02 New Sherwood High School Text Amendment, continued from November 14, 2017.** (Erika Palmer)
   The Sherwood School District proposes to amend the Comprehensive Plan text in Chapter 8 and all maps to include 82.3 acres; amend the Comprehensive Plan and Zoning Map to designate the property "Institutional and Public" which would be applied to the property upon annexation; adopt a Metro Title 11 Concept Plan for the area added to the UGB by Metro; and acknowledge refinements to the Sherwood West Preliminary Concept Plan. The public hearing has been closed for this hearing. The Commission will deliberate and make a recommendation to City Council.
7. **New Business**
   a. **Public Hearing – LA 17-01 Bowman House 4** (Joy Chang)
   The applicant proposes to construct a single family home on a vacant lot in the Old Town District. The property is zoned Medium Density Residential Low (MDRL), and is located in the Smockville area of the Sherwood Old Town Overlay. All projects within Old Town require approval by the Planning Commission.

b. **Public Hearing – SP 17-01/ SUB 17-03 Parkway Village South** (Joy Chang)

The applicant proposes a five lot subdivision in the Light Industrial Planned Unit Development (LI-PUD) zone. Lot 1 is reserved for future use and is not included in the concurrent Site Plan Review application. The remaining four lots will consist of the following: ± 92,899 square feet indoor entertainment and recreation fun center; ± 32,408 square feet of retail space across four buildings; and ± 392 square feet drive-through coffee kiosk.

8. **Planning Commissioner Announcements**
9. **Adjourn**

More information for the land use applications can be found at www.sherwoodoregon.gov/projects

City of Sherwood, Oregon
Planning Commission
November 14, 2017

Planning Commissioners Present:	**Staff Present:**
Chair Jean Simson	Joe Gall, City Manager
Vice Chair Christopher Flores	Julia Hajduk, Community Development Director
Commissioner Justin Kai	Erika Palmer, Planning Manager
Commissioner Kara Repp	Bob Galati, City Engineer
Commissioner Rob Rettig	Matt Straite, Contract Planner
	Kirsten Allen, Department Program Coordinator
Planning Commission Members Absent:	**Council Members Present:**
Commissioner Daniel Matzinger	Council President Sean Garland

1. Call to Order/Roll Call

Chair Jean Simson convened the meeting at 7:02 pm.

Chair Simson added an item under new business to elect a new Vice Chair.

2. Consent Agenda

a. June 13, 2017, 2017 Planning Commission Meeting Minutes approval
b. August 8, 2017 Planning Commission Meeting Minutes approval
c. August 22, 2017 Planning Commission Meeting Minutes approval
d. October 24, 2017 Planning Commission Meeting Minutes approval

Motion: From Commissioner Christopher Flores to approve the consent agenda, seconded by Commissioner Rob Rettig. All Present Commissioners voted in favor.

3. Council Liaison Announcements

Council President Sean Garland announced two City Council vacancies were declared at the City Council meeting on November 7, 2017. Interested parties can apply for temporary appointment to City Council until 5 pm on November 27, 2017. He said Lee Weislogel was appointed as the interim mayor and appointed positions will serve until after the March 2018 elections are certified.

4. Staff Announcements

Erika Palmer, Planning Manager said there were two tentative public hearings scheduled for November 28, 2018. Julia Hajduk, Community Development Director, reminded there was a Planning Commission vacancy with applications due November 17, 2017.

5. Community Comments

None were received.

6. New Business
New item – Elect a new Vice Chair

Nominations were accepted and Christopher Flores was elected as the new Vice Chair to the Planning Commission.

a. Public Hearing – PA 17-02 New Sherwood High School Text Amendment

Chair Simson read the public hearing statement and said the Planning Commission would make a recommendation to the City Council, the final hearing authority in the city.

Matt Straite, contract planner for the city gave a presentation of the staff report (see record, Exhibit 1). He said PA 17-02 was an application to help pave the way for a new Sherwood High School. The project site was located outside the city limits near Metro's Urban Reserve area and inside the newly expanded Urban Growth Boundary and boarded on the south by Kruger Road, north by Haide Road and east by Elwert Road. The site consisted of four parcels totaling 82 acres; 76.2 were private and 6.1 acres of right of way. The site was in unincorporated Washington County with a zoning designation of Agriculture and Forest with a 20 acre minimum (FD-20). Mr. Straite said the application was the second step towards building the high school; first being the UGB expansion approved by Metro in August 2017, the was third annexation and fourth, the Site Plan and Conditional Use Permit. The application before the Commission would not pertain to the construction of the school or the impacts of the school's construction.

The application proposed to amend Comprehensive Plan text and the Zoning Map, to adopt a Metro Title 11 Concept Plan, and to acknowledge refinements to the Sherwood West Preliminary Concept Plan. Mr. Straite noted Metro rules required property must be included in a city's Comprehensive Plan prior to being annexed. Every annexed area had a small description of the property in Comprehensive Plan. Larger concept planned areas like Brookman had policies, but this proposed text amendment was more concise based on the proposed designated zoning. The applicant provided proposed text language (see record, Exhibit 2)

Mr. Straite said zoning must be designated to all property before it could be annexed. The proposed zoning was Institution and Public (IP). When Metro approved the expansion of the Urban Growth Boundary for the high school they added a condition of approval that required the site could only be used for a high school even though the IP zone allowed for other uses. The Comprehensive Plan changes would take effect the moment the City Council adopted it, whereas the zoning on the site was only a pre-designation and would take effect upon annexation.

Mr. Straite explained the Title 11 Concept Plan required by Metro was different from the Sherwood West Preliminary Concept Plan as it was not an adopted plan, but more like the city vision for the area. A Title 11 concept plan would be a formal adopted plan with street plans and infrastructure plans, such as sewer and storm water plans, and inter-governmental agreements (IGA) to make it clear who provided which services. The Title 11 concept plan must be adopted prior to annexation.

Lastly, the application was proposing a revision to the Sherwood West Preliminary Concept Plan. The applicant tried to find property within the City limits, but was unable to due to the list of criteria for a high school and demand for around fifty acres of land. A detailed alternatives analysis was provided in the application packet listing other sites considered. The Sherwood West Preliminary Concept Plan showed two school sites. The southern site was chosen because it met more of the school districts requirements. As the school site became larger it did not match the plan any longer, so a revision to the Sherwood West

Preliminary Concept Plan was part of the application to make sure the intent of the Plan was preserved. An analysis resulted in some small changes such as an unnamed street to the west of the proposed school site which was shifted to make a more viable residential area. The larger school site displaced some conceptual land uses, so they were relocated elsewhere in the Plan. City departments support these proposed revisions and the applicant held a community meeting to update the public involved in creation of the Sherwood West Preliminary Concept Plan.

Approval criteria can be broken down into criteria for the zoning ordinance, comprehensive plan, Metro requirement, and state goals.

Both the Comprehensive Plan text amendment and the zone map change required the need for the change and consistency with the Comprehensive Plan. The need was outlined in great detail in the applicants' materials. They talked about why the school was needed now and where the school had to be through the alternatives analysis and the demographic study provided. Based on staff analysis both the text amendment and the zone map change would be consistent with the Comprehensive Plan upon adoption. Additional map change requirements were for consistency with the Transportation System Plan (TSP) and that the request is timely. A condition of approval has been added for the applicant to assist the city in updating our TSP in order to reflect the changes and maintain consistency. Mr. Straite indicated the timing tied to the need as covered in the materials submitted by the applicant. Staff felt the criterion was met.

The zoning map change necessitated consistency with the TPR. The applicant provided a study to analyze the Transportation Planning Rule (TPR) through the horizon year of 2035; a study of the transportation impacts up to the year 2035 the same year projected for the city's Transportation System Plan (TSP). Using models, they projected traffic in 2035, assuming all the projects in the TSP were built and then added the increased traffic attributed to the project. The applicant would be required to mitigate the difference. Mr. Straite said two mitigation projects were identified.

1) Pacific Highway West (99W) / Sunset Boulevard – Elwert Road: Add a second northbound left turn land and widen Elwert Road to have two receiving lands.
2) Elwert Road / Kruger Road: Construct a dual lane roundabout and widen Elwert road to hour lands from Pacific Highway West (OR 99W) to 500 feet north of Kruger Road where it will transition to two travel lanes.

Information about the required mitigation is found the TPR in Exhibit F (Transportation Planning Rule Study Dated 11/1/2017)

The TPR study does not represent the entirety of the mitigation that a High School would have to do on the site. Once the formal application was received for the new high school a Transportation Impact Analysis (TIA) would have to be provided. The TIA would have more detail and require additional mitigation after the two mitigation projects identified in the Transportation Planning Rule study.

The Transportation Planning Rule study went through several iterations and was also reviewed by the Oregon Department of Transportation (ODOT) and Washington County. Both agencies submitted comments (see planning record, Exhibits G, H). There are a lot of different ways to do a transportation planning rule study, particularly one done for a school with no standardized process. Each party had ideas about how a TPR study should be done, so there are certain elements where the three agencies might not

be in full agreement. But in the end all parties agreed with the key points including the methodology and the two mitigation projects identified. After the publication of the staff report staff continued to work with those agencies to further refine the conditions of approval to accommodate what was wanted. The study identified reasonably likely funding and the applicants will be paying for that.

Requirement for amending the Comprehensive Plan amendment are contained in several chapters of the plan.

- Chapter 3: Growth Management
  - No leap frog growth; the area must be contiguous to the city.
  - The applicant was required to try to find property within the city first, before going outside the city, which the applicant documented in detail.
  - The better soils for farming were to be preserved. This was part of the Metro UGB process.
  - Site access and intergovernmental agreement would be addressed in the Title 11 plan.
- Chapter 4: Land Use
  - Minimize effects of the project dealt with the construction and use permit aspect of the case and would be applicable to the Conditional Use Permit (CUP)
  - Preservation of the natural beauty of the area and an innovative site design both related more to the use permit and would be addressed later.
  - Enhance the community identity may be accomplished through the new high school project.
- Chapter 5: Environmental Resources
  - Conserve scenic and historic aspects of the site. Staff was not aware of any historic or cultural resources on the site.
  - Environmental quality and recreational resources would be addressed with the CUP. Note: the applicants said they would enter agreements with the city to allow joint use of their fields as recreational areas.
- Chapter 6: Transportation
  - Bike, pedestrian, and transit choices. Covered with CUP.
  - Preserve the freight corridors in the city; there are two freight corridors in the city. One of which was 99W. With the mitigation identified in the TPR study staff was satisfied how they have met the requirement
- Chapter 7: Community Facilities
  - Compliance with the City's adopted master plans.
  - Title 11 plan provided those details for community facilities
- Chapter 8: Urban Growth Boundary Additions
  - A number of the requirements are repeats from previous chapters; no leap frogging, access and facilities provided, development encouraged inside the city, soils, natural and historic areas
  - Project be designed to transition between the different kinds of uses. This would also be addressed with the land use application.

Mr. Straite explained the Metro Title 11 code outlined several different requirements for the Comprehensive Plan update. A zoning designation must be applied; the Institutional and Public zoning would be reflected on the zoning map change. The change must provide for a school (in the case it is a

high school) and for parks, generally IP uses do not require parks. The Sherwood School District indicated that joint use agreements would allow access to fields. A street plan was provided and a condition added for the applicant to assist with a TSP update. Last the school district will provide all funds required for infrastructure.

The state has 19 planning goals. Many of these state goals are addressed by the City through ordinances and the Comprehensive Plan. Many are requirements like economic development and housing. Others are addressed by Metro in the UGB process. Other still do not apply to Sherwood like coastal and sand dune requirements. Based on staff review, and the entirety of the record, the project complied with and did it impede the state goals.

Mr. Straite directed the Planning Commission to a memo dated November 14, 2017, which was a memo from the City's transportation team which outlined in more detail the methodology for the Transportation Planning Rule study. This was something the other agencies wanted and did not introduce anything new. The second item was a letter from Jennifer Bragger representing the Buyer's properties. She outlined a number of reasons that may be grounds for a denial of the application. Staff addressed her concerns in the memo and felt no new information or concerns were initiated as the staff report and applicants' materials addressed the concerns already.

Staff proposed revisions to add more details to the second condition at ODOT and Washington County's request. This condition related to funding and basically that an IGA be part of the approval, the two mitigation projects be identified in the condition, and to clarify the funding responsibility was on the applicant.

Staff recommend that the Planning Commission recommend approval of the application to the City Council.

Chair Simson asked for applicant testimony.

Jim Rose, Sherwood School District Chief Operations Officer and 15-year resident to Sherwood said he worked on the 2016 Capital Improvement Bond and said the construction of the new high school was critical to delivering the capacity Sherwood needed for its school. The Sherwood School District was fully vested in ensuring the community needs were addressed including public access, infrastructure, and transportation. He began a presentation (See record, Exhibit 3) and said the proposed work aligned with the Sherwood West Preliminary Concept Plan and provided a key piece of infrastructure for the community. He said he had many conversations over the past months with a dedicated group from the City, Washington County, and the state (ODOT) to get the best possible outcome for the community.

Karina Ruiz from Brick Architecture introduced Keith Jones, Harper Hough Peterson Reghellis, and Scott Mansur, DKS Associates. Mr. Jones reminded the Commission of the steps for the process; Sherwood West Preliminary Concept Plan, Metro UGB expansion and now the post UGB Concept Plan. Following this step was annexation and then to Land Use approvals for the project.

Mr. Jones said over the last few months the school district hosted several public involvement opportunities starting with a community input session in March 2017, work sessions with the Planning Commission and the City Council in April, a public work session with the Planning Commission and a community bond

forum in May, PC work session in August, a community forum for Sherwood West interested parties in September and a neighborhood meeting in October. Only the neighborhood meeting was a required

The School District was asking for IP zoning as noted in the Metro's UGB expansion decision. The applicant was in agreement with the two conditions of approval, however the way the first condition was worded it sounds as though the school district would do a TSP amendment prior to getting the conditional use approval. The applicant would support with technical information, but city staff would amend the TSP.

Ms. Ruiz reintroduced the Sherwood West Preliminary Concept Plan which was accepted by the City Council as a vision for how Sherwood would develop when the land was brought into the UGB. Metro's first action in the Sherwood West Preliminary Concept Plan was to grant an expansion of the UGB in its Urban Reserves for the proposed high school site. She said there was consistency in the plan in terms of its location, some changes were made to the plan that addressed the north/ south arterial to the west of the site to allow for more usable land directly adjacent to the west. The other adjustment was the quantity and location of the proposed mixed use commercially zoned property. Ms. Ruiz indicated it was still provided as nodes that encompassed approximately the same square footage to the south and to north of the school site along Handley. A preliminary road network was formed that would be refined when development occurred. The site was analyzed from a pedestrian and bike, roadway network, utility infrastructure and land use that was providing a plan consistent with what was originally intended as the vision for the city.

Scott Mansur, DKS associates noted the TPR study done for the 2035 scenario assumed 2400 students. The purpose if the TPR study was to answer how the proposal was consistent with assumptions in the TSP and the significant effects created by the additional traffic caused by the new high school. It also evaluated a reasonable worst case scenario under the TSP horizon year of 2035. Because there were significant impacts mitigation would be needed to ensure all roadways met agency standards.

Coordination meetings with the city, county and state resulted in changes for the modeling and methodology. The baseline of the study was for new counts and to evaluate peak traffic conditions based on 2017 counts. He showed a summary of the studied intersections and explained the target volume over capacity was .99 v/c. The best way to explain v/c was if you had a cup of water, if the water was all the way to the top, it would be a capacity of 1.0. Many of the studied intersections were near the mobility standard. When looking to the future growth in year 2035 those were the mitigations and impacts they were looking for.

Intersections	AM v/c ratio	PM v/c ratio
Edy Rd/Elwert Rd	0.95	0.99
99W/ Brookman Rd	0.68	0.07
99W/ Sunset Blvd/ Elwert Rd	0.90	0.90
99W/ Meinecke Pkwy	0.89	0.71
99W/ Edy Rd	0.78	0.88
99W/ Tualatin-Sherwood Rd-Roy Rogers Rd	0.86	1.01

Mr. Mansur said the TPR assumed the same student assumptions as the City's TSP model for the current high school site, except the high school location was being relocated. Without additional information the

national trip rate standards would be used, but local rates were collected from Sherwood High school and it was found they were 37% higher than the standard rate and 23% higher than the local rates from area schools such as Beaverton and Wilsonville high schools. The more conservative Sherwood High School rate was used then forecasted up to 2400 students. The applicant worked with the Sherwood School District Transportation Supervisor for walking boundaries and areas where bus trips would be and used a transportation model to evaluate trips based on the new high school site. Planned improvements from other agencies were communicated and assumed to be reasonably funded; the list received was from the City, Washington County and ODOT for 2035 transportation improvements likely to be constructed. There were six intersections along Hwy 99W. The land use assumed in the model had a household growth of 4.5% per year. From the current volumes to the horizon year of 2035 the analysis showed about a 70% increase in student trip growth. Using the 2035 TSP analysis with the high school in the current location as a baseline, each intersection was evaluated to determine how the existing intersections projected to operate in the future. All of the intersections on Hwy 99W were over capacity and would not meet the current ODOT mobility target. The Edy Road /Elwert Road intersection was also over capacity without the new high school site. Mr. Mansur said the applicant would be required to mitigate the net impact, not to bring each of those intersections back to the desired standard, but to mitigate the proportional share or additional impact from the relocation of students to the new high school site.

Mr. Mansur stated the evaluation assumed 2400 students in the current Sherwood high school location and relocated those trips to the new Sherwood High School location. It took the trips from Laurel Ridge Middle School and Sherwood Middle School and relocated them to the high school location on Meinecke in 2020 per the Sherwood bond. The trip distribution assumptions showed that 40% of the trips were distributed northwest of Hwy 99W and 60% were southeast of Hwy 99W in 2035.

He showed a figure showing how relocating the high school to the proposed site would impact Hwy 99W. With the additional households on the west side there would be more traffic traveling across the highway. Moving the high school location resulted in a much higher concentration of traffic at the Hwy 99W/Sunset Blvd/Elwert Road intersection. Relocating the high school and the changes in the middle schools had some net decrease in overall project trips at the other intersections along Hwy 99W.

The applicant recommended the district to fund the improvements at the Hwy 99W/Sunset Blvd/Elwert Road intersection with an estimated cost of about $2.2m with dual northbound left turn lanes from the highway onto Elwert Road and to widen Elwert Road to have two receiving lanes. At the Elwert/ Kruger Road intersection Washington County was already planning a single lane roundabout. The applicant recommended making it a dual lane roundabout and to extend the four lane cross section of Elwert from Hwy 99W, through the roundabout and about 500 feet north of the Elwert/ Kruger roundabout.

Mr. Mansur said the land use application would include a safe routes to school evaluation, travel demand management program, such as what can be done to reduce trips to the site, and neighborhood traffic impacts for new trips through neighborhoods as well as site access and circulation evaluation.

Ms. Ruiz offered to answer questions from the Commission. None were received.

Chair Simson called for public testimony.

Sue Hekker, Sherwood resident of 21 years, parent from Sherwood High School and a member of the board of directors said Sherwood had grown over the past 22 years and so had the district as young families moved to Sherwood and enrolled their children in school. Throughout this time the community supported education, passing much needed bonds for new schools. The Sherwood community supports education in an unprecedented manner, leading the state in bond indebtedness. Recently growth has slowed, however the student population has climbed to the point of overcrowding again. There has been a lot public outreach which discovered the need of Sherwood was different than in the past; adding a new elementary or remodeling the high school was not going to meet student needs. The message from the community was to craft a bond that met the needs of current students and to plan for the future; do it right, on time and on budget.

Ms. Hekker said overcrowding was more than a number, but about human beings. Moments happen in the lives of human beings that cannot be repeated. If there was no room for parents to watch their child perform or receive an award the moment was gone and the opportunity lost. Every year that the students sit on the floor to eat lunch or have small group time in a storage closet, the opportunity to learn without distraction is lost. She pointed out the district was not a developer, but in the business of educating children, and did not have the ability to raise revenue outside of taxes and had a responsibility to use the tax payer dollars to benefit all the students.

Liz Barrett, Sherwood High School Computer Science Teacher said the school's current situation was a lot of kids. Her classroom was created for 25 students and she has 35 students. There was little more floor space than their keyboards and there were teachers and students in six portable classrooms. Close in spaces made it hard to move around. Most of the extra space available had been utilized to create additional classrooms, during assemblies the gym is so full, but the biggest dilemma was lunch time. The commons is not large enough for the students; the lunches were split and this creates an issue because the students have nowhere to sit; they are on stairs, in the hallway, creating disruptions for other students. Ms. Barrett was on the new high school committee and was excited for what was to come.

Nichole Brutosky, residents of Sherwood for eight years and Sherwood High School PAC president said her family loved Sherwood School District and in the time living in Sherwood has witnessed a staggering amount of growth which directly impacted students. Her oldest son started at the high school in 2015 when enrollment was 150 students over capacity; now it was closer to 250. She stated overcrowding effected students in many ways; classrooms were packed with more students than designed for, textbook depositories and storage rooms were used for classes, portable classrooms were added for core classes. Her son told her he had to go to the end of the hall to turn around for a classroom across the hall, because the hallways were too crowded. The commons was overflowing so students ate in the hallways, on the stairs or even in the greenhouse. Some teachers opened their classrooms to students, while this shows how much staff cared about the students it also took away valuable collaboration and down time for the teachers. Ms. Brutosky attended a number of public outreach opportunities and was vice chair for the bond campaign committee where she talked to people all over the community and the overwhelming

sentiment was that parents were relieved the district was taking a pro-active approach and trying to get ahead of the growth with the new high school. If everything stayed on track her younger son would enter the new high school building his sophomore year. To delay the process meant the students would face more crowding in the hallways and the classrooms than today. The Sherwood community was overwhelmingly supportive of the long term solution which would benefit the students and the community.

Ken Bell, Sherwood High School Principal, parent and neighbor to the new site reported that from an administrative perspective there are 1730 students at the high school which is 250 students overcapacity. The school was forced to convert every available space to classroom space and add six portable classrooms. The school has grown by 50-70 students per year and projected growth was to continue at that rate. The current high school site was 45 acres and had been maximized in terms of expansion with five remodels. The gym held 1400 people which was under enrollment and did not include staff. Cafeteria held about 500 which is 1/3 of student body so lunchtime was split into two lunches and spread out across the building. The auditorium held 260 people which did not allow for holding class meetings and also meant when the band performs both parents cannot come to watch. The are issues of students eating around school and classrooms designed for 30 students when class size was at about 38, so students sit on folding chairs. Mr. Bell thought the new high school project would allow the kids to pursue the opportunities in education that they deserved and he believed it was a good thing for the community.

Chair Simson commented one of her concerns was the student capacity at the middle schools was projected at 1800 students. She asked if the high school was at capacity at 1730, how did moving the middle schools into the high school help. Mr. Bell said he believed the enrollment at both of the middle school was around 1300 with was three grades instead of the four at the high school. The applicant would be asked to clarify.

Shaurya Gaur, Junior at Sherwood High School and member of the school's robotics club said the club met in the Engineering room and one of the projects they worked on was a t-shirt cannon which was awkward to get out the door due to the size of the equipment. Demonstrations in the Engineering room were crowded because the room is not large enough; a larger room designed for the purpose would be beneficial. For the past year he had not eaten in the cafeteria, but in the hallways, in teachers' classrooms. He said that could not be sustained because it created a big distraction for the classes in session during lunch. The portables were taking space in a small parking lot that blocked an entrance to take equipment outside and also take up space to congregate with friends while waiting for the bus. The auditorium was too small and the school play had to have extra shows, maybe even for free, because tickets sold out too fast. Mr. Gaur said he had a niece that would be attending the new high school and he wanted her to have the opportunities to freely explore what she wanted to do and not be constrained by the overcrowding.

Patrick Allen, member of the School Board and former member of the Planning Commission wanted the Planning Commission to take to heart that the school board members were not developers or speculators who wanted to make a profit on a deal, but friends and neighbors who volunteered to find out how to make the community a better place and to bring the Planning Commission a project and set of decisions it would agree with. The people of this community entrusted the board with a lot of money to be able to address the crowding issues the Commission had heard about and the board believed dealing with the

transportation impacts of the project were part of what was expected. The people expected a lot of bang for the buck in terms of educational opportunity for all of our kids and he hoped at this stage and later stages the Planning Commission would resist any temptation to have the money be an opportunity for the state, county or others to access the money to catch up with past investments that haven't been made in transportation problems. The school had an obligation to fund its share of the issues caused by the development, but not to address problems that existed before the project was conceived of. Mr. Allen commented that schools open in September and opening a school was months' long process that took a huge amount of work and preparation, especially in the summer months before the school opened. What that meant was that within some narrow tolerances there were one year windows. Not making a windows meant a delay of another school year. Time was of the essence while moving through each stage of the process.

Eugene Stewart, property owner within the city and resident in the school district boundaries said he understood the problems of overcrowding, but as a citizen there was also crowding on the roadways. He did not know if the project would abate the problems on Hwy 99W, but in fifty plus years of driving Hwy 99W it was not getting any better, but worse. He said state engineers tell us that the Portland metropolitan area was at capacity and the options were to take mass transit or to ride a bike and as Sherwood grew it was going to get worse. One of the things he had not seen was the future north/south road for the County not far from the new high school location. He said Washington County had requested a portion of Hwy 99W be reserved for this road on their TSP somewhere between Sunset Blvd and Brookman Road. The road would be for trucks and to tie into 124th Avenue. Mr. Stewart commented he heard when the bypass around Newberg and Dundee was completed our area could expect more traffic, because it would be easier to get around and the trucks would no longer use I-5. He said it took about an hour to get from Sherwood to Barbur Blvd during morning rush hour traffic and he used a different, longer route coming home because it was faster. This was without considering the people moving in south of Sherwood coming through. He said the City should think about a bypass around Sherwood due to the traffic being added and needed to look at the total traffic being added and figure out what was to be done. With the relocated high school there may be more kids crossing Hwy 99W and the walk time would have to be extended which would mean sitting at the light longer and back the traffic up.

Erin Wardell, Washington County's Principle Transportation Planner, said she worked closely with staff from the City of Sherwood as well as ODOT and the Sherwood School District to get where we are at now and she looked forward to further collaboration as the project moved forward. Ms. Wardell stated building a new high school in a primarily rural was complicated and her role, at the County, was managing the County's transportation system and the impacts the high school had were primarily to county and state facilities. She reiterated the conditions the County would like placed on the approvals and the school district should fully fund the two mitigations projects identified through the TPR analysis. The County did not have additional funding to pay for the mitigations because they were not planned for and would not be necessary if a high school were not being built in that site. The high school should fund them because they are creating the problems. The second condition was that the school district enter, as soon as possible, an IGA with Washington County to fund the additional capacity to the roundabout that the County was planning on constructing to realign the intersection of Elwert and Kruger Roads. Washington

County has committed $6m from our Major Streets [Transportation] Improvement Program (MSTIP) funded by county taxpayer dollars and used for transportation projects all around Washington County. The high school's development showed there was a need for the roundabout to go up to two lanes and it was the most efficient and best use of the taxpayers' money to design and build the roundabout to the ultimate size needed. It was in the School District's best interest for the roundabout to be completed as close as possible to the opening date of the school.

Commissioner Kai asked Ms. Wardell the cost of the second lane to the roundabout. She responded the school district estimated the cost to be $2.1m. The County was unsure that was the correct amount, but it was about in line with what was expected.

Chair Simson said there were concerns about the methodology of the Transportation Planning Rule analysis and asked Ms. Wardell if the County had changed position with the additional information provided in the memo provided by staff. Ms. Wardell said it did not, while the County believed it was a solid technical effort by the district's consultants, it did support the two mitigation projects identified. There were concerns with the methodology used, because it was not the way that County staff would have done it. Ms. Wardell was not sure a different methodology would have identified additional mitigation projects and did not want that methodology to set precedent. The districts consultants worked closely to try to manage the County's concerns and their primary purpose was to ensure the School District fully funded the mitigation.

Commissioner Kai asked if the County was concerned about the amount of traffic that would be turning left from Handley Street onto Elwert Road. Ms. Wardell thought it would be discussed more in the next phases of the development review. Improvements of that intersection did not show up through the year 2035 analysis, but she thought they might show up through the development review analysis because the methodology was a bit different. There were concerns with the area, all of the intersections along Elwert and the impacts caused by the school. What is complicated about Handley Street was its proximity to Haide Road which was most likely going to have to be signalized as a part of the application. There cannot be a signal at both of those intersections. Ultimately what the County would like to see as Sherwood West developed was that Handley Street was actually the location of the signal as the east west connector through that part of Sherwood West. At that time a signal at Haide Road would need to go away and have a right in/right out only intersection. In the interim the County would be talking about safe routes to school, because there were a lot of student safety concerns with students needing to get to the school site.

Chair Simson commented this process provided a bigger picture of the transportation plan, but did not go to the site level detail that would be addressed in the future. In this process required mitigation was being identified with potentially more mitigation at the next level. Ms. Wardell commented that jurisdictions in Oregon were required to have Comprehensive Plans and Transportations System Plans and the Transportations System Plan served the land uses in those Comprehensive Plans. That was why when a plan amendment was made the TSP was evaluated to ensure it could still serve the land use. Ms. Wardell managed the County's TSP and a change in Sherwood's land use had an impact on the TSP she managed. What was wanted was to identify mitigations that were not assumed in the twenty year Transportations

System Plan that would be needed, because a change in land use was made. What this analysis showed was two items, not in the TSP, because of the 2500 student high school; a dual lane roundabout and additional capacity added to Hwy 99W. Ms. Wardell said the County wanted to make sure the lines drawn on their TSP show what is needed to serve the land uses and the Comprehensive Plan in 20 years. Ms. Wardell said Washington County viewed Elwert road as a very important north south arterial. There was not an adopted north south arterial that would serve the same mobility need as Elwert Road.

Jon Makler, Oregon Department of Transportation's Region 1 Planning Manager which covered Washington, Clackamas, Multnomah and Hood River Counties said he was empathetic to the needs for a new high school and it was the intent of the staff report to hold all of the statewide goals in balance. He noted it was about tradeoffs and how to handle risks. He was neither for nor against the proposal, but wanted to ensure that Sherwood had adequate school roadways by considering all of the tradeoffs and making the appropriate mitigations. A set of mitigation projects that the City, State, and County were comfortable with had been reached and ODOT felt the projects would adequately mitigate the effect of relocating the high school and the conditions met ODOT's needs. He said the city could make a Goal 12 finding as long as the conditions of approval were included; particularly that the School District had agreed to fully fund the two projects at the roundabout and at the intersection. The applicant provided cost estimates, which he was not sure were the right costs, but the district had made clear it was responsible for making sure those projects get delivered. Mr. Makler affirmed the mitigation projects and that the finding was valid. He expressed concern about the urgency of the timeline and said there would be very hard questions to ask during proceedings with respect to annexation and the Conditional Use Permit. He appreciated the urgency of providing the school capacity, the consequences of not having adequate capacity for schools, but questioned the policy about timely adoption. Though it was clearly timely for the school District to have a new high school, it would also be considered from the prospective of if it was timely from the planning process and how to make sure that the preliminary concept plan for Sherwood West was followed through on and that everything else developed suitably. He said there were a lot of comments about congestion, but we have to keep our eyes on safety for the students and to make sure the roadways provide adequate efficiency of operations as well as adequate safety of operations.

Chair Simson said ODOT had concerns about the appearance for a conflict of interest and asked if the applicants memorandum had helped alleviate concerns from Exhibit H. Mr. Makler said it was prudent to have the memo, because it documented things that have been said and he had suggested to city staff that the applicant and reviewer not have same traffic consultant. He did not think it was advisable.

Commission Kai asked if ODOT had a prospective on the amount of students that would be crossing Hwy 99W, if there was the potential for an overpass or underpass. Mr. Makler responded that there were many cities in Oregon that were bisected by a state highway, who dealt with this issue all the time for schools, businesses, churches, etc. As Sherwood grows to the west this would be something ODOT staff would be involved in due to the kind of impacts that would happen. ODOT was concerned, because Hwy 99W had a designation of statewide highway, so the purpose, function, and performance expected from the legislature and the Oregon Transportation Commission was at the level of statewide significance. ODOT would be under tremendous pressure to maintain the productivity of Hwy 99W for through traffic

and already received complaints about how long people have to wait to cross the highway. Those calls would continue to come and there will be tension between those that want to cross the highway and the traffic that wants to move along it. Our obligation for a statewide highway will be for ODOT to serve the traffic along the highway. Sherwood residents will be frustrated by the level of service they experience. Mr. Makler said this was no longer about the school, but ODOT would ensure traffic interacts in the safest way possible. He thought the improvements on Elwert Road (the roundabout) and its connection to the highway would address an identified safety risk and this was a good opportunity to make an improvement. The idea of creating separated crossings? ODOT would have to keep working on that in plans.

Chair Simson noted Mr. Makler's written comments stated the Hwy 99W /Sunset Blvd mitigation project could not be completed by the September 2020 opening. He expressed concern that the requirements to construct projects like these by date of opening was onerous. He said if the TIA found the projects needed to be done by date of opening ODOT did not have the capability itself to deliver a project that has been designed, in a preliminary way, by September 2020, because it did not have the capacity. There were alternative delivery mechanisms; to deliver it themselves in cooperation with ODOT. He believed there was a scenario in which ODOT would collaborate with Washington County which has already been working on that roundabout. There were ways to get the project delivered by 2020, but that would require an extraordinary feat of collaboration and efficiency. Chair Simson acknowledged it was not just a school's effort to move forward, but there was buy in from the City, County, and State at every level and it was a herculean effort to consider what had to be involved to make it happen. Mr. Makler noted there were items in the design that would require the state traffic engineer to approve, and on an ordinary day it would take three to six months. He said ODOT appreciated the urgency and he hoped the degree of collaboration was higher going forward. Chair Simson asked if the not having the infrastructure in place would prevent the school to opening. He was unable to answer. Ms. Palmer said the TIA would address the projects and prioritize.

Chair Simson commented Sherwood was held to a higher through traffic standard than Tigard because the traffic flow that traveled through Tigard went much slower than through Sherwood or even Dundee with fewer crossings or driveway access. She asked if that would change as Sherwood grew on both sides of the highway or would there still be limited access and a 45 mph zone through the city. Mr. Makler responded that the unique characteristics on Hwy 99W for Sherwood were not unlike the pressure of other cities along the edge of Metro's urban growth boundary were experiencing. From a traffic engineering perspective what we talk about at ODOT, especially in the context of Brookman more than Elwert, was the dynamic at the entrance to an urbanized area from rural to urban and how to accomplish that safely, because of the speed differential. Drivers should be slowing down to 45 mph when entering Sherwood and ODOT did not see that changing. Communities that go through this period of transition often engage with ODOT to talk about the future of the state highway. There are tools that could be employed when there is mutual interest. To say Sherwood was held to a different standard was true, because it was the point of entry into the urban area. The way ODOT designed and managed the highway was different than the subsequent downstream communities that passed from urban to urban. Chair Simson commented that during the planning of the Town Center Plan the city was obligated to keep the town center area on one side of Hwy 99W and south of Tualatin Sherwood Road, because outside agencies did not want

Sherwood to have a walkable community across Hwy 99W. As Sherwood develops the Comprehensive Plan Update we need tools and resources that grow the community together. Mr. Makler noted, at that level of planning, the City would have to go to the Oregon Transportation Commission and ask for a change in expectation for the highway. As planners we have to balance the goals against getting kids from east to west and Sherwood would be crossing the highway in a different way. If that means separated crossings it would entail finding ways to pay for it.
Chair Simson called for a recess at 9:03 pm and reconvened at 9:12 pm. She noted that if the Commission continued the hearing it would not delay the process, because it was scheduled to be heard by City Council on December 19, 2017. Ms. Hajduk gave options for continuing to the Commission and discussion followed. The Commission intended to close the public hearing and to deliberate at the next Planning Commission meeting.

Chair Simson gave the applicant their remaining 7:10 for rebuttal.

Karina Ruiz ensured the Commission that the public did have extensive public involvement opportunities to help develop the plan and the community had a strong voice in what was developed. She pointed out there had been extraordinary coordination between the four agencies that met regularly and would be entering development agreements with all four agencies; the School District, City, County and State to deliver the project on time and in time for school opening. There were a variety examples where there had been alternative procurement paths to ensure necessary paths and she had a long track record of delivering those. Regarding capacity at the middle schools the combined enrollment was closer to 1300 and the longest forecast would push it to about 1450; under the 1550 capacity the current high school building had. The programing associated with a middle school was not as intense as a high school so there would be spaces used for high school purposes that would be not be needed for middle school student, easing capacity issues. Mr. Mansur added the 1800 count for the TPR analysis was a reasonable worse case analysis number and not what was planned. He clarified there were no recommended changes to the classification of any roads for the County, ODOT or City facilities. He said there were pedestrians crossing Hwy 99W today and as the Sherwood West Pre-concept Plan developed in the future a lot of that residential was going to be creating the need for high school students on the opposite site of Hwy 99W from the existing high school. One way or the other there would be a demand for students to cross the highway. The improvements at Hwy 99W/Sunset Blvd/ Elwert Road would also be paying attention to safe routes to schools and how to make the crossings as safe as possible. The next land use plan would include best options to make it as safe as possible for kids to cross the highway.

Chair Simson asked about the change in the language to Condition 1 and directed staff to provide a revised staff report with modified conditions of approval.

Commissioner Rettig asked for comments on the methodology that was questioned. Mr. Mansur replied that the methodology made a number of general assumptions and he had worked with Mr. Makler at ODOT to look at different options. He noted a quote from ODOT's traffic engineer who said if there had been one hundred traffic engineers, there would be one hundred different methodologies. He stated the methodology met the requirement and believed it provided a reasonable worst case evaluation for the

2035 scenario.

Chair Simson asked for a copy of the Metro analysis prior to the next meeting and that it be placed on the website. She thought it would answer some questions about timeliness and if it was the appropriate location. She said one of her concerns was to ensure citizen involvement. She complimented the applicant for their thoughtful design. She asked how extra trips were accounted for because students could not walk to the new location. Mr. Mansur explained they looked at the existing high school that also had challenges for walking, because Cedar Creek and the railroad tracks provided barriers to a lot of the residential subdivisions. He said another thing to think about was the existing high school was constrained for parking, with only 300 stalls. The new high school would provide significantly more stalls, mainly for sporting events. Also Sherwood had a lot of parents that wanted to drop off their kids. If you think about impact to 99W and our study intersections, and you have a parent that drove from one side of Hwy 99W to the other to drop off their child it was really two trips. By providing additional parking and allowing students to drive to school you reduce a number of trips.

The following motion was received.

Motion: From Vice Chair Christopher Flores to close the public hearing and continue deliberation on the application for PA 17-02 New Sherwood High School Text Amendment until November 28, 2017, seconded by Commissioner Rob Rettig. All Present Commissioners voted in favor.

7. Planning Commissioner Announcements

Chair Simson announced she would be meeting with staff and Council President Garland to review and select members of the Comprehensive Plan Update Community Advisory Committee and there was a need for a Planning Commission liaison.

8. Adjourn

Chair Simson moved to adjourn the meeting, seconded by Vice Chair Flores. The meeting adjourned at 9:40 pm.

Submitted by:

_____

Kirsten Allen, Planning Department Program Coordinator

Approval Date: _____

Old Business Agenda

Item A

City of Sherwood **November 21, 2017**
SUPPLEMENTAL STAFF REPORT:

File No: PA 17-02 Metro Title 11 Concept Plan, Comprehensive Plan & Map Amendment, and Sherwood West Preliminary Concept Plan Refinement for proposed High School site

Signed: _____
Matt Straite, Contract Planner

Proposal: The Sherwood School District proposes to 1) Amend the Comprehensive Plan text in Chapter 8 and Amend all maps to include the 82.3 Acre property (76.2 private land & 6.1 acres for public road right-of-way); 2) Amend the Comprehensive Plan and Zoning Map to designate the property "Institutional and Public" which would be applied to the property upon annexation; 3) Adopt a Metro Title 11 Concept Plan for the area added to the UGB by Metro; and 4) Acknowledge refinements to the Sherwood West Preliminary Concept Plan which the applicant proposes to modify to accommodate the proposed school use.

I. BACKGROUND

The project was before the Planning Commission on November 14, 2017. At that time the Commission opened the hearing, took public testimony, and closed the public hearing, continuing the project to the November 28, 2017 Planning Commission hearing for additional deliberation. This supplemental staff report summarizes the changes that were made after the first hearing.

II. CHANGES TO THE CONDITIONS OF APPROVAL

The conditions of approval were included in the published staff report for the November 14th hearing. Subsequently, staff continued to work with the public agencies to address their concerns which resulted in proposed edits to the conditions of approval, these were presented to the Commission the night of the hearing in a memo to the Commission. The applicants proposed additional edits at the hearing. Staff has now reviewed these and further modified their proposed condition changes. The revised conditions of approval shown below are supported by the applicant and by all public agencies. Rather than try to show all changes as they evolved, the originals are shown below in strikeout, and the completed, revised conditions in red.

~~1. Prior to or concurrent with the approval of any land use permits on the site, a TSP amendment shall be approved that incorporates this site area and surrounding streets, as well as fully incorporating the TPR identified mitigation. The applicant shall provide all required technical analysis, appropriate reporting, and TSP language for staff to provide to the City Council for a TSP amendment that address and reflects all transportation system changes as well as any funds required to process the TSP amendment.~~

1. Prior or concurrent to land use approval, the applicant's traffic engineer shall provide City Staff with a technical memorandum to the satisfaction of the City Engineer. The technical memorandum will be used by City Staff in support of a separate City Transportation System Plan (TSP) amendment. The purpose of the separate TSP amendment is to establish road classifications and transportation improvements related to the Sherwood High School Title 11 Concept Plan.

~~2. Prior to the zone change taking effect on the subject property (which is essentially annexation), the funding requirements for the TPR mitigation shall be defined via a memorandum of understanding (MOU) and/or a Development Agreement /agreements (if multiple agreements are required). The agreement(s) shall clearly outline the agreed plan for how the applicants will assure construction, the timing of the construction, the funding that will be contributed to support TPR identified projects. These will be in addition to any projects required for site plan and conditional use, though these may also be included in the MOU/Development Agreements.~~

2. Prior to the zone change taking effect on the subject property (which is essentially annexation), the funding requirements for the TPR mitigation shall be defined via an approved memorandum of understanding (MOU) Intergovernmental Agreement (IGA), and/or a Development Agreement /agreements (if multiple agreements are required). The agreement(s) shall clearly outline the an agreed upon plan for how the applicants will assure construction, the timing of the construction, the responsibility of the applicant to fully fund the two TPR mitigation projects identified in the TPR Study dated November 1, 2017 (Exhibit F to this report), in addition to funding all or part of additional improvements identified during the development review analysis, in a timely manner.

III. TYPOGRAPHICAL ERROR CORECTIONS TO THE STAFF REPORT

The following edits are proposed to the Staff Report:

1. Page 5 contained a blank. The sentence said:
   As discussed in greater detail further in this report (beginning on page ____), the staff recommendation includes a condition of approval requiring the applicant to provide all the technical documents required for this update prior to or concurrent with the use applications (CUP).

   The number “16” has been added.

2. Page 124 the second to the last sentence should read “as is designed.” This was from the applicant’s narrative, so no changes have been made.

3. The list of Exhibits contained an incorrect date for the Final TPR Report. The date should have tread 11/1/2017 rather than 1/1/2017.

IV. ADDITIONAL INFORMATION

The Planning Commission requested that the Metro Hearing’s Officer Report to the Metro Council be provided. The report was sent via email to the Commission on November 15, 2017, it was posted to the internet on the same day. This has become Exhibit I and is attached to this supplemental report for the record.

V. REVISED FINDIINGS

The Staff Report provided findings to explain how the application was consistent with Goal 1 of the State wide Planning and land use goals. Staff proposes the following paragraph be added to the analysis for Goal 1, which, by extension, would be part of the findings:

More specifically, four community input sessions were held on March 9, 2017, April 3, 2017, May 30, 2017 and a community forum on September 28, 2017 addressing everyone on the original mailing list for the Sherwood West Preliminary Concept Plan intended to vet the proposed revisions to the plan with the public. This public meeting was intended to inform those members of the public who worked directly on the Sherwood West Preliminary Concept Plan of the revisions proposed to the plan. Additionally, the Planning Commission, with opportunities for public input,

provided guidance in two Planning Commission Workshops on April 11, 2017 and August 8, 2017, one public work session with the Planning Commission on May 23, 2017, and the City Council, with opportunities for public input, provided additional guidance in a City Council Workshop on April 18, 2017 on further refinements to the plan and implementation.

VI. RECOMMENDATION (unchanged)

Based on the above findings of fact, and the conditions of approval, to the satisfaction of the applicable criteria, staff recommends Planning Commission forward a recommendation to the City Council of approval of PA 17-02; more specifically, that the City Council 1) amend the Comprehensive Plan text in Chapter 8 and Amend all maps to include the 82.3 Acre property (76.2 private land & 6.1 acres for public road right-of-way); 2) amend the Comprehensive Plan and Zoning Map to designate the property "Institutional and Public (IP)" which would be applied to the property upon annexation; 3) approve a Metro Title 11 Concept Plan for the area added to the UGB by Metro; and 4) Acknowledge refinements to the Sherwood West Preliminary Concept Plan to accommodate the proposed school site.

VII. EXHIBITS

A. Applicants Narrative. All appendices to the narrative, listed below, are available online at this link- https://www.sherwoodoregon.gov/planning/project/new-sherwood-high-school-comprehensive-plan-amendment
    1. Appendix A – Concept Site Plan
    2. Appendix B – Infrastructure Financing Plan
    3. Appendix C – Proposed Zoning Designation Map
    4. Appendix D - 2008 Sherwood School District Long Term Facilities Plan
    5. Appendix E - School Facilities Planning and Public Outreach Process Summary (2016 Bond Measure Projects)
    6. Appendix F - Strategic Plan
    7. Appendix G - Guiding Principles
    8. Appendix H - DOWA Existing Sherwood High School Expansion Options
    9. Appendix I - Sherwood School District: 10-Year Student Population Projections by Residence: Fall 2016-2025 study (May 11, 2016)
    10. Appendix J – 2016 School Capacities and Floor Plans DOWA – IBI Group Architects, Inc.
B. Proposed Comprehensive Plan Text
C. Proposed Zone Change Exhibit
D. Proposed refinement to the Sherwood West Concept Plan Map
E. Title 11 Concept Plan
F. Transportation Planning Rule Study Dated 1/1/2017
G. Washington County Letter dated 11/7/17
H. Oregon Department of Transportation Letter dated 11/7/17
I. Metro Hearing's Officer recommendation to the Metro Board July 21, 2017

METRO HEARINGS OFFICER'S ANALYSIS, CONCLUSIONS, AND RECOMMENDATIONS TO THE METRO COUNCIL

Sherwood School District Urban Growth Boundary
Major Amendment, Case 17-02

JULY 21, 2017

ANDREW H. STAMP, P.C.
KRUSE-MERCANTILE PROFESSIONAL OFFICES, SUITE 16
4248 GALEWOOD STREET
PORTLAND, OR 97035

Exhibit I

TABLE OF CONTENTS

SECTION I: APPLICATION SUMMARY

FILE NAME:	UGB Case 17-02: Sherwood School District Urban Growth Boundary Major Amendment
APPLICANT:	Sherwood School District 23295 SW Main Street Sherwood, OR 97140
PROPOSAL:	82-acre expansion of the urban growth boundary (UGB) for a high school campus with sports fields. Realign SW Elwert Road and SW Kruger Road in Sherwood.
LOCATION:	Tax Lots 2S236-200, -201, -206, and -207
SITE ADDRESSES:	18880 SW Haide Road, 22895 SW Elwert Road and 18985 SW Kruger Road, Sherwood, Oregon 97140
URBAN RESERVE AREA:	Area 5B.
CURRENT ZONING:	AF-20
METRO CODE:	Metro Code Sections 3.07.1425 (B, C, D, E & F) and 3.07.1440 (A & B). Code Section 3.07.1425(C)(1-9)

SECTION II: BACKGROUND INFORMATION

Proposal Description: The applicant requests an expansion of the City of Sherwood UGB to include approximately 82 acres for a high school campus with sports fields. This proposal also seeks to realign the intersection of SW Elwert Road and SW Kruger Road for improved and safer traffic flow.

Site Information: The site consists of four tax lots located within unincorporated Washington County on the west side of SW Elwert Road, between SW Haide Rd and SW Kruger Rd as shown in Attachment 1. The property has frontage on SW Elwert, SW Haide and SW Kruger Roads. The entire property is zoned AF-20 (Agricultural and Forest District) by Washington County with a minimum lot size of 80 acres. The entirety of the property is located within the Sherwood West Preliminary Concept Plan area (Metro Urban Reserve Area 5B). The site slopes

gently down to the east towards SW Elwert Road with approximately 40 foot grade change across the site. There is a shallow valley and ridge within this slope.

The properties have been used for various agricultural activities including a Christmas tree farm, tree plantation and row crops. The tax lot in the southeast corner of the site, adjacent to the intersection of SW Elwert and SW Kruger Roads is owned by the City of Sherwood, a portion of which will be used for the road realignment. A 40-foot wide permanent Northwest Natural gas easement zigzags along the western edge of the site, separating the northwest corner of the site from the remainder of the property.

Case History: The Sherwood School District (District) is centered on the city of Sherwood and extends into the surrounding rural area in all directions, including a small area east of I-5, between Wilsonville and Tualatin. The District includes an area of 4.31 square miles and an estimated population of 18,884. The District has seven schools that provide educational services to just over 5,000 students, the majority of which live in the city of Sherwood. The District experienced substantial growth in the late 1990's and early 2000's leading to a community effort in 2005 to determine facility needs. This resulted in the successful 2006 bond measure which included funding for an addition to the current high school to increase capacity to 1,550 students, consistent with phase 1 of the 2006 high school master plan. Current enrollment at the high school is over 1,700 students and projections show over 2,250 students by the 2025-26 school year. In early 2014 the District's Long Range Planning Committee made recommendations to the School Board regarding enrollment and growth challenges, facilities analysis and needs and financing options. In 2015 the District documented the condition and educational adequacy of its facilities, leading to bond visioning and steering committees in 2016. This resulted in the District's voters approving a bond measure in 2016 providing funding for school improvements including construction of a new high school. The District continues to engage the community through a design committee and community input sessions.

Local Government Statement: This UGB major amendment is being considered at the request of the Sherwood School District. The City of Sherwood completed the Sherwood West Preliminary Concept Plan for urban reserve area 5B and submitted a service provider form supporting the school district's application. The school district participated in the concept planning process and the subject site is one of the school locations identified in the preliminary concept plan. Washington County submitted a written statement supporting the application with proposed conditions for Metro to consider. Tualatin Valley Fire and Rescue submitted a written statement supporting the application and Clean Water Services is neutral on the application.

SECTION III: APPLICABLE REVIEW CRITERIA

The criteria for a Major Amendment to the UGB are contained in Metro Code Section 3.07.1425(B, C, D, E, & F) and 3.07.1440 (A & B). The approval criteria appear ***bold 12-pt Aerial Narrow font),*** and the hearings officer's analysis follows.

> ***Metro Code Section 3.07.1440(A) The purpose of the major amendment process is to provide a mechanism to address needs for land that cannot wait until the next analysis of buildable land supply under ORS 197.299. Land may be added to the***

UGB under this section only for the following purposes: public facilities and services, public schools, natural areas, land trades and other non-housing needs;

This code section requires that the applicant show, by substantial evidence in the whole record, that it is an eligible entity allowed to use the interim ORS 197.299 Major Amendment UGB process rather than wait until the next regular Metro UGB amendment cycle (in December, 2018).

Hearings Officer's Analysis: Title 14 of the Metro Code (*i.e.* Metro's Urban Growth Management Functional Plan) includes the Major Amendment process to amend the UGB for a number of specific non-housing needs, including schools and public parks. This process, which is designed to implement ORS 197.299(4), is intended to provide an opportunity to meet these specific land needs outside of the legislative housing needs process the Metro Council conducts on a six-year cycle as required by ORS 197.299(1) and ORS 197.296.

As part of the six-year legislative housing needs process, Metro conducts an inventory of the current residential and employment capacity within the UGB, forecasts population and employment growth over a 20-year timeframe, determines the capacity of the current UGB to accommodate that growth and documents the results of these analyses in an urban growth report. ORS 197.296(6)(a), which is one of the state's needed housing statutes, envisions that local governments with populations over 25,000 will factor in land for schools at the same time as they determine the amount of land needed to be brought in to the UGB for housing. In this regard, the need for land for schools under ORS 197.296(6)(a) is a "derivative need" which is linked to, and dependent upon, a finding that there is a need for land to be brought into the UGB to accommodate an identified housing need. As noted in more detail below, this process has proven to be long, drawn out affair, which is not sensitive to short-term needs. Furthermore, because it is done on a large-scale regional basis, is not always sensitive to more localized school and park needs.

In fact, Metro's most recent urban growth report, adopted in 2015, did not address school and park land needs at the regional level at all. Some school districts anticipate growth, others see declining enrollment and none look out over the 20-year timeframe that the urban growth report considers. Depending on the particular physical, financial and expected growth characteristics of each school district, plans for accommodating projected increases in enrollment vary. Similarly, park districts acquire property and develop park facilities based on numerous operational and funding parameters that can't be considered at the regional level. In addition, it is quite common for school districts and cities to collaborate on opportunities to meet the city's recreation needs as well as the school district's team needs. For these reasons, the Major Amendment process is the appropriate means of addressing specific school district and park needs that can be accommodated through UGB expansions.

Metro has adopted specific criteria to implement ORS 197.299(4). There are two criteria contained in Metro Code section 3.07.1440(A) that are analyzed separately below:

1) The proposal must be for a non-housing need, and

> 2) The proposal must be intended to meet needs that cannot wait until the next analysis of land supply (December 2018).

There does not appear to any disagreement that the first criterion is met: the applicant proposes to add land to the boundary for a public school and a public facility need, both of which are non-housing needs. The Sherwood School District's Sherwood High School is a "public school" within the meaning of Metro Code Section 3.07.1440(A).

However, whether the applicant has met the second criterion has proven to be more controversial. The applicant addresses its need as follows:

> As of 2015, the Sherwood School District encompasses 4.31 square miles serving a population of approximately 18,884 residents and 5,000 students. The Sherwood School District includes:
> - The City of Sherwood city limits;
> - Portion of the western area of the City of Tualatin (mostly industrial land);
> - Rural Clackamas County (primarily between Sherwood and Wilsonville); and
> - Rural Washington County north and west of Sherwood, as well as a small area east of I-5 between Wilsonville and Tualatin.
>
> To facilitate future planning and to comply with State requirements for a fast-growing school district, the District adopted a long-term facilities plan in January of 2008, which assumed that additional school capacity would therefore likely be needed within ten years of the plan's adoption. As predicted school facilities have recently become overtaxed. In 2015, to assess current resources, the Sherwood School District completed a Facilities Planning and Assessment Report to determine both condition and available capacity. Enrollment based on the most current demographic data and capacity shows that school capacity is near or over capacity at all school levels as shown in Staff Report Attachment 2 (Table 1 in petition).
>
> The School District commissioned Davis Demographics & Planning Inc. to complete an updated 10-year demographic study in May of 2016. The study reviewed the following factors that determine student enrollment: (1) the current and planned residential development over the next ten years; (2) student yield factors that apply to new residential development; (3) birth factors for the District area; and (4) mobility factors, which examine the in/out migration of students within existing housing units. The forecast projects a deficiency in capacity in all levels, with the

high school level having the largest deficiency. Staff Report Attachment 3 (Table 2 in petition) shows 10-year enrollment projections compared with existing school building capacity. The table demonstrates that if no capacity is added (no-build) the school facilities will be far over capacity in 10 years with the Sherwood High School having the largest capacity issue operating at 141% of capacity.

From the updated capacity assessment and demographic data, it became apparent that facilities must be expanded to keep pace with continued student enrollment growth. A Long Range Planning Committee, Bond Steering Committee, Bond Visioning Committee and Sherwood High School Programming Committee were formed to study facility needs. Led by the Bond Management Team, these committees met from 2014 to 2016, making recommendations to the Sherwood School District Board. The process included input from a number of participants from the community including City Council and staff representation, School District staff, architects, civil engineers, financial advisors, business leaders, citizens, parents and students. Throughout this process, the Sherwood City Council was provided with updates and community input was sought via various public outreach methods.

As evidenced by capacity study and demographic growth data, the high school level is where there is the biggest need for additional capacity both now and to a greater extent within 7 to 10 years. Therefore, the Bond Management Team first looked to the existing high school campus for opportunities for expansion to accommodate this growth. With the conclusion that the existing high school cannot be upsized to meet demand, the District's Bond Management Team began looking for a long-term solution and the School Board, with voter approval, ultimately decided to build a new high school. The new high school is planned to be sized to initially accommodate 2,000 students, but allow for easy expansion to 2,400 students. This size will allow for projected growth over the next 10 years and foreseeable future.

Once a new high school is online, the existing high school building can be repurposed as a consolidated middle school with both existing middle schools (Laurel Ridge and Sherwood Middle) being relocated to the existing high school campus. Once this occurs, the two existing middle schools can be converted to elementary school use to expand needed elementary school capacity. Finally, the proposal allows for Hopkins Elementary School, a building nearing its useful lifespan, to be taken out of

> school service and converted to administrative functions. The existing administrative offices consist of portable buildings in varying locations and with the conversion of Hopkins, office space can be centralized for increased efficiencies.

The primary opponent argues that the applicant has not justified the use of the Major Amendment process instead of waiting until the normally scheduled Metro 2018 UGB expansion. Their attorney states: "Metro's scheduled UGB expansion in 2018 is the appropriate time to analyze the expansion for the proposed high school because more data will be available and the full set of impacts can be analyzed. The delay will also resolve the issues with inadequate notice in the current application." *See* Letter from Jennifer Bragar dated June 6, 2017, at p. 8.

What the opponents appear to be arguing is that this application is premature, and the applicant should wait until 2018 when the 20-year buildable lands analysis will be available. Furthermore, the opponents do believe that the Major Amendment process authorized by ORS 197.299(4)(a)(A) requires the same type and level of analysis required when Metro conducts its periodic legislative housing need analysis required by ORS 197.299(1) and ORS 197.296. The opponent's unstated assumption is that school needs must be evaluated as a derivative need of housing using the ORS 197.296(6) process.

Metro staff weighed in on the debate via a Memorandum dated June 9, 2017, which states, in relevant part:

> Metro's legislative process for reviewing the UGB is guided partially by ORS 197.296. Subsection 197.296(2) directs Metro to demonstrate that there is sufficient buildable land within the UGB to accommodate estimated housing needs for 20 years. A housing need is the only need identified in the statute. ORS 197.296(6) says if the housing need is greater than the capacity of the UGB Metro shall take one or more actions that could include amending the UGB to include sufficient buildable lands to accommodate housing needs for 20 years. Subsection (6)(a) goes on to say that if the UGB was amended to accommodate housing needs for the next 20 years, then the amendment shall include sufficient land reasonably necessary to accommodate the siting of new public school facilities.
>
> The statutory directive to Metro is to include sufficient land for school facilities as part of any UGB expansion that is required to meet a 20-year need for housing. In Metro's most recent analysis of the 20-year housing supply (the 2015 UGR), Metro determined there was sufficient capacity inside the existing UGB to accommodate housing needs; therefore, no corresponding analysis for public school facilities was required.

> Even if the Metro Council had determined there was a need to expand the UGB in 2015 to accommodate a 20-year housing need, there is no certainty that the location where the land would be added to meet the housing need is also a location where a local school district needs additional land to meet its facility needs. Likewise there is no certainty that the specific land needs of a school district are coordinated with the local jurisdictions desire for additional housing. For instance, a UGB expansion adjacent to Hillsboro to meet a regional housing need would not support the Sherwood School District's need for a new high school.
>
> These difficulties arise, in part, from the size of the Metro region and the fact that it consists of 24 individual cities and 17 different school districts. It is important to recognize that the provisions of ORS 197.296(6)(a) regarding planning for accommodation of new school facilities is included in the statutory section that describes the analysis required for all cities in the State of Oregon. While it would not be as difficult for a smaller jurisdiction to coordinate future public school needs with future housing needs in making UGB expansions, that task is much more complicated in the Metro region.
>
> The disconnect in the Metro region between the location of UGB expansions to meet a 20-year housing need and the needs of existing school districts is addressed, in part, by ORS 197.299(4)(a), which is the statute that directs Metro to establish the process being utilized by the Sherwood School District in this proceeding. ORS 197.299(4)(a) requires Metro to allow "off-cycle" UGB expansions as necessary to accommodate a need for land for a public school that cannot reasonably wait.

Given that the opponents have a very different interpretation of the purpose and meaning of ORS 197.299(4) when compared to Metro staff and the applicant, a discussion of statutory interpretation is in order.

A statute is considered "ambiguous" if it is capable of at least two reasonable interpretations. *State v. Tarrence*, 161 Or App 583, 985 P2d 225 (1999); *Kenton Neighborhood Ass'n v. City of Portland and Oregon Waste Systems, Inc.*, 17 Or LUBA 784, 797 (1990) (when code is internally inconsistent, it is ambiguous).[1] If the legislation is unambiguous, local governments and courts are bound to apply the statute in that manner, regardless of how inartful the enactment seems. *Sanchez v. Clatsop County*, 146 Or App 159, 164 n 4, 932 P2d 557 (1997). Stated another way, an unambiguous statute should not be "interpreted." *City of Hillsboro v. Housing Dev'l Corp of Washington County*, 61 Or App 484, 488, 657 P2d 726 (1983). *See GTE*

[1] *See also Fisher v. City of Gresham*, 69 Or App 411, 416, 685 P2d 486 (1984); *McCoy v. Linn County*, 90 Or App 271, 276 nl, 752 P2d 323 (1988).

Northwest, Inc., v. Oregon Public Utility Comm'n, 179 Or App 46, 39 P3d 201 (2002). Rather, unambiguous words should be given their plain, natural, and ordinary meaning. *PGE v. BOLI*, 317 Or at 611.[2]

In this case, the hearings officer believes that the relationship between ORS 197.296 and ORS 197.299 creates sufficient ambiguity to warrant an exercise of statutory interpretation.

Text and Context.

When construing a statute, the court will often first look directly at the text of the statute itself. *See Whipple v. Howser*, 291 Or 475, 635 P2d 782 (1981) (citing *Greyhound Corp. v. Mount Hood Stages, Inc.*, 437 US 322, 330, 98 S Ct 2370, 2375 (1978)). Emphasizing the need to look first to the language of the statute, the *Whipple* court stated:

> "The cardinal rule for the construction of a statute is to ascertain from the language thereof the intent of the law makers as to what the purpose was to be served, or what the objective was designed to be attained."

Whipple, 291 Or at 479 (citing *Swift & Co. and Armour & Cove, Co. v. Peterson*, 192 Or 97, 233 P2d 216 (1951). *See also State of Oregon v. Buck*, 200 Or 87, 92, 262 P2d 495 (1953). The *Whipple* court also cited to *State ex rel. Cox v. Wilson*, 277 Or 747, 562 P2d 172 (1977), in which the court stated:

> "There is, of course, no more persuasive evidence of the purpose of a statute then the words by which the legislature undertook to give impression to its wishes."

Courts do not view the text in a vacuum; they consider the context of the language at issue as well. In fact, the context of the statute is as important to the interpretation as the text. *State v. Webb*, 324 Or 380, 927 P2d 79 (1996); *Friends of Neaback Hill v. City of Philomath*, 139 Or App 39, 48, 911 P2d 350 (1996). *See e.g., Shadrin v. Clackamas County*, 34 Or LUBA 154 (1998). In some cases, the court may consider the context before examining the text, in situations where the context "provided perspective on the text." *See Plotkin v. Washington County*, 165 Or App 246, 250, 997 P2d 226 (2000). In this case, consider the two statutes in tandem.

ORS 197.299 provides as follows:

[2] *See also OSHU v. Hass*, 325 Or 492, 501, 942 P2d 261 (1997); *Zidell Marine Corp. v. West Painting, Inc.*, 322 Or 347, 906 P2d 809 (1995); *State v. Langley*, 314 Or 247, 256, 839 P2d 692 (1992); *Curly's Dairy, Inc. v. State Dept of Agriculture*, 244 Or 15, 415 P2d 740 (1966) (If statute is clear and unambiguous, the court may not resort to rules of statutory construction in ascertaining and declaring the legislative intent.); *Sullivan v. City of Ashland*, 130 Or App 480, 882 P2d 633, *rev den*, 320 Or 453, 887 P2d 792 (1994) (An unambiguous code provision cannot be interpreted, even if that provision is contrary to the express purposes of the provision.); *City of Portland v. White*, 61 Or App 120, 655 P2d 629 (1982).

197.299 Metropolitan service district analysis of buildable land supply; schedule for accommodating needed housing; need for land for school; extension of schedule.

(1) A metropolitan service district organized under ORS chapter 268 shall complete the inventory, determination and analysis required under ORS 197.296(3) not later than six years after completion of the previous inventory, determination and analysis.

(2)(a) The metropolitan service district shall take such action as necessary under ORS 197.296(6)(a) to accommodate one-half of a 20-year buildable land supply determined under ORS 197.296 (3) within one year of completing the analysis.

(b) The metropolitan service district shall take all final action under ORS 197.296(6)(a) necessary to accommodate a 20-year buildable land supply determined under ORS 197.296 (3) within two years of completing the analysis.

(c) The metropolitan service district shall take action under ORS 197.296(6)(b), within one year after the analysis required under ORS 197.296(3)(b) is completed, to provide sufficient buildable land within the urban growth boundary to accommodate the estimated housing needs for 20 years from the time the actions are completed. The metropolitan service district shall consider and adopt new measures that the governing body deems appropriate under ORS 197.296 (6)(b).

(3) The Land Conservation and Development Commission may grant an extension to the time limits of subsection (2) of this section if the Director of the Department of Land Conservation and Development determines that the metropolitan service district has provided good cause for failing to meet the time limits.

(4)(a) The metropolitan service district shall establish a process to expand the urban growth boundary to accommodate a need for land for a public school that cannot reasonably be accommodated within the existing urban growth boundary. The metropolitan service district shall design the process to:

(A) Accommodate a need that must be accommodated between periodic analyses of urban growth boundary capacity required by subsection (1) of this section; and

(B) Provide for a final decision on a proposal to expand the urban growth boundary within four months after submission of a complete application by a large school district as defined in ORS 195.110.

(b) At the request of a large school district, the metropolitan service district shall assist the large school district to identify school sites required by the school facility planning process described in ORS 195.110. A need for a public school is a specific type of identified land need under ORS 197.298 (3). [1997 c.763 §2; 2001 c.908 §2; 2005 c.590 §1; 2007 c.579 §2; 2014 c.92 §5]

As quoted above, ORS 197.299(1) cross-references ORS 197.296(3), which, in term, cross-references to ORS 197.296(2). These two statutes together set forth a process for evaluating and accommodating housing needs:

> *(2) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use, a local government shall demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years. The 20-year period shall commence on the date initially scheduled for completion of the periodic or legislative review.*
>
> *(3) In performing the duties under subsection (2) of this section, a local government shall:*
>
> *(a) Inventory the supply of buildable lands within the urban growth boundary and determine the housing capacity of the buildable lands; and*
>
> *(b) Conduct an analysis of housing need by type and density range, in accordance with ORS 197.303 and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed for each needed housing type for the next 20 years.* (Underlined emphasis added).

As the underlined language indicates, ORS 197.296 is a statute narrowly-tailored towards the process used to establish and fulfill an identified *housing* need. It is an expansion of the basic concepts set forth in Statewide Planning Goal 10, but it goes beyond Goal 10 in scope.

As part of that process, the effect of ORS 197.296(6) should also be considered as context:

> *(6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than the housing capacity determined pursuant to subsection (3)(a) of this section, the local government shall take one or more of the following actions to accommodate the additional housing need:*
>
> *(a) Amend its urban growth boundary to include sufficient buildable lands to accommodate housing needs for the next 20 years. As part of this process, the local government shall consider the effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall include sufficient land reasonably necessary to accommodate the siting of new public school facilities. The need and inclusion of lands for new public school facilities shall be a coordinated process between the affected public school*

> *districts and the local government that has the authority to approve the urban growth boundary;*
>
> *(b) Amend its comprehensive plan, regional framework plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary. A local government or metropolitan service district that takes this action shall monitor and record the level of development activity and development density by housing type following the date of the adoption of the new measures; or*
>
> *(c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.*

A few key points can be quickly gleaned from ORS 197.296. First, by its terms, ORS 197.296(2) only applies to periodic review or another "*legislative* review of the [.. .] regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use. " This Major Amendment application is not periodic review and is also not a legislative review of Metro's regional framework plan, *i.e.*, the every six-year UGB amendment cycle. The Major Amendment application is subject to a quasi-judicial process and will result in a quasi-judicial decision by the Metro Council.

Strawberry Hill 4 Wheelers v. Board of Comm'rs sets out a list of factors to be weighed to determine whether a land use decision is legislative or quasi-judicial. 287 Or 591, 602-603, 601 P2d 769 (1979). Under *Strawberry Hills*, the Major Amendment is quasi-judicial because (a) the application process is bound to result in a decision, (b) the decision must apply pre-existing criteria to concrete facts, and (c) the action is directed at a closely circumscribed factual situation.

With regard to the first question, the *Strawberry Hills 4-Wheelers* Court asks practitioners to consider the following question: "Does the statute require the [local government] to reach a decision after the hearing, as in an adjudication, or may it indefinitely postpone or abandon the issue, like a legislative proposal?" 287 Or at 605. At first glance, one might assume that any land use decision that originates from an application being submitted (as opposed to be initiated by the local government itself) would be "bound to result in a decision." Indeed, that seems to have been the original intent of the *Strawberry Hill* Court. However, over the years LUBA and the Court of Appeals have increasingly read this factor more and more narrowly and will only find that that a decision is "bound to result in a decision" if the code either expressly requires a decision to be made, or if that requirement can be fairly read into the language of the code based on the context. *Estate of Gold v. City of Portland*, 87 Or App 45, 48, 740 P2d 812 (1987) ("the statute simply says that the governing body *may* approve the proposal, not that it *must* do anything."); *Johnson v. City of La Grande*, 37 Or LUBA at 388; *Valerio v. Union County*, 33 Or LUBA 604 (1997); *Miner v. Clatsop County*, 46 Or LUBA 467 (2004). In some cases, LUBA has not been as exacting in its analysis, holding that although the code did not:

> "expressly state that once a person requests an interpretation of a provision of the city's zoning ordinance that the person is entitled to a decision. We believe, however, that any reasonable person reading this ordinance would conclude that if a person requested an interpretation from the planning director, received that interpretation and then appealed the interpretation to the planning commission and to the city council, the person filing the appeal would be entitled to a decision from the city council."

Hoffman Ind. Inc. v. City of Beaverton, 2 Or LUBA 411 (1981); *Dean v. City of Oakland*, 33 Or LUBA 806, 809 (1997)("While the cited policy does not require a decision within a specified time, the most natural reading of its terms requires a decision.") The fact that any given ordinance in question states that the decision-maker "may" make a decision should not be a fact which is determined to be indicative of a legislative decision, but unfortunately, in practice it is just that. In this regard, the statute at issue in *Strawberry Hill* did not expressly require that a decision be made. However, the Supreme Court found no difficulty in concluding that "although affirmative action is optional, the statute appears to contemplate that the County Court will *eventually* reach and pronounce some decision whether to act or not. *Id*. at 606. (Emphasis added).

In this case, the MC 3.07.1440(g) requires the Metro Council to make a final decision on the petition. Therefore, this factor suggests that the decision is quasi-judicial.

The second of the *Strawberry Hill* questions has, in practice, become somewhat of a non-factor. Both LUBA and the Court of Appeals have recognized that all land use decisions in Oregon are subject to "preexisting criteria" and apply to concrete facts. LUBA has addressed this issue as follows:

> Turning to the "apply existing criteria to concrete facts" factor, that factor is present to some extent in all land use decisions. *Valerio*, 33 Or LUBA at 607. This factor is therefore less important than the other two factors, particularly where, as is the case here, the decisions are adopting new land use laws rather than applying existing land use laws to grant land use approval for a single property or a small number of properties. *Churchill v. Tillamook County*, 29 Or LUBA 68, 71 (1995); *McInnis v. City of Portland*, 27 Or LUBA 1, 5-7 (1994).

Carver v. Deschutes County, 58 Or LUBA 323 (2009). *See also Casey Jones Well Drilling, Inc. v. City of Lowell*, 34 Or LUBA 263, 271 (1998); *Johnson v. Jefferson Country*, 56 Or LUBA 72 (2008). In this case, the MC 3.07.1440 sets forth criteria for a Major Amendment to a UGB. Therefore, this factor suggests that the decision at issue is quasi-judicial.

Under the third factor, LUBA and the Courts are supposed to assess whether the decision either (1) affects either a small number of owners and properties or (2) the "action directed at a closely circumscribed factual situation," or whether the decision has more broad

applicability. According to early decisions by the Court of Appeals, "the number of people affected and the size of the area covered are less important considerations," and the focus should instead be on "the importance of assuring that the decision is factually correct and that the decision-maker gives fair attention to affected individuals." *1000 Friends of Oregon v. Wasco Co. Court*, 80 Or App 532, 536, 723 P2d 1034 (1986), *rev'd on other grounds*, 304 Or 76, 742 P2d 39 (1987). In practice, this third bean-counting "factor" has become the most critical issue to LUBA, and, despite suggestions to the contrary, in most cases it is more-or-less the dispositive factor. In fact, LUBA has found decisions to be legislative even when the other two factors favored a determination that a decision was quasi-judicial. *Davenport v. City of Tigard*, 22 Or LUBA 577 (1992).

In this case, the proposal involves 82 acres consisting of four tax lots in unknown ownerships. This is well within the size and ownership limits that would allow the conclusion that the decision is quasi-judicial.

The primary opponent argues that this Major Amendment is a "legislative decision," The primary opponent states that "[t]he decision amends the Metro Boundary map that is incorporated into the Metro Urban Growth Functional Plan, and as such the change is legislative." *See* Letter from Jennifer Brager dated June 23, 2017 at p. 1. However, map amendments are not necessarily or inherently legislative or quasi-judicial in nature. *Compare Thomas v. City of Veneta*, 44 Or LUBA 5 (2003) (TSP and zoning map amendment affecting two tax lots comprising 6.4 acres); *Dan Giles & Assoc., Inc. v. McIver*, 113 Or App 1, 3, 831 P2d 1024 (1992)(zone change for single 29-acre parcel in unified ownership is quasi-judicial); *Neuberger v. City of Portland*, 288 Or 155, 603 P2d 771 (1979) (re-zoning involving 601 acres of land owned by three landowners is quasi-judicial).[3] *Contrast Valerio v. Union County*, 33 Or LUBA 604 (1997) (comprehensive plan amendment and zone change pertaining to 185 acres in a "number of different ownerships" is legislative); *Friends of Cedar Mill v. Washington County*, 28 Or LUBA 477 (1995) (PAPA relocating arterial and changing it from 5 lanes to 3 lanes is legislative, where it affects 40 properties and will carry 17,000 – 18,000 trips per day.); *McInnis v. City of Portland*, 27 Or LUBA 1 (1994) (Proposal which rezones 5000 acres in 110 different ownerships is legislative.); *Davenport v. City of Tigard*, 22 Or LUBA 577 (1992) (Transportation plan map amendment that directly involves nine property owners, but has "indirect effects" on a broader population is legislative). Nor is a UGB amendment inherently legislative in nature. *BenjFran Development, Inc. v. Metro*, 17 Or LUBA 30 (1988) (denial of request for UGB amendment comprising almost 500 acres in three ownerships is quasi-judical).

Cases such as *Davenport* and *Friends of Cedar Mill* suggest that large transportation projects will be considered legislative due to the broad secondary effects that transportation facilities can have on commuters. The hearings officer does not believe that this line of cases can be extended to a school, however, based simply on the fact that many kids will attend the school. If that were the case, then any land use decision involving a Wal-Mart or Home Depot store would be legislative, because those uses have higher usage / trip generation rates than a typical school.

[3] *See Neuberger v. City of Portland*, 37 Or App 13 (1978), *rev'd in part, aff'd in part*, 288 Or 155, 603 P2d 771 (1979).

Opponent's counsel cites *Colwell v. Washington County*, 79 Or App 82, 87-8 (1986) for the proposition that this Major Amendment is a legislative (and not a quasi-judicial) decision (*see* Bragar letter dated 23 June 2017, pp 1-2). *Colwell* does not support that conclusion, and is easily distinguished. In *Colwell*, the Washington County Planning Commission made a land use decision which opponents wished to appeal to the Board of Commissioners, but their appeal was dismissed for failure to timely pay for the quasi-judicial Planning Commission hearing transcript. *Colwell*, 79 Or App at 85. Opponents appealed to the LUBA, which dismissed the appeal for failure to exhaust remedies at the local (County) level. The Oregon Court of Appeals reversed and remanded, finding that the Washington County governing body (*i.e.* the elected Board of County Commissioners) - and not the unelected County Planning Commission - must make Comprehensive Plan amendments, pursuant to ORS 215.050(1) and ORS 215.060.

Opponent's argument might have some merit if this unelected hearings officer was the one to make the final decision on this Major Amendment land use application. Only the elected Metro Council has that authority, however. This hearings officer's findings and determination are merely a recommendation to the Metro Council, and the Council is free to accept or reject this Hearings officer's decision, as the Council sees fit. Since the Metro Council will be the governmental body to make the final land use decision in this case, the Court of Appeals' holding in *Colwell* shall be followed for this application.

Despite the lengthy analysis set forth above, the hearings officer does not really believe that the quasi-judicial vs. legislative debate is dispositive, in any event. Rather, it is a red herring. Stated another way, the hearings officer does not believe that ORS 196.296 would apply to this UGB Amendment even it was a legislative decision. By its terms, ORS 197.296 only applies to UGB amendments that "require the application of a statewide planning goal relating to buildable lands for residential use." As discussed elsewhere in this recommendation, an amendment to a UGB which adds AF-20 zoned land for use as a school does not implicate Goal 10 in any meaningful way .

Second, ORS 197.296 sets forth a mandatory periodic process that is focused on only one type of land need: a need for housing. We can credit the Home Builder Association for being active in the legislature over the past 30+ years and influencing the adoption of specific statutory language, such as ORS 197.296, which relates specifically to their industry. But we should also not lose sight of the fact that there are other types of land need under Goal 14 that don't implicate ORS 197.296.

Taking a step back, recall that Goal 14 states that a UGB amendment must be based on consideration of six factors set forth in the Goal. The first two factors are commonly referred to as the "need" factors. The need factors require either a demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments, <u>*or*</u> a demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories. While the need for housing is governed by ORS 197.296, other land needs are governed by Statewide Planning Goal 14, and in some cases, by OAR Ch. 660, Div 24. Note, as an example, that OAR Ch. 660, Div. 24 does not address now a livability need is established; Goal 14 seems to be the sole administrative pronouncement of its use. What is important to understand for purposes of this case is that ORS 197.296 is not the sole way to

establish land need, and a school need is not limited to being established as a derivative need of housing under ORS 197.296(6).

Among the more common types of land need mentioned in Goal 14 include a need for employment land, a need for public facilities, a need for schools, a need for parks, and the amorphous catch-all known as a "livability need."[4] With one exception related to public schools, ORS 197.296 does not govern substantively how these other types of land needs are established. Nor does it establish a *process* by which those other needs are established. Rather, ORS 197.296(2) & (3) are narrowly focused on accommodating a housing need, and as shown below, accommodating land for public schools as a derivative need stemming from housing need.

Consider ORS 197.296(6) as context: this statute applies when a local government is undertaking periodic review or a legislative review of a UGB that implicates Goal 10. If during such a process, the local government determines that a need exists for additional residential land and that accommodating that land need must necessarily involves a UGB amendment, then ORS 197.296(6)(a) requires that local government to "include sufficient land reasonably necessary to accommodate the siting of new public school facilities." Thus, under that process, a public school facility is considered a derivative need that arises by operation of a demonstrated need for housing. However, there is nothing in ORS 197.296(6) that makes ORS 197.296 the exclusive process by which a need for schools can be established. As demonstrated by the applicant a need for new school facilities can exist independent of housing needs. And while the primary opponent chalks up the applicant's current need to poor planning on the District's part (a sentiment that may have some basis in fact), ORS 197.299(4) appears to written as a safety value that can be used by school districts regardless of the causes that led to the need.

ORS 197.299(4)(a)(A) provides additional key textual clues which helps understand the nature of the process currently being undertaken. This provision authorizes Metro to "establish" and "design" a "process" that will fulfill a need that must be accommodated "*between*" periodic analyses of urban growth boundary capacity required by subsection (1) of this section." By giving Metro the authority to "establish" and "design" a unique UGB amendment process for schools, the statute makes clear that the school need specific "4(a)" process is not the *same* process as the legislative six-year process required by ORS 197.299(1) and 197.296(3). The ORS 197.296 process is already "established" and "designed" by statute, and really only puts a regional government much as Metro in an implementation role. On the other hand, ORS 197.299 delegates to Metro a role that is greater than mere implementation of a pre-existing process. Furthermore, ORS 197.299(4)(a)(4) further emphasizes that the school-specific process is only supposed to be used "between" the 6-year legislatively-mandated processes for accommodating housing needs, and it can only be invoked if the identified school need cannot wait until the next scheduled six-year legislative process.

[4] LUBA cases confirm that a need to improve livability can provide a basis for adding land to a UGB. Such an analysis requires, in addition to identifying a significant livability problem, an evaluation of probable and negative impacts on livability that may occur if the UGB is amended, and an explanation of why the livability benefits outweigh negative impacts on livability. *1000 Friend of Oregon v. City of North Plains*, 27 Or LUBA 372, 383, *aff'd.*, 130 Or App 406 (1994); *1000 Friends of Oregon v. Metro Service Dist.*, 18 Or LUBA 311, 320 (1989).

The gravamen of opponents' complaints with respect to ORS 197.299(4) stem from a misunderstanding of the relationship between the ORS 197.299(1) six-year UGB amendment process with the ORS 197.299(4) public school amendment process. Much of opponent counsel's testimony at the June 13, 2017, hearing and again in her June 23, 2017 letter, was directed generally at a dissatisfaction with how Metro plans for regional housing and employment needs and opponents' opinion that allowing out-of-cycle UGB expansions for public schools exacerbates Metro's alleged poor planning. In its June 23, 2017 letter, opponents argued that this Major Amendment application does not meet the requirements of ORS 197.296(2).

At its core, the opponent's argument hinges on the assumption that the school-specific process must be substantively the same as the periodic six-year legislative process. Stated another way, the opponents argue that the substantive standards and criteria that govern the school specific process are the same as the housing-specific legislative process under which school need can be established as a derivative need. However, if that were truly the case, however, there would be no need for Metro to "establish" and "design" a new process. Rather, if the legislative intent was to mandate the same rigorous process that is used to establish housing need and to otherwise limit school need as a derivative need, the legislature would have simply stated that a school-related need can form the basis for accelerating the time frame under which the legislative housing need process is conducted. And that in itself does not make any sense because nothing in ORS 197.299(1) or ORS 197.296 prohibits Metro from conducting the legislative housing-needs process sooner than on a 6-year increment. In fact, ORS 197.299(1) merely states that Metro must undertake the ORS 197.296 process "*not later than six years after completion of the previous inventory, determination and analysis."* In theory, Metro could voluntarily conduct that inventory and analysis on a bi-annual or other timeline. In light of this observation, ORS 197.299(4) would be a redundancy if interpreted in the manner that the primary opponent advocates.

Courts strive to give effect to all parts of a statute, in order to produce a harmonious whole. ORS 174.010.[5] As a corollary, courts will avoid interpretations that render a portion of the statute redundant or meaningless surplusage.[6] *See State v. Stamper,* 197 Or.App. 413, 418, 106 P.3d 172, *rev. den.*, 339 Or. 230, 119 P.3d 790 (2005) ("we assume that the legislature did not intend any portion of its enactments to be meaningless surplusage"). If the school-specific process were not a separate process governed by different substantive criteria than ORS 197.296, it would not accomplish anything that Metro did not already have the right to do.

Rather than being drafted as an authorization to conduct the existing six-year legislative housing needs process at any time increment earlier than six years if a need exists that cannot wait six years, ORS 197.299(4)(a)(A) contemplates a *new* process *designed* by Metro to cater to

[5] *Lane County v. LCDC*, 325 Or 569, 578, 942 P2d 278 (1997); *Bolt v. Influence, Inc.*, 333 Or. 572, 581, 43 P.3d 425 (2002) ("we are to construe multiple provisions, if possible, in a manner that will give effect to all"). *See also Davis v. Wasco IED*, 286 Or 261, 267, 593 P2d 1152 (1979); *Tatum v. Clackamas County*, 19 Or App 770, 775, 529 P2d 393 (1974); *Plotkin v. Washington County*, 36 Or LUBA 378 (1996); *Walz v. Polk County*, 31 Or LUBA 363 (1996); *Fechtig v. City of Albany*, 31 Or LUBA 410 (1996) (Ordinance).

[6] *Certain Underwriters at Lloyd's London and Excess Ins. Co., Ltd. v. Massachusetts Bonding and Ins. Co.*, 235 Or.App. 99, 230 P.3d 103 (2010); *State v. Stamper*, 197 Or.App. 413, 417, 106 P.3d 172, *rev. den.*, 339 Or. 230, 119 P.3d 790 (2005); *EQC v. City of Coos Bay*, 171 Or.App. 106, 110, 14 P.3d 649 (2000).

school needs as a primary independent need, not as a secondary derivative need resulting from a housing need. Because it is a different process that is intended to evaluate a needs other than a housing needs, the process and requirements (*i.e.* inventory, determination, and analysis) of ORS 197.296 do not apply to this separate process. And discussed below, the legislative history confirms this analysis.

Legislative History

Prior to 2001, the case of *Portland Gen. Elec. Co. v. Bureau of Labor & Indus.*, 317 Or 606, 611–612, 859 P2d 1143 (1993) (hereinafter *PGE*) made clear that legislative history could not be used to determine legislative intent if the text and context of the law made the meaning of that law unambiguous. The case of *State v. Gaines*, 346 Or 160, 171–172, 206 P3d 1042 (2009) essentially acknowledges that the *PGE v. BOLI* approach was legislatively modified in 2001 via amendments to ORS 174.020, and that the statute now permits the consideration of legislative history even when the text and context seem to make the meaning unambiguous. For this reason, a careful treatment of *Gaines* is warranted here.

The OSB publication entitled "Interpreting Oregon Statutes" Steve Johansen, Hon. Jack Landau, and Anne Villella ed. OSB CLE (2009) contains a lengthy but highly relevant discussion of *Gaines*, as follows:

> In *Gaines*, the defendant was convicted of obstructing governmental administration when she refused to cooperate in being photographed after her arrest. On appeal, she argued that her behavior did not constitute a "'means of . . . physical . . . interference or obstacle' "within the meaning of the relevant statute. *Gaines*, 346 Or at 162 (quoting ORS 162.235(1)). She argued further that the 2001 amendments to ORS 174.020 required the court to consider the legislative history of ORS 162.235(1) along with the text and context of the statute, even if the court found that its analysis of the text and context did not render the legislative intent ambiguous. *Gaines*, 346 Or at 165. Interestingly, in assessing the meaning of the 2001 amendments to ORS 174.020, the court found that a text-and-context analysis suggested that the amendments did not significantly change the *PGE* standard. *Gaines*, 346 Or at 166. However, the court did not stop its analysis at the text-and-context level. As the plaintiff argued that ORS 174.020 required, the court went on to examine the legislative history. The legislative history revealed a clear legislative intent to eliminate the requirement that a court only look to legislative history "if but only if" the text and context left the meaning ambiguous. *Gaines*, 346 Or at 169.
>
> * * * * *.

> The court will now consider proffered legislative history even when the text and context of a statute appear to render it unambiguous. In effect, *Gaines* brings legislative history into the step-one analysis along with the text and context of a statute. That said, legislative history remains a second step of statutory analysis—the court will consider it only after analyzing the text and context of a statute. The weight the court gives that legislative history also remains within the discretion of the court. A party attempting to overcome seemingly plain and unambiguous text through reference to legislative history has "a difficult task before it." *Gaines,* 346 Or at 172.

Although *Gaines* modifies the *PGE* methodology, the full extent of that modification remains to be seen. However, a recent appellate court decision suggests the extent may be relatively slight. *State v. Kelly,* 229 Or App 461, 211 P3d 932 (2009). *Kelly* raised the issue of the meaning of ORS 811.335(1)(b), which requires drivers to signal a turn "during not less than the last 100 feet traveled by the vehicle before turning." The defendant, who signaled a turn after he had stopped at an intersection, argued that the legislative history showed that the intent of the statute was to require a signal for at least as long as it took to travel the last 100 feet, but not to signal for the specified distance. The court agreed that under *Gaines* it needed to consider the legislative history. The court also made several points as to what weight it would give that legislative history.

The court first made clear that legislative history alone cannot overcome statutory text that is truly capable of only one interpretation. *Kelly,* 229 Or App at 466. Beyond that caution, the court explained the traditional limits of legislative history: legislative history is most helpful when it uncovers the general legislative intent of a statute (*Kelly,* 299 Or App at 466); statements of single legislators or non-legislators are generally, though not always, less helpful (*Kelly,* 299 Or App at 466–467), and the existence of a particular problem that precipitated a bill does not necessarily mean the statute was intended to address only that problem (*Kelly,* 299 Or App at 468). What *Kelly* does not suggest is that *Gaines* changes in any significant way *how* courts use legislative history. Rather, it only changes *when* the court will consider legislative history. Thus, even under *Gaines,* legislative history will be most helpful when an analysis of the text and context does not resolve an ambiguity of the statute. Legislative history may also be useful to reinforce an apparently unambiguous interpretation of a statute. (Emphasis added).

Courts are not likely to be persuaded by legislative history when that history does not give any indication that the precise legal question at issue was considered during the legislative enactment.[7]

The subsection in question, subsection 4, was added to ORS 197.299 in 2005 as part of Senate Bill 1032. Testimony at legislative committee hearings from bill authors and proponents indicates SB 1032 was intended to grant Metro new expedited authority to expand the UGB for the purpose of allowing construction of new schools, and such a process would be separate from the "normal" UGB expansion process typically required by state statutes.

Testimony of several speakers during the May 17, 2005 public hearing provide insight regarding the policy goals behind SB 1032. The main speaker, Gary Conkling, represented the Beaverton School District and was one of the authors of the bill. Mr. Conkling began his testimony in favor of the bill by outlining the pressing problems that face the city of Beaverton. He stated that "in the last decade or so the Beaverton School District has added more than ten thousand students" and that those students alone would make up the fifteenth largest school district in the state.[8]

Mr. Conkling explained that overabundance problems are common in the metropolitan areas of Portland, and most suitable plots of land for schools have been used for other projects intended to spur economic development. Mr. Conkling "anticipate[d] [Beaverton] will have to look outside the UGB for one or more additional school sites" to meet the growing demand. He ended his testimony by stating two main objectives of SB 1032. First, the bill is designed to gain "guidance from Metro, cities, and urban service providers as to where we should look outside the UGB" for suitable plots of land for schools. Second, the bill has language that "will encourage Metro to provide an accelerated process to add those lands once . . . the need has been established . . . so that lands can be added on an accelerated basis to the UGB."[9]

Metro Legislative Affairs Director Randy Tucker, a second advocate of SB 1032, added some additional points regarding the purpose and scope of the bill. Mr. Tucker explained that developing lands for schools requires additional planning considerations than developing lands for other purposes because schools must be located in particular locations. These additional considerations include that ideally, schools should be located near city centers, and schools must fall within existing school district boundaries. This makes it even more difficult to find suitable land for new school construction without expanding the UGB.

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[7] For example, the court often dispense with legislative history in one sentence by stating simply that the legislative history is silent on the particular issue facing the court. *Ritcherson v. State*, 131 Or App 183, 186, 884 P2d 554 (1994) (seeking to determine if ORS 138.510(2) included retroactive application of its two-year statute of limitations period); *see also Windsor Ins. Co. v. Judd*, 321 Or 379, 387, 898 P2d 761 (1995) ("[W]hat little [discussion of the amendment] there was reveals nothing that sheds light directly on the question posed in this case."); *State v. Holloway*, 138 Or App 260, 267, 908 P2d 324 (1995) ("Unfortunately, our examination of the legislative history sheds no light on the matter."); *In Def. of Animals v. Or. Health Scis. Univ.*, 199 Or App 160, 173 n 9, 112 P3d 336 (2005) ("We note that the legislative history . . . provides no assistance in determining the provision's meaning.").

[8] Hearing on S.B. 1032 Before the S. Comm. on Environment & Land Use, 2005 Leg., 73rd Assemb., Reg. Sess. (Or. 2005) (statement of Gary Conkling, Representative of Beaverton School District).

[9] *Id.*

Finally, Mr. Tucker added that Metro intended to implement SB 1032 by amending its own code to make it easier to expand the UGB for schools "when [new schools] cannot be reasonably accommodated in the UGB, and when they must be accommodated before we would normally do an UGB expansion." Here, Mr. Tucker indicated that Metro should be authorized to quickly initiate UGB expansion for schools outside of the "typical" or "normal" legislative process of reevaluating the buildable land supply inside the UGB every [six] years.

Later, in a May 31, 2005 work session on SB 1032, Messrs. Conkling and Tucker again provided testimony in support of the bill and explained its purpose and scope. Mr. Conkling stated the bill's main purpose is to provide Metro "[with a] process that can work in between its periodic review, and provide for an accelerated process to bring these school sites inside the UGB."

After the testimony of Mr. Tucker, Senator Charlie Ringo, Chair of the Committee, asked if the bill will "facilitate Metro addressing the problem with high growth districts not finding land for schools."[10] Mr. Tucker stated his answer was yes, and that the bill would provide the basis for immediate negotiation as to what land should be included in the UGB as part of an amendment. Mr. Tucker explained that the bill would be beneficial to districts like Beaverton because "it facilitates the process for expanding the UGB for a school district that has need." Mr. Tucker stated that ideally, after revising the Metro code to implement the statute, the process to expand the UGB to include land for a school would take only four months.

The legislative history of HB 1032 indicates that one main purpose of the bill was to streamline the process for amending the UGB for the purpose of building new schools. The testimony of both Conkling and Tucker describe a pressing need for land in metropolitan areas for new school construction that cannot always be met within the typical five-year UGB cycle. Proponents of the bill clearly express intent to grant Metro authority to amend the UGB through a process that would be separate from the regular review cycle and corresponding 20-year need analysis.

Proponents of the bill used words such as "streamline" and "accelerated" in the context of a new expansion process that could occur outside and separate from the "normal" time intensive 20-year need analysis, and described a process that would be based exclusively on a demonstrated need for additional school facilities. Testimony regarding the purpose of SB 1032 indicates that the purpose of the legislation was to allow a separate and expedited process exclusively for school siting, which would not be tied to the 20-year buildable land supply analysis that is required under ORS 197.296.

As described above, it is clear from legislative history that the 2005 Oregon legislature was acutely aware of the problem of holding school districts to a six year Metro planning cycle during the enactment of SB 1032. Metro's Randy Tucker specifically stated that SB1032

[10] Work Session on S.B. 1032 Before the S. Comm. on Environment & Land Use, 2005 Leg., 73rd Assemb., Reg. Sess. (Or. 2005) (statement of Sen. Charlie Ringo, Chair, S. Comm. on Environment & Land Use).

"facilitated" school districts obtaining a UGB amendment for school facilities.[11] According to the Merriam-Webster dictionary, the word "facilitate" means "to make (an action or process) easy or easier." It makes little sense to believe that the legislature would desire to make obtaining a Metro UGB amendment *just as, or even more difficult* for schools while simultaneously creating an "accelerated" process specifically for schools. Indeed, Metro's own Legislative Affairs Director – no stranger to tightly-crafted statutory language - was quite clear in stating that the purpose of SB 1032 was to "facilitate" (that is, make easier) the process for Metro-area schools.

In addition, the hearings officer finds that the ORS 197.299's school-specific UGB amendment process is no less thorough or exacting than an application that could have been filed in due course of the next six-year Metro planning cycle. It is true, as opponents claim, that the next Metro 20-year buildable lands analysis is not yet available, and thus cannot be taken into account during this application. The law does not require that, however, and requiring school applicants to wait until the next six-year Metro planning cycle would render the passage of ORS 197.299 pointless. The entire point of ORS 197.299 was to provide schools with an interim, accelerated, easier ("facilitated") application process, rather than waiting for the next 6 year Metro planning cycle. Statutes should not be construed such that they make other statutes completely meaningless.

As noted above, the Metro Council is required to complete a 20-year forecast and analysis of land need to maintain a 20-year supply of residential and employment land inside the UGB on a six-year cycle. However the Metro Council has directed staff to complete an urban growth report in 2018, three years after the urban growth report was adopted in 2015, with a possible growth management decision occurring in December 2018 that may or may not result in an expansion of the UGB. Delaying the proposed amendment for these specific school and park needs until that time, when these types of specific needs are not addressed in the regional analysis, is not an appropriate or an efficient way to provide these needed services and would result in the District experiencing ever-increasing overcrowding of their facilities.

Thus, in summary, review of the text and context of ORS 197.299 and ORS 197.296 in combination with the legislative history of the 2005 Amendments which created ORS 197.299(4) bring the legislative intent into clear focus. ORS 197.299(4) explicitly provides a "safety valve" of sorts for public school needs. The statute de-couples the need for schools from the derivative secondary needs analysis set forth in ORS 197.296(6). The legislature apparently understood the critical nature of schools to serve the community and felt strongly enough about that to provide a mechanism to ensure that needed schools can be built. Opponents' attempt to saddle Major Amendments with all of the trappings of a six-year legislative review of the region's UGB is contrary to both the plain text of ORS 197.299(4) and its legislative history.

Having resolved the statutory interpretation question, we turn back to the evidence of need. The District originally adopted a long-term facilities plan in January 2008 that assumed additional school capacity would be needed in ten years. This proved true, as of 2017 the high

[11] Testimony before the Senate Environment and land Use Committee, May 31, 2005, beginning at minute 1.13, available at http://records.sos.state.or.us/webdrawer/webdrawer.dll/webdrawer/rec/4193397/ Mr. Tucker's statement is found at minute 1.18, in response to a question from Senator Ginnie Burdick.

school is at 109% of capacity and the four elementary schools are at 99% capacity. A ten-year demographic study by Davis Demographics & Planning Inc., completed in May 2016, forecasted a deficit in capacity at all levels with the high school operating at 141% of capacity. In order to meet the growing need, the District determined, with the assistance of numerous committees, that a new high school would be needed. Voters approved a bond measure in 2016 to construct a new high school and make other facility improvements. The applicant adequately addressed the urgent need for the new high school by substantial evidence in the whole record in its application submittal and its subsequent submittals. (*See* application narrative ("Narrative") at 14-15, 33, Appendices G, H, and I; June 8, 2017, District letter at 1-3, Attachment i; June 13, 2017, District letter at 5.)

The applicant has met its burden of showing compliance of the two criteria found in Metro Code section 3.07.1440(A) by substantial evidence in the whole record.

Metro Code Section 3.07.1440(B)

> 3.07.1440 Major Amendments - Criteria
> (b) The applicant shall demonstrate that the proposed amendment to the UGB will provide for an orderly and efficient transition from rural to urban land use and complies with the criteria and factors in subsections (b), (c), (d), (e), and (f) of section 3.07.1425. The applicant shall also demonstrate that: (1) The proposed uses of the subject land would be compatible, or through measures can be made compatible, with uses of adjacent land; (2) If the amendment would add land for public school facilities, the coordination required by subsection (c)(5) of section 3.07.1120 of this chapter has been completed; and (3) If the amendment would add land for industrial use pursuant to section 3.07.1435, a large site or sites cannot reasonably be created by land assembly or reclamation of a brownfield site.

[Note: This Provision Incorporates by Reference: 3.07.1425(B), (C), (D), (E), & (F), which are Discussed Below].

***MC** 3.07.1425(B)(1): Demonstrated need to accommodate future urban population, consistent with a 20-year population range forecast coordinated with affected local governments;*

Hearing Officer's Analysis: MC 3.07.1425(b)(1) requires that the Major Amendment application show a [d]emonstrated need to accommodate future urban population, consistent with a 20-year population forecast coordinated with affected local governments. " This criterion is taken word for word from the first need factor set forth in Statewide Planning Goal 14. In the context of periodic review, Factor 1 pertains to a determination of overall land need in order to accommodate population growth. In this case, the need is for additional school capacity to alleviate an overcrowding situation at the Sherwood high School. For this reason, the first need factor set forth at MCC 3.07.1425(B)(1) is to be considered, but it is not determinative by itself.

In *Residents of Rosemont v. Metro*, 173 Or App 321, 328, 21 P3d 1108 (2001), the Court of Appeals explained that "[w]e held in *Baker [v. Marion County,* 120 Or App 50, 852 P2d 254, *rev den*, 317 Or 485, 858 P2d 875 (1993),] that factors 1 and 2 of Goal 14 are interdependent and

that, if one of the factors is not fully satisfied, or is less determinative, that factor must still be considered and discussed in deciding if a need for expansion of a UGB has been shown under factors 1 and 2 of Goal 14."

This factor requires the applicant to show, by substantial evidence in the whole record, that there is a demonstrable need for the new Sherwood High School based on a forecast that is consistent with the adopted 20-year population range forecast which has been coordinated with affected local governments.

The District and Metro staff address this provision at: Application Narrative at pp. 15, 34, App'x H; May 4, 2017, staff report ("Staff Report") at 5; June 9, 2017, Metro memo; June 13, 2017, District letter at 1-2. In particular, the applicant attempts to meet its burden of proof with the following analysis:

> *As described herein, the need for additional school capacity including the need for a new high school is well documented as described in Section III of the petition. The existing high school is operating overcapacity and the constraints of the existing high school site and building do not allow for feasible expansion to 2,400 students to serve long-term needs. Building a new high school will also allow the existing high school building to be converted to middle school use by consolidating the two existing middle schools to one location. This will further allow for the conversion of the two existing middle schools to elementary school use. The capacity analysis and 10-year demographic projections indicate that there will be capacity issues at all school levels if nothing is done. The proposed project will provide the long-term capacity needed.*
>
> *The School District commissioned Davis Demographics & Planning Inc. to complete an updated 10-year demographic study in May of 2016. The study reviewed the following factors that determine student enrollment: (1) the current and planned residential development over the next ten years; (2) student yield factors that apply to new residential development; (3) birth factors for the District area; and (4) mobility factors, which examine the in/out migration of students within existing housing units. The forecast projects a deficiency in capacity in all levels, with the high school level having the largest deficiency. Staff Report Attachment 3 (Table 2 in petition) shows 10-year enrollment projections compared with existing school building capacity. The table demonstrates that if no capacity is added (no-build) the school facilities will be far over capacity in 10 years with the Sherwood High School having the largest capacity issue operating at 141% of capacity.*

Metro's 20-year population range forecast is part of the 2015 urban growth report ("UGR"). Therein, the Metro Council determined that the region could meet the expected 20-year residential and employment forecast need within the UGB and no expansion of the UGB was needed to meet housing or employment needs. The UGR did not address specific school and park land needs. As a result, the District prepared a ten-year demographic study that supports a need for additional land for a new high school in order to accommodate future urban population. The District completed this demographic study using population and demographic projections for the cities of Sherwood and Tualatin.

The parties do not focus much, if any, of their debate on whether the population and demographic projections in the District's 10-year study are "consistent" with the assumptions in the 2015 UGR. Such as comparison is complicated by the fact that the UGR takes a high-level regional look at residential and employment needs, whereas the District's 10-year demographic study is much more narrowly focused on Sherwood's population. Nonetheless, the hearings officer reviewed both the 10-year study and the UGR and finds that there is no glaring inconsistency between them. The 2105 UGR anticipates continued high levels of growth in our region. The UGR further recognizes that there is still a considerable amount of vacant and redevelopable land located in and near the City of Sherwood. This would indicate that the District needs to be prepared to accommodate a large amount of additional school children. Given that the regional 20-year forecast did not address school and park land needs, the District's ten-year demographic study, which supplements the long-term facility plan completed in 2008, demonstrates a need to accommodate future urban population by substantial evidence in the whole record. The applicant has provided information regarding a ten-year demographic study showing a need for providing specific school facilities to meet present and future populations based on established methodologies for the proposed use. The applicant also provided written and verbal testimony from experts such as architect Karina Ruiz of Dull Olson Weekes IBI Group Architects, Inc, planner Keith Jones AICP of Harper Houf Peterson Righellis Inc, and traffic engineers Scott Mansur, P.E. and Carl Springer, P.E. of DKS Associates. Having reviewed these materials and observed their testimony, the hearings officer finds them more credible and assigns great weight to their views.

Staff is also correct when it states that even if Metro had expanded the UGB in 2015 for a 20-year housing need, there is no guarantee that the location of the added land would have accommodated the specific need for a new high school in Sherwood. ORS 197.299(4) provides a safety valve for such a situation.

The primary opponent argues that the District could only demonstrate consistency with the 2015 UGR by submitting a new 20-year demographic study. *See* letter from Jennifer Bragar dated June 23, 2017, at p. 20. The opponent points to no specific law which expressly states such a requirement, and the hearings officer does not believe that such a requirement exists. As far as the hearings officer can determine, "consistency" in this context simply means using the same or similar growth rates contemplated in the 2015 UGR, and that appears to be the case here. *See* the updated 10-year demographic study conducted by Davis Demographics & Planning Inc. dated May, 2016. This is consistent with Goal 2, which requires the factual inventories and assumptions included in the comprehensive planning documents to form the "basis for all decisions and actions related to land use." *Rivergate Residents Ass'n v. LCDC*, 38 Or App 149,

5990 P2d 1233, *rev den*. 286 Or 521 (1979); *Hildenbrand v. City of Adair Village*, 217 Or App 623, 177 P3d 401 (2008) ("Plan policies or inventories can serve to justify subsequent and related plan amendments because comprehensive plans must be internally consistent under Goal 2.)" *See also 1000 Friends of Oregon v. Metro (Ryland Homes)*, 174 Or App 406, 26 P3d 151 (2001). *Compare GMK Developments v. City of Madras*, 225 Or App 1, 199 P3d 882 (2008) (Nothing in Goal 2 itself requires the sort of continuous data correction that the opponents urge us to impose in this case).

MC 3.07.1425(B)(1) requires the District to demonstrate a need to accommodate future urban population; consistent with the demographic study contained in the 2015 UGR. The District has done that, and that is all that is required. The applicant has met its burden of showing compliance with this factor by substantial evidence in the whole record.

MC 3.07.1425(B)(2): Demonstrated need for land suitable to accommodate housing, employment opportunities, livability or uses such as public facilities and services, schools, parks, open space, or any combination of the foregoing in this paragraph;

This factor requires the applicant to show, by substantial evidence in the whole record, that there is a demonstrable "need for land suitable to accommodate * * * uses such as * * * schools * * *." The applicant presents its case as follows:

> As described herein, the need for additional school capacity including the need for a new high school is well documented as described in Section III of the petition. The existing high school is operating overcapacity and the constraints of the existing high school site and building do not allow for feasible expansion to 2,400 students to serve long-term needs. Building a new high school will also allow the existing high school building to be converted to middle school use by consolidating the two existing middle schools to one location. This will further allow for the conversion of the two existing middle schools to elementary school use. The capacity analysis and 10-year demographic projections indicate that there will be capacity issues at all school levels if nothing is done. The proposed project will provide the long-term capacity needed.
>
> The School District commissioned Davis Demographics & Planning Inc. to complete an updated 10-year demographic study in May of 2016. The study reviewed the following factors that determine student enrollment: (1) the current and planned residential development over the next ten years; (2) student yield factors that apply to new residential development; (3) birth factors for the District area; and (4) mobility factors, which examine the in/out migration of students within existing housing units. The forecast projects a deficiency in capacity in all levels, with the high school level having the largest deficiency. Staff Report Attachment

3 (Table 2 in petition) shows 10-year enrollment projections compared with existing school building capacity. The table demonstrates that if no capacity is added (no-build) the school facilities will be far over capacity in 10 years with the Sherwood High School having the largest capacity issue operating at 141% of capacity.

The City of Sherwood and the Sherwood School District have an intergovernmental agreement to share ballfields. The City of Sherwood owns an extensive system of parks and trails. However, the City's ballfield resources are very limited with only one soccer field located at the City's Snyder Park. In the early 1990s, prior to rapid growth in the preceding 20 years, the City took measures to protect natural resources. This included the protection of floodplains and wetland areas surrounding the Cedar Creek stream corridor that flows south to north through the center of the City limits to the Tualatin National Wildlife Refuge. The City acquired much of this land and maintains these areas as natural open space, wetlands and walking paths. Since most of the areas are sensitive and passive recreation areas, they are off limits to ballfield construction. Because Sherwood has a very active sports community, the City and School District decided to share sports fields with most of these facilities being on school grounds.

In the case of the new High School site, the City owns the approximately 20-acre parcel in the southeast corner of the property. Some of this land, approximately 4 acres, will be used for the Elwert and Kruger Road realignment and roundabout, but the remaining balance will become part of the new high school campus and allow for construction of additional ballfields to be shared with both school and City sports functions.

As documented in Section III of the petition, viable high school sites are not available within the current UGB. The only viable sites, including the proposed site, have been identified within the Sherwood West Concept Planning Area (Urban Reserve Area 5B).

The subject site ("Site C") is the best alternative site considering that it has:

- No mapped sensitive areas (habitats, wetlands or waterways),
- Gently sloping topography to allow for construction of ballfields,
- Close proximity to SW Elwert Road and Highway 99W for ease of access,
- Availability of public utilities (water and sewer),

- Available downstream discharge point for stormwater, and
- Sufficient area to provide high school campus for 2,400 students and needed City/School District shared ballfields.

As shown above, the applicant has shown a compelling need for providing specific school facilities to meet present and future populations.

The City of Sherwood and the District have an intergovernmental agreement to share sports fields with most of the facilities on school grounds. The City has an extensive system of parks and trails but sport field resources are very limited with one soccer field located in a city park. Thus, the applicant has shown there is a demonstrated land need to accommodate both school and park services by substantial evidence in the whole record. That evidence may be found in the following: Applicant's Narrative at p. 12-32, 34, Appendices C, G, H, and I; June 8, 2017, District letter pp 1-3. Additionally, the applicant demonstrated that district bond financing rules require moving ahead with the application now, rather than wait until the end of 2018. *See* letter from applicant's counsel Kelly Hossaini dated June 8, 2017, page 3 (discussing the district's finances).

The applicant has met its burden of showing compliance with this factor by substantial evidence in the whole record.

MC 3.07.1425 (B)(3): A demonstration that any need shown under paragraphs (1) and (2) of this subsection cannot be accommodated on land already inside the UGB.

MC 3.07.1425(B)(3) requires an alternatives sites analysis showing that the needed new school cannot be accommodated within the existing UGB. This requirement stems from state law. Among other laws, Statewide Planning Goal 14 requires the applicant to consider, as part of the needs analysis, all suitable lands inside the UGB as positive alternatives, and even requires the City to consider whether zone changes could make land suitable for the project. *See Brandt v. Marion County*, 22 Or LUBA 473, 481 (1991); *Turner v. Washington County*, 8 Or LUBA 234, 258 (1982), *aff'd*, 70 Or App 575,689 P2d 1318 (1984).

The applicant's narrative discusses MC 3.07.1425(B)(3) at p. 19-21, 34-35. For example, on pages 16-17 of the narrative, the applicant states as follows:

> As evidenced by capacity study and demographic growth data, the high school level is where there is the biggest need for additional capacity both now and to a greater extent within 7 to 10 years. Therefore, the Bond Management Team first looked to the existing high school campus for opportunities for expansion to accommodate this growth.
>
> **Expansion of Existing High School**
>
> The existing Sherwood High School is located on approximately 37.8 acres of land at 16956 SW Meinecke Road. The existing high

school has capacity for 1,550 students and, as of the writing of this report, is well over capacity with an enrollment of 1,689. This growth is expected to continue with a needed student capacity of approximately 2,200 by the year 2025 and peaking at approximately 2,400 students. Therefore, the School District will need a long-term high school capacity for 2,400 students.

Expanding the existing high school campus to meet this need is problematic on many fronts due to existing size limitation and irregular configuration of the site boundaries. Further, the campus cannot expand beyond its current boundaries as the campus is completely surrounded by existing residential development to the north, south and west and Stella Olsen Park and the sensitive wetland areas along Cedar Creek to the east as shown in Staff Report Attachment 4(Figure 5 in petition).

With respect to the buildings themselves, the School District has made additions over the years to accommodate growth, but the buildings are now completely overtaxed. Based on capacity analysis performed by the School District's contract architect, DOWA, the existing high school campus could be renovated to accommodate only another 450 students. This would increase capacity from 1,550 to approximately 2,000 students. However, at 2,000 students, the school would only have capacity for 7 years requiring the School District to add capacity again down the road. In review of the School District's bonding capacity, the School District will not be in a financial position to make any changes in 7 years and would be saddled with overcapacity schools for the foreseeable future. Therefore expanding the existing campus would provide for a short-term fix but would not provide the long-term solution the District is looking for.

New High School Siting Criteria

With the determination that a new high school is needed, the Bond Management Team identified the following criteria for aid in locating sites for further consideration:

1. Minimum Size: 50 acres
2. Zoning: Site must be zoned or planned for residential or institutional use that allow schools
3. Location: Site must be in Sherwood or contiguous to Sherwood (The City of Sherwood and mostly western Sherwood is where 90% of the student population resides)
4. Topography: Flat to mostly flat to accommodate ballfields

5. Wetlands and Waterways: No wetlands or minimal wetlands/waterways
6. Water and Sanitary Sewer: Adequate public utilities must be available or can feasibly be extended to serve the site
7. Stormwater Drainage: Downstream drainage capacity must exist to accommodate new impervious areas
8. Transportation: Site must be located near major streets to allow ease of access for students and limited routing of school traffic and buses through existing or planned residential areas

Inside the Current UGB

Using Metro's Regional Land Information System, City's Residential Buildable Lands Map and concept planning documents, potential sites were searched within the Sherwood School District Boundary that is inside the Existing Sherwood Urban Growth Boundary and within the Wilsonville or Tualatin existing Urban Grown Boundary.

Northeast Sherwood (Commercial and Industrial Land)

Sherwood City Limits

The northwest area of the City of Sherwood is zoned commercial and industrial, zoning that does not allow for school uses. In addition, much of the commercial and industrial land is built-out or contains wetlands and sensitive areas that cannot be developed. The largest vacant developable site in this area is located at the southeast corner of SW Langer Farms Parkway and SW Century Drive and is only 22 acres, too small for a high school.

Tonquin Employment Area

In 2004, 300 acres of industrial land was added to the Sherwood urban growth boundary in east Sherwood, known as the Tonquin Employment Area. A concept planning document was completed for this area in October of 2010. None of the area has of yet been annexed into the City of Sherwood to allow for urban development. There is an 88 acre parcel that fronts SW Tualatin-Sherwood Road that has potential to accommodate a new high school (12900 SW Tualatin Sherwood Road – 2S128D000100). However, this parcel was added to the UGB for the purpose of providing industrial uses and not for school uses. In addition, this site is located at the far east end of the existing Sherwood city limits and is not close to the student population that predominately resides on the west side of Sherwood. Therefore, locating the

school here would result in an inconvenient and isolated high school campus in the midst of industrial uses. Thus, the site was rejected from further consideration.

South and West Sherwood (Residential Land)

The southern and western areas of Sherwood are mostly residential. Residential zoning allows for school uses. This is also where most of the School District's student population resides (more than 90% of the student population lives in southern and western Sherwood). South of the existing city limits and within the urban growth boundary is the 250-acre Brookman Road Addition Concept Planning Area (Brookman Planning Area). The primarily-residential Brookman Planning Area has a completed concept plan from May of 2009. However, the area has not yet been annexed into the City of Sherwood and therefore has not been developed for urban uses.

The City of Sherwood recently completed a draft Housing Needs Analysis dated June 2015 for the existing urban growth boundary. The housing needs analysis contained a 2014 residential buildable lands inventory map that identified vacant buildable residential land within the City's UGB including the Brookman Planning Area. The residential buildable lands inventory map identified some available residential land. However, the available land is fragmented and/or constrained with no large developable sites that would accommodate a high school campus of 50 acres. Further there is no opportunity to consolidate this fragmented land in a way that would meet the District's criteria for a high school site. The Sherwood Buildable lands map is shown in Staff Report Attachment 5(Figure 6 in petition).

Within the Wilsonville or Tualatin Urban Growth Boundary

There are some limited areas of the Sherwood School District that are within Wilsonville and Tualatin's urban growth boundary, including the following:

Southwest Tualatin Concept Planning Area

Adjacent and east of the Sherwood Tonquin Employment Area is the Southwest Tualatin Concept Planning Area. Similar to Tonquin, this 614-acre area was added to the urban growth boundary in 2004. The area is planned for industrial use, and is even further away from west Sherwood students than Tonquin Road. Therefore, the area was rejected from further consideration.

Basalt Creek and Coffee Creek Planning Areas

Both of these planning areas are too far from the west Sherwood student population to be seriously considered. In addition, discussions with the City of Tualatin, who is leading the planning for Basalt Creek, indicates that there are no sites large enough with the correct zoning within Basalt Creek that would accommodate a new high school. The Coffee Creek planning area is designated by Metro as Regionally Significant Industrial land. This designation does not allow for school uses under any circumstances.

In summary as noted in Section III of the petition there are no suitable sites for a new high school within the current UGB to serve the Districts target population.

As noted in the findings set forth above, the District first examined the ability to expand the current high school to meet future capacity needs. However expanding the existing high school building is problematic due to existing size limitation and the configuration of the existing school campus. The current high school building includes a series of additions designed and constructed in an attempt to incrementally accommodate growth in the student population, resulting in a crowded non-operational and functional facility. Thus additional expansions to meet long term needs are not possible. In addition, the current high school campus is surrounded by residential development on three sides with the fourth side bordering a city park and natural resource area, thereby not allowing expansion of the campus itself.

The District identified eight site location criteria to help guide their search for appropriate site locations within the Sherwood city limits as well as limited areas within Tualatin and Wilsonville that are within the District boundary. The analysis of land within the city limits offered no usable sites. The city's industrial and commercial zones don't allow school uses and the vacant and developable land within the residentially zoned portions of the city is fragmented and constrained with no large enough sites available. The industrial designated land within the UGB but not in the city (Tonquin Employment Area) does contain one site large enough to meet the need; however it was included in the UGB for industrial purposes, is adjacent to existing industrial uses including an active quarry site and is located away from the main student population base. The limited land area within Tualatin and Wilsonville also include either industrially zoned land or very limited parcel sizes that does not provide an opportunity to site a high school. In addition, these areas are even a longer distance from the main student population base in the central and western portions of the city.

No opponents take issue with the applicant's analysis.

The hearings officer believes that it is relatively obvious that there are no sites within the City limits that could meet the need, even considering rezoning as an option. While there is vacant land in the existing UGB, the applicant has shown there are no suitable sites within the

UGB to meet the identified land need. The applicant has met its burden of showing compliance with this factor by substantial evidence in the whole record.

MC 3.07.1425 (C)(1): If the Council determines that there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering the following factors:

(1) efficient accommodation of identified land needs;

Hearing Officer's Analysis: Once a local government establishes a "demonstrated need" to expand the urban growth boundary, it then must apply the Goal 14's four "locational factors." When Goal 14 was amended in 2005, the locational factors were amended to make clear that the analysis is to be comparative in nature, as opposed to establishing minimum thresholds. The rule now states:

> The location of the urban growth boundary and changes to the boundary shall be determined *by evaluating alternative boundary locations* consistent with ORS 197.298 and with consideration of the following factors:
>
> (1) efficient accommodation of identified land needs
> (2) orderly and economic provision of public facilities and services;
> (3) *comparative* environmental energy, economic and social consequences; and
> (4) compatibility of the proposed urban uses with nearly agricultural and forest activities accruing on farm and forest land outside the UGB. (Underline emphasis added).

Metro has taken the four state-mandated locational factors set forth in Goal 14 and expended them to nine factors. Regardless of this, the goal of the locational analysis remains the same as state law, which is to determine the "best" land to include within the UGB to meet the land need**,** based on appropriate *consideration and balancing* of each factor. *1000 Friends of Oregon v. Metro (Ryland Homes)*, 38 Or LUBA 565, 584 (2000), *rev'd in part on other grounds* 174 Or App 406, 26 P3d 151 (2001). In *Barkers Five, LLC v. LCDC*, 261 Or App 259, 289 (2014), the court stated that consideration of factors means that the local government must:

> "(a) apply and evaluate each factor, (b) weigh and balance the factors which are not independent approval criteria-as a whole, and (c) meaningfully explain why a designation as urban or rural reserves is appropriate. "

Barkers Five, 261 Or App at 300.

OAR 660-024-0060(3) also provides guidance for how one "considers" the location factors and states:

> The boundary location factors of Goal 14 are not independent criteria. When the factors are applied to compare alternative boundary locations and to determine the Metro UGB location, Metro must show that all of the factors were considered and balanced.

In conducting this analysis, one point that cannot be over-emphasized is that no one locational factor can be considered to be a determinative reason to include or exclude any one particular site. Thus, a decision to include or exclude land from a UGB must be based on a *balancing* of all these factors, rather than reliance on any one factor. OAR 660-024-0060(3). *See also Branscomb v. LCDC*, 64 Or App 738, 745, 669 P2d 1192 (1983)(Court held that land could not be excluded from consideration *solely* because it was agricultural land and, as such, fared badly under factor 6). *D.S. Parklane*, 165 Or App at 25; *1000 Friends of Oregon v. Metro (Ryland Homes)*, 174 Or App 406, 409-10 (2001).

A related issue is that local governments often incorrectly treat the locational factors as threshold criteria. In fact, this misunderstanding was so pervasive that at one point LUBA even wrongly suggested that each of the locational factors had a "minimum objective threshold" that had to be identified and met by each site included in a UAR/UGB. *See D.S. Parklane Development, Inc., v. Metro*, 35 Or LUBA 516, 572-3 (1999), *aff'd as modified*, 165 Or App 1, 24, 994 P2d 1205 (2000). However, on appeal, the Court of Appeals clarified that the locational factors were not intended to be applied as threshold ("go - no go") criteria. *Id.* In other words, the intent is *not* to confirm that the preferred site was "good enough" to urbanize based on minimum threshold standards. Rather, the locational factors were intended to be "applied equally" to include lands into a UGB only "where all of the factors justify that inclusion." *Id.* In other words, the intent in establishing these factors was to assist in evaluating and ranking which site(s) amongst *all* potential candidate sites were, relative to one another, the *best* sites to urbanize in order to meet the demonstrated land need.

With that introduction in mind, we turn to a discussion of the first factor. The applicant discusses the first locational factor as follows:

> Urban reserves are lands outside the existing urban growth boundary that are considered suitable for accommodating urban development and expanding the growth boundary when additional urban land is determined to be needed over a 50-year period. The following urban reserve areas are within the Sherwood School District Boundary and are identified in Staff Report Attachment 6 (Figure 7 in petition):
>
> Sherwood North – North of Sherwood UGB
> Sherwood South – South of Sherwood UGB
> Sherwood West – West of Sherwood UGB
> Tonquin – South and West of Sherwood UGB
> Grahams Ferry – Northwest of Wilsonville

I-5 East – East of I-5 and north of Wilsonville
Elligsen Road - East of I-5 and north of Wilsonville

I-5 East, Elligsen Road and Grahams Ferry Urban Reserve Areas
These urban reserve areas were immediately rejected from further consideration due to the distance from west and south Sherwood where the majority of the student enrollment resides. These areas are 2 to 5 miles away in a straight line and even further when traveling on the road network.

Tonquin Urban Reserve Area
This area is directly south of the Sherwood Tonquin Employment UGB area and west of the Southwest Tualatin UGB area. The Tonquin Urban Reserve area encompasses approximately 571 acres. The area has parcels large enough to accommodate the high school site. However, much of the property is mapped as containing Upland Habitat Class A (Metro Title 13) and Riparian Areas Class I, II and III (Metro Title 3). This urban reserve area and it is likely to be designated industrial and/or employment due to its close proximity to other industrial areas. This urban reserve area is on the east side of the City and not centrally located for use by the majority of the School District students. The area is further isolated by a rock bluff that forms the eastern boundary of the current urban growth boundary and Sherwood City limits. This bluff is perched above the Rock Creek stream corridor that effectively isolates this area from the existing residential neighborhoods of Sherwood. Finally, the area does not have adopted concept plan or plan for how utilities will be extended to serve the area.

Sherwood North Urban Reserve Area
This area represents slivers of land along the existing urban growth boundary at the north end of the City of Sherwood. The area was designated urban reserve because it is not within the floodplain of the Tualatin River. However, this land is not large enough to accommodate a high school site and therefore was rejected from further consideration.

Sherwood South Urban Reserve Area
This area is directly south of the Brookman Road UGB area. This area consists of rolling hills with much of the area identified by Metromap online mapping system having slopes greater than 10%. There is also two stream corridors that travel through the area with many areas mapped by Metromap as being riparian or upland habitat. One potential site is located between Oberst Road and Labrousse Road that is not mapped as having upland habitat or

riparian areas. However, this land is mapped by Metro as having slopes of greater than 10% making development of a high school campus and ballfields difficult. The biggest challenge of developing in this area is that the Brookman Road UGB area would need to be annexed and developed first before this area can be made available for development. Therefore, development in this urban reserve area is likely years away and the only promising site is at the south end of and not next to the existing Brookman Road UGB area. This area also does not have a concept plan. For these reasons, this area was rejected from further consideration.

Sherwood West Urban Reserve Area

In February 2016, Sherwood completed a Preliminary Concept Plan for the Sherwood West Planning area (aka Metro Urban Reserve Area 5B). Sherwood West encompasses 1,291 acres along the west border of Sherwood's existing urban growth boundary. The Sherwood West Planning Area is shown in Staff Report Attachment 7 (Figure 8 in petition).

Six alternative high school sites (A-F) were identified within the Sherwood West Urban Reserve Area that are large enough to accommodate a new high school. The six alternative sites (A-F) within the Sherwood West Concept Plan Area were evaluated based on site selection criteria. The site locations and evaluation criteria are indicated in Staff Report Attachment 8 (Figures 9 to 14 in petition). The School District's site alternative analysis is summarized in the table below.

(Table 1 – Alternative Sites Summary in petition)

Alternative Selection Criteria	***Alternative Sites****					
	A	***B***	***C***	***D***	***E***	***F***
Flat Topography	*N*	***U***	***Y***	*U*	*U*	*U*
Wetlands	*N*	***Y***	***Y***	*U*	*Y*	*N*
Water Service	*N*	***Y***	***Y***	*Y*	*N*	*N*
Sanitary Sewer Service	*N*	***Y***	***Y***	*N*	*N*	*Y*
Storm Drainage	*Y*	***Y***	***U***	*N*	*N*	*Y*
** Y-Meets Criteria - N-Does Not Meet Criteria – U-Undetermined*						

From the site alternatives analysis, it became clear that Sites B and C were the most promising with other sites lacking utilities, having significant wetlands, drainage issues and/or significant topography that would make construction challenging. Alternative Sites B and C are located near each other both west of SW Elwert Road at SW Haide Road, just north of Highway 99W. Site C was selected due

to having more of a gentle slope and less grade changes. Most of Site C has a consistent slope change of approximately 40 feet over the length of the site with only a small valley and ridge. Site B has a more drastic slope change of 50 to 60 feet with a more defined ridge running through the middle of the site. Site B would be far more challenging to grade and develop for a high school than Site C. The Sherwood West Concept Plan contained a phasing and funding strategy. The phasing plan identified six phases (A-F). The subject site (Site C) is located within Phase A of the concept plan.

The subject site represents an efficient location because:

- The location is next to existing western Sherwood and close to the vast majority of the District's student population (90%).
- City utilities are available to serve this site or can be extend as the site is adjacent to the city limits.
- Direct and efficient access will be available via major streets that are intended to accommodate significant motor vehicle, pedestrian and bicycle needs.
- The site will be developed on the north, south and west along existing right-of-ways and will be developed to the existing City limits and UGB. This location is a logical location to develop first within the Sherwood West Concept Plan, as it is really the first site north of 99W. Other sites in Sherwood West would result in undesirable leapfrog development.
- Utilizing the approximate 76-acre site to ultimately accommodate the large 2,400-student high school and the School District/City shared ballfields will provide greater efficiency than developing play fields independently. The district and City have a long history of partnering to maximize use of shared ball field resources.

As set forth in the District's narrative and response to MC 3.07.1440(a), there is an identified need for a major amendment of the UGB to provide for a new high school site and this need cannot wait until the next analysis of the building land supply under ORS 197.299. As allowed by MC 3.07.1425(b), the District specified characteristics necessary for land to be suitable for the identified need, *i.e.*, the new high school. *See* Applicant's Narrative at 18-19, 33-35. These characteristics included a minimum site size of 50 acres; zoning that would allow for an institutional use; within or contiguous to Sherwood, where 90% of the children served by the District reside; flat to mostly flat topography; no or minimal constraints such as streams, wetlands, intact upland habitat; adequate/feasible access to public utilities, including water, sanitary sewer, and storm sewer; and near to major (collector or arterial) streets to accommodate high school-level transportation impacts. As also required by MC 3.07.1425(b), the District has demonstrated that the need for the new high school cannot be accommodated on land already inside the UGB.

As shown above, the District undertook an analysis of seven urban reserve areas that are within the district boundary, three of which are not adjacent to the city of Sherwood. The Metro Code does not allow for the creation of an island of urban land so the analysis must be limited to those properties that are directly adjacent to the current UGB. MC 3.07.1425(f).

The Seven Urban Reserve Areas

Within the District's boundary, there are seven areas that contain urban reserves (*see* Application Narrative p. 22 of 39, showing map of all seven areas). They are:

- Sherwood North
- Sherwood South
- I-5 East
- Elligsen Road
- Tonquin
- Graham's Ferry
- Sherwood West

Each will be discussed in turn.

The Sherwood North Urban Reserve Area

The Sherwood North urban reserve area is comprised of slivers of land without flood plain constraints north of the existing city limits and south of Tualatin River. This area does not contain one or more contiguous parcels that would be large enough to meet any of the District's siting criteria for a high school site. Therefore, the hearings officer finds that the Sherwood North urban reserve area cannot accommodate the need for a new high school.

The Sherwood South Urban Reserve Area

The Sherwood South urban reserve area is adjacent to the Brookman Road UGB area. Some of the Brookman Road UGB area was recently annexed to the city, but much of it still has not been annexed. The Sherwood South area consists of rolling hills with much of the area identified by Metro Map as having slopes greater than ten percent, which would not meet the District's siting criterion of a flat to relatively flat site. (See Attachment 3.) There are also two stream corridors that traverse the area with many areas mapped by Metro as being riparian or upland habitat. (See Attachment 4.) There is a potential site located between Oberst Road and Labrousse Road that is not mapped as being constrained by upland habitat or riparian areas, but is mapped as having slopes greater than ten percent, which would not meet the District's siting criterion for a flat to relatively flat site. A challenge in the overall development of this area is that the Brookman Road area within the UGB must be annexed and developed first before the Sherwood South area will have the public services it needs to be able to develop. Further, Sherwood South is not even concept planned yet. As far as the hearings officer is aware, no such planning has been scheduled. As noted earlier, MC 3.07.1110 requires that urban reserve areas be concept planned before they be considered for inclusion in the UGB. As set forth in response

to MC 3.07.1440(a) there is a pressing need for the new high school. To wait at least one or more years for the City to concept plan the Sherwood South urban reserve area under MC 3.07.1110 is not consistent with the pressing need for the new high school that precipitated this major amendment application. Therefore, the hearings officer concludes Sherwood South cannot accommodate the need for a new high school.

The I-5 East Urban Reserve Area

The I-5 East urban reserve area is at the extreme eastern end of the District's boundary, east of I-5, next to Tualatin. This urban reserve area does not meet the District's siting criterion that the new high school site be within or contiguous to Sherwood, where 90% of the children served by the District reside. Further, as set forth in the staff report, these urban reserves are constrained by natural resources issues and steeper slopes yielding no buildable areas big enough to accommodate a new high school. For all of these reasons, the hearings officer finds and concludes that this urban reserve cannot accommodate the new high school.

The Elligsen Road Urban Reserve Area

Similarly, the Elligsen Road urban reserve area is at the extreme eastern end of the District's boundary, east of I-5, next to Tualatin, and immediately south of the I-5 East urban reserve area. This urban reserve area does not meet the District's siting criterion that the new high school site be within or contiguous to Sherwood, where 90% of the children served by the District reside. Travel to western Sherwood would be at least five miles for the vast majority of students along the already-congested Tualatin-Sherwood Road (*see* Application Narrative p. 22 of 39, showing map). Further, as set forth in the staff report, these urban reserves are constrained by natural resources issues and steeper slopes yielding no buildable areas big enough to accommodate a new high school. For all of these reasons, the hearings officer finds and concludes that this urban reserve cannot accommodate the new high school.

The Tonquin Urban Reserve Area

The fifth urban reserve is the Tonquin urban reserve area. This area lies on the east side of Sherwood and is contiguous to Sherwood's city boundary. As set forth in the Narrative, this urban reserve area is directly south of the Sherwood Tonquin Employment UGB area and, according to Julia Hajduk, the City's Community Development Director, will be used to accommodate the City's future industrial and employment needs given its proximity to other industrial uses and Sherwood's employment/industrial core. Therefore it is not likely to allow for zoning for an institutional use. As noted in the staff report, another issue with building a new high school in this area is that the majority of adjacent land within the UGB is not yet developed to urban standards. Any out-of-sequence development in this area, then, would require a costly and inefficient extension of public services. Further, much of the property in this urban area is mapped as containing Upland Habitat Class A (Metro Title 13) and Riparian Areas Class I, II, and III (Metro Title 13). (See Attachment 1.) This area is further isolated by a rock bluff that forms the eastern boundary of the current UGB and city limits. This bluff is perched above the Rock Creek stream corridor that effectively isolates the area from the existing residential neighborhoods of Sherwood, thereby making it less efficient to serve the student population

given that the bulk of that population is in the southern and western areas of the city. Significant areas of the urban reserve also have substantial slopes of ten percent and greater, along with floodplain constraints, which would not meet the District's siting criterion of a flat to relatively flat site. (See Attachment 2.) Further, this urban reserve area does not have a concept plan in place or a plan for how utilities might be extended to serve the area. Concept planning has not been completed for this area. MC 3.07.1110 requires that urban reserve areas be concept planned before these areas can be considered for inclusion in the UGB. As set forth in response to MC 3.07.1440(a) there is a pressing need for the new high school. To wait at least one or more years for the City to concept plan the Tonquin urban reserve area under MC 3.07.1110 is not consistent with the pressing need for the new high school that precipitated this major amendment application.[12] Therefore, the hearings officer concludes the Tonquin urban reserve area cannot accommodate the need for a new high school.

The Grahams Ferry Urban Reserve Area

The Grahams Ferry urban reserve area is at the District's extreme southeast boundary next to Wilsonville. This urban reserve areas meet the District's siting criterion that the new high school site be within or contiguous to Sherwood, where 90% of the children served by the District reside. Travel to from Graham's Ferry to western Sherwood would be at least seven miles for the vast majority of students along the already-congested Tualatin-Sherwood Road (*see* Application Narrative p. 22 of 39, showing map). Further, as set forth in the staff report, this urban reserve area is constrained by natural resources and steeper slopes yielding no buildable areas big enough to accommodate a new high school. For all of these reasons, the hearings officer finds and concludes that these urban reserves cannot accommodate the new high school.

The Sherwood West Urban Reserve Area

The seventh and final urban reserve area studied was Sherwood West. The hearings officer finds this is the only urban reserve area that can efficiently accommodate a new high school consistent with the citing criteria, for these reasons: Sherwood West has been MC 3.07.1110 concept planned and so may be considered for inclusion within the UGB. Sherwood West is adjacent to the city's existing UGB and in close proximity to the bulk of the District's student population. The area is planned for predominantly residential uses, including schools, and so as Sherwood West develops even more of the student population will reside in the vicinity of the proposed high school site. The District studied the 1,291-acre Sherwood West urban reserve for places within it that could accommodate a new high school site. The applicant District did this by utilizing an engineer and architect to evaluate all sites in the urban reserve that were flat to relatively flat; had a minimum buildable site size of approximately 50 acres or more; no or minimal constraints from streams, wetlands, and intact upland habitat; adequate/feasible access to public utilities; and proximity to a major (collector or arterial) street network. Findings addressing MC 3.07.1425(c) can be found in the Narrative and in the staff report. The applicant District included an analysis of the six areas within Sherwood West. Therefore, the hearings officer finds that, given the framework of MC 3.07.1425(b) and (c), no urban reserve except for

[12] Urban Reserve Areas are intended to provide a 50-year supply of land. Given that the City has no plans to complete a concept plan for the area, and because contiguous areas within the UGB would need to develop first to extend the needed infrastructure, it is safe to conclude that development of this area is at least several years away.

Sherwood West should advance to MC 3.07.1425(c) to determine which urban reserve can best meet the identified need, because no other urban reserve can meet that need.

The Six Sites Studied within the Sherwood West Urban Reserve Area

The District identified six sites (designates Sites A through F) within the Sherwood West urban reserve area that were large enough to accommodate a new high school campus. Each of the six is discussed in turn:

Site A – The hearings officer finds this site cannot efficiently accommodate the new high school due to slope, natural area constraints, public infrastructure issues or a combination of these factors. There is a small wetland in the center of this site. The western portion is mostly occupied by Chicken Creek. There is no water service available from SW Elwert Road, and water extensions would be required along Elwert frontage and east from SW Edy Road. The site is low-lying and sanitary sewer connection is not available from SW Edy Road, so a major pumping station would have to be built.

Site B - The hearings officer finds this site *could* possibly accommodate the new high school. However, it has a significant ridge running through the middle of the site, which would require extensive grading, with slopes running both east and west with a 50-60 foot grade change. Both public water and a 15" sanitary sewer pipe are available off SW Elwert Road.

Site C - This site is quite flat, with no more than a 40 foot grade change required. It has water and sewer connections off SW Elwert Road. There are no wetlands. The hearings officer finds that Sites B and C are the two areas that can most efficiently accommodate a new high school, but Site C is clearly superior because Site B has a significant topographic ridge running north-south through the middle of the site with an approximately 50-60 foot grade change. Site C has less topography to manage, which is important when one considers that ballfields, tracks, and other sports facilities needed as part of the new high school cannot be developed on slopes. Therefore, the hearings officer concludes and finds Site C can most efficiently meet the identified need of a new high school.

Site D - The hearings officer finds this site cannot efficiently accommodate the new high school due to slope, natural area constraints, and public infrastructure issues. The entire site slopes down to the east towards private property, with a grade change in excess of 50 feet. There is no sanitary sewer service available. A very costly sewer line extension and public system improvements would be necessary. There are no established public storm drains in the vicinity. Street improvements on Kruger Road and offsite improvements would likely be required. Sites D also suffers from not being adjacent to the existing Sherwood UGB, which means more land would be required to be brought into the UGB than is necessary for the school site in order to ensure contiguity and public infrastructure would have to be extended further to serve the new high school, which is inefficient and expensive.

Site E - The hearings officer finds this site cannot efficiently accommodate the new high school due to slope, natural area constraints, and public infrastructure issues. The entire site slopes down to the east towards Highway 99, with a grade change around 75 feet. There is no

sanitary sewer service available. A very costly sewer line extension and public system improvements would be necessary. There are no established public storm drains in the vicinity.

Site F - The hearings officer finds this site cannot efficiently accommodate the new high school due to wetlands, drainage, powerlines, and lack of public water supplu. While quite flat, this site has wetlands, drainage, and a BPA power line easement running through it. While there is a nearby sewer line, there is no water line, and costly improvements would have be made to supply the school with drinking and irrigation water as well as meeting firefighting needs. Site F is further constrained by a BPA easement that cuts diagonally through what would otherwise be the flattest, least constrained part of that area and this flat area is segregated from the existing UGB by Chicken Creek and protects a riparian corridor. Site F also suffers from not being adjacent to the existing Sherwood UGB, which means more land would be required to be brought into the UGB than is necessary for the school site in order to ensure contiguity and public infrastructure would have to be extended further to serve the new high school, which is inefficient and expensive.

Conclusion of the Alternative Sites Analysis for the Six Sites in Sherwood West

The District evaluated the alternative sites related to five selection criteria noted above and determined that four of the six sites (A, D, E & F) lacked utilities, had significant wetlands, drainage issues or topography that restricted the ability to efficiently accommodate the identified land need. In addition, site D is not adjacent to the current UGB and therefore would create an island of urban land which is not allowed under Metro Code. Areas B & C better met the selection criteria with site C being the best site due to less grading and site work to accommodate the identified land need. Based on the urban reserve areas analyzed site C in the Sherwood West urban reserve best meets the need considering efficient accommodation of the identified land need. For these reasons, the hearings officer concludes and finds that proposed Site C (on the northwest corner of SW Elwert and Kruger Roads) can most efficiently meet the identified need of a new high school.

MC 3.07.1425(c)(2): If the Council determines there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering:

(2) the orderly and economic provision of public facilities and services.

Hearings Officer's Analysis: This suitability factor focuses on the orderly and economic provision of public facilities and services. Because Sherwood West has been concept planned pursuant to MC 3.07.1110, the provision of public facilities and services within the Sherwood West Concept Plan area has been studied to a larger degree than other URAs. The Sherwood West Concept Plan was prepared with analyses of existing sanitary sewer, water, storm water, and transportation conditions and analyses of how those systems need to be upgraded, extended, and phased to meet the future development of Sherwood West. (See Sherwood West Concept Plan, pages 15-21, 40-44, Appendix 3 (Existing Conditions Report), and Appendix 8 (Transportation Options Alternative Analysis Report and Cost Estimates). The concept plan was prepared in coordination with all of the future service providers, including those services that

will be provided by the City and those that will be provided by others, including Clean Water Services, ODOT, Tualatin Valley Fire & Rescue, and Washington County. (*See* Sherwood West Concept, acknowledgements page and Appendix 6 (Service Provider Interviews). The District was also part of the Technical Advisory Committee that informed the concept planning effort. Because all of this extensive analysis and coordination work had already been done for Sherwood West, the District used that work as the jumping off point for its analysis of the area for orderly and efficient accommodation of public services.

As demonstrated in the Narrative, pages 24-31, four of the six sites (A, D, E, and F) have significant barriers to provision of public infrastructure. Sites B and C have the fewest barriers and are most feasible for public infrastructure service. This is consistent with the findings of the Sherwood West Concept Plan, which anticipates phasing public infrastructure to serve the area encompassed by Sites B and C first, i.e., Area A. (*See* Sherwood West Concept Plan, pages 40-44.) Service provider interviews conducted as part of the concept planning effort also identified Area A as the "first stage development area." (*See* Sherwood West Concept Plan, Appendix 6, page 5.) It is also worth noting that, according to the concept plan, Area A of the concept plan has most infrastructure in place, "presents the best near-term opportunity for development in Sherwood West," and the cost to serve is on the lower end of the cost scale. (Sherwood West Concept Plan, pages 42-43.) The District also engaged a licensed traffic engineer to prepare the March 15, 2017, Sherwood High School UGB Expansion Transportation Study (the "Transportation Study") to address effects of a new high school on Site C on the surrounding transportation system. The Transportation Study found that, with appropriate mitigation, Site C can accommodate the new high school while maintaining an adequate transportation system. See also District's findings in response to Goals 11 and 12 with respect to the provision of public facilities and services to Site C.

As part of this UGB amendment application effort, the District obtained service provider comments from the City of Sherwood, Washington County, Tualatin Valley Fire and Rescue, and Clean Water Services, all of whom supported the siting of the new school on Site C from an infrastructure provision standpoint, consistent with the Sherwood West Concept Plan.

In sum, Sites B and C best meet the need for a new high school considering the orderly and economic provision of public services per the Sherwood West Concept Plan and the District's own analysis.

The primary opponent makes only a desultory effort to challenge the applicant's proposed findings. *See* letter from Jennifer Brager dated June 23, 2017, at p. 7. Ms. Bragar concludes, without much in the way of analysis, that "Site C is unworkable." The only evidence that the opponent cites as support for this theory is the DKS Traffic Study dated March 15, 2017, which shows that currently there are several failing intersections in the vicinity. However, failing intersections is not in any way determinative when considering the locational factors.

The proposed site has positive attributes from the transportation and traffic perspective. The site is close to the area's major north-south highway (Highway 99) and east-west arterial (the Tualatin-Sherwood Road). It has a relatively flat topography, reducing hazards in wet or snowy conditions. With the planning modifications, the site will have adequate access and

capacity for peak school commuting times (7.15 to 8 am and 2.50 to 3:45 pm). Road widths and sightlines will be sufficient for safety purposes, an important consideration for less-experienced drivers, such as high school juniors and seniors.

The traffic issue has been addressed by unrebutted evidence from the applicant's civil and traffic engineers - the *only* expert testimony in the record - and is belied by the fact that all of the public service providers for the Sherwood West area, including Washington County, the City of Sherwood, and Clean Water Services, submitted service provider letters that support the new high school on Site C, and state that such services can be provided. (*see* Appendix to the Application Narrative for copies of these letters).

At the public hearing, local residents Carolyn McBee and Karen Labahn raised issues of traffic safety at the proposed site, specifically on Kruger and Elwert Roads. They testified, convincingly, that the roads abutting the preferred alternative site are rural in nature and not capable of handling the traffic generated by the school. As the hearings officer emphasized at the hearing, the analysis is comparative in nature. A site does not have to be good; it just has to be better than the alternatives. This is true even if all of the alternatives are objectively bad. In fact, it will undoubtedly be the case that the roads in all seven of the candidate urban reserve areas are rural in nature and incapable of handling urban levels of traffic. At this stage, the analysis is high level and really only focused on identifying issues that made any one site particularly good or horrendously bad in relation to the others.

In this case, the applicant's traffic engineers Scott Mansur, P.E. and Carl Springer, P.E. of DKS Associates wrote the following in a June 28, 2017 memorandum:

> DKS prepared the March 15, 2017, Sherwood High School UGB Expansion Transportation Study ("March Transportation Study"). The March Transportation Study assesses the proposed UGB amendment impacts and identifies a roster of system improvements for the short-term and long-term. This study acknowledges that several local intersections are heavily congested during peak hours, and that the rural street infrastructure nearby the proposed UGB amendment site does not meet either the City's or the County's facility design standards today. What this study also tells us, however, is that with proper mitigation the proposed school site can be adequately served with transportation infrastructure. The next step in the planning process is the post-UGB amendment Title 11 planning, as required by Metro, and it is during that process that the next transportation planning steps will be taken. These planning steps include designating urban zoning and land use types within the newly added UGB area. During this stage, we will engage in additional technical studies, including a second transportation impact study, to (1) refine the specific project needs, (2) ensure that the Transportation Planning Rule is met, (3) ensure that performance standards can be maintained over time, and (4) ensure that a safe transportation network is provided for the new

> high school. Based on our transportation analyses so far, we are confident that the Sherwood School District can provide adequate state and local transportation facilities to support the proposed Site C high school.

While the residents' traffic safety concerns are well meant, and taken seriously by the hearings officer, the engineers are undoubtedly correct that the applicant's preferred alternative site can be improved with reasonable cost expenditure. The improvements discussed at the hearing were typical of what one would expect when land urbanizes, and do not involve any highly extravagant technical solutions such as bridges over wetlands / streams, or expensive highway overpasses. The hearings officer had the opportunity to evaluate these engineering experts and considers their representations highly credible. No evidence was presented pertaining to other sites that would suggest that any other site would be significantly better from a transportation standpoint, and several of the sites required more expensive improvements.

The opponents argue that the applicant gamed the system by counting traffic in the middle of winter. *See* letter from Jennifer Brager dated June 23, 2017, at p. 8. Again, this argument seems to lose focus of the intended exercise. That argument might have merit if the applicant's traffic engineers had performed their traffic counts at some locations in winter, but at other locations in summer (when traffic is lighter because school is out of session and many workers are not commuting, due to vacations). That did not happen. The applicant's traffic study clearly states:

> To perform the intersection analysis, traffic counts were collected during the AM peak (7:00 – 9:00 am) on Feb 1, 2017 and the PM peak (4:00-6:00 pm) on Jan 31, 2017. Study intersections on ODOT facilities (i.e. OR 99W) were analyzed using estimated 30th highest hour traffic volume (30 HV) conditions. The 30 HV development process for existing conditions *includes the determination of seasonal adjustments.* (DKS "Sherwood High School UGB Expansion Transportation Study" dated March 15, 2017, p. 9, italic emphasis added).

Site C is located in close proximity to existing urban arterials, which in and of itself makes it a better site as compared to alternatives such as Sites D and F, which are more isolated and remote. Sites A, E, and F will be more expensive to develop than Sites B and C. Sites D and F suffer from not being contiguous with the existing UGB and so public infrastructure would have to be extended further, out of sequence, to reach those sites. This creates a significant unnecessary expense. Further, sites with steeper topography and natural resource constraints, like Sites A, D, E, and F will also be more costly to develop. Sites B and C will cost less than the other sites to develop, but Site C will cost even less than Site B due to its flatter topography.

The hearings officer wishes to emphasize that the public will have many additional opportunities to comment on and influence the types of transportation improvements that will be built.

MC 3.07.1425(c)(3): If the Council determines there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering:

(3) comparative environmental, energy, economic, and social consequences.

A comparison of the six sites with respect to environmental, energy, economic, and social consequences of development is set forth below:

Environmental Consequences: There are areas within Sherwood West that have significant natural resources within them. The maps at Figure 6 of the Sherwood West Concept Plan and Appendix B of Appendix 3 of the Sherwood West Concept plan are instructive in this regard. From those maps one can see that Sites A, D, and F have significant areas of floodplains, wetlands, protected stream corridors, and inventoried wildlife habitat. In contrast, Sites B and C have little to no environmental resources on them. Further, Sites B and C are closest to the city's existing urban core, which give them the most direct transportation connections, thus limiting air quality degradation. Therefore, development of these sites with a high school would have the least negative environmental consequences of all of the alternative sites.

Energy Consequences: From an energy standpoint, all of the sites are reasonably close to the bulk of the student population to be served, but Sites E and F are more remote. This will be exacerbated as Sherwood West develops with mostly residential uses. Sites A, B, C, and D are most centrally located, which will allow more students to walk and bike to school and reduces the number of students being bused and driven to school, and allows for the least vehicle miles traveled for those who use cars and buses. Site D would require an out-of-sequence extension of public infrastructure to the more interior of the urban reserve, however, which ticks its adverse energy consequences somewhat higher than Sites A, B and C.

Economic Consequences: Public bond dollars are finite and must not be wasted. Taxpayers expect that school districts will be good stewards of the public money and building new school facilities is no exception. Being more remote from the existing urban area and public infrastructure, Sites A, E, and F will be more expensive to develop than Sites B and C. Sites D and F suffer from not being contiguous with the existing UGB and so public infrastructure would have to be extended further, out of sequence, to reach those sites. This creates a significant unnecessary expense. Further, sites with steeper topography and natural resource constraints, like Sites A, D, E, and F will also be more costly to develop. Sites B and C will cost less than the other sites to develop, but Site C will cost even less than Site B due to its flatter topography. The effect of topography on the cost of building a high school site with its need for ball fields and other sports facilities should not be under estimated. Even small amounts of slope will have significant, expensive consequences on a school site due to the cost of grading.

Site C has another factor that weighs in its favor over Site B, which is that Site B contains a number of single-family residences that would have to be purchased and demolished to build the new high school. Purchasing houses to tear them down is not a good use of bond dollars if it can be avoided. Therefore, Site C clearly comes out ahead in this consideration.

Social Consequences: Siting the new high school in the most centrally located area possible is important to fostering a sense of civic and school pride. Although high schools can have fairly significant impacts on an area, they should be sited where the bulk of the population resides and be a use that brings people together in a place that the citizens identify as an integral part of their community. One of the alternatives that the District considered in its facilities planning to alleviate the capacity issue at the existing Sherwood High School was building a second high school. The community, however, was very much opposed to that idea. A small, cohesive community like Sherwood wants to remain bound together not divided by different allegiances to different high schools. All of the sites analyzed in Sherwood West would be superior to any sites in any other urban reserve for these reasons alone; however, within Sherwood West Sites B and C are most centrally located - both now and in the future as the city continues to grow to the south and west. Even so, development of Site B has a more immediate social consequence that Site C does not have. There are a number of residences in Site B that would have to be purchased and demolished in order to develop the new high school. Displacing residents from their homes needlessly is a very adverse social consequence and should not occur if it can be avoided, which in this case it can. Therefore, Site C comes out ahead here, too.

Conclusion: Sites B and C are the two sites that come out the most favorably when one factors in the environmental, energy, economic, and social consequences. However, Site C edges ahead of Site B due to Site B's increased adverse economic and social consequences.

MC 3.07.1425(c)(4): If the Council determines there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering

(4) compatibility of proposed urban uses with nearby agricultural and forest activities occurring on land outside the UGB designated for agriculture or forestry pursuant to a statewide planning goal.

Hearings Officer's Analysis: The District identified a number of site characteristics that a new site would need to meet in order to accommodate a new high school. As discussed above, is one urban reserve area that can efficiently accommodate a new high school - Sherwood West. Sherwood West has been MC 3.07.1110 concept planned and so may be considered for inclusion within the UGB. Sherwood West is adjacent to the city's existing UGB and in close proximity to the bulk of the District's student population. The area is planned for predominantly residential uses, including schools, and so as Sherwood West develops even more of the student population will reside in the vicinity of the proposed high school site. The District studied the 1,291-acre urban reserve for areas within it that could accommodate a new high school site. The District did this by utilizing an engineer and architect to evaluate all sites in the urban reserve that were flat to relatively flat; had a minimum buildable site size of approximately 50 acres or more; no or minimal constraints from streams, wetlands, and intact upland habitat; adequate/feasible access to public utilities; and proximity to a major street network. This analysis yielded six sites, which were then ranked according to the site criteria.

With respect to how the six sites meet the need for a new high school considering the compatibility of proposed urban uses with nearby agricultural and forest activities, it is important to note that the entire Sherwood West area is slated for eventual urban development, regardless of the current uses and zoning of land within it. It was designated as an urban reserve instead of a rural reserve partly due to its small-scale, intermittent farming and forestry activity, parcelization, and rural residential development. That said, urbanizing land that is adjacent to existing urban development is more consistent with this boundary location factor than urbanizing land further into the undeveloped portions of an area, which will likely remain in rural use much longer whether the new high school is built in the area or not. Sites A, B, and C are closest to existing urban development. Sites D, E, and F are more remote from existing urban development. Therefore, in this respect, A, B, and C will have fewer impacts on any nearby agricultural and forest activities. Site A does not appear to have any adjacent agricultural or forest activities occurring adjacent to it. The other sites have very minor to small amounts of agricultural activities occurring on adjacent land. Therefore, none of the sites would appear to have much impact on agricultural or forest activities. Given the sites' rough equivalency in this regard, Sites B and C are the least costly to serve and most readily developable according to the Sherwood West Concept Plan, so developing in those areas "now" will have fewer impacts on nearby agricultural and forest activities than jumping ahead to an area that might have otherwise remained rural for the next 20 years. This gives Sites B and C the edge in considering this factor.

MC 3.07.1425(c)(5): If the Council determines there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering

(5) equitable and efficient distribution of housing and employment opportunities throughout the region.

Hearings Officer's Analysis: This factor is not directly relevant to the siting of a new high school and therefore is not determinative in any way.

MC 3.07.1425(c)(6): If the Council determines there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering

(6) contribution to the purposes of Centers and Corridors.

Hearings Officer's Analysis: This factor is not found within Statewide Planning Goal 14 but is instead a consideration created internally at Metro. According to Metro's 2040 Growth Concept Map, the proposed site is not in a Regional or Town center, nor is it directly on a Corridor. Site A is closest to a Corridor, but as staff pointed out in the staff report, it is mostly undeveloped or in single-family residential use. None of the other sites are close enough to any Centers or Corridors to contribute to them at this point in time. Therefore, none of the alternatives support the purposes of Centers and Corridors in any significant way.

MC 3.07.1425(c)(7): If the Council determines there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering:

(7) protection of farmland that is most important for the continuation of commercial agriculture in the region.

Hearings Officer's Analysis: This factor is not found within Statewide Planning Goal 14 but is instead a consideration created internally at Metro.

As noted by staff in the staff report, Metro and Washington County completed an urban and rural reserve process that designated the most important land for commercial agriculture in the county as rural reserve and the land most suitable for urban development as urban reserve. This means that development within any urban reserve will, at least presumptively, protect farmland that is most important for the continuation of commercial agriculture in the region.

However, this factor seems to reach beyond that concern and require further differentiation of urban reserve areas, at least to the extent that any of these urban reserves are still in commercial agricultural production. Of the six sites studied in Sherwood West urban reserve area, none appear to have any significant commercial agriculture. As such, it seems their agricultural output does not form a significant component of the Sherwood area's economy.

The applicant points out that development of sites within an urban reserve that are closest to the existing UGB and to areas within the UGB that actually contain urban-level development, helps to keep agricultural and forest land further from the UGB and urban areas in unaffected operation until such time as urban development grows further in that direction.

MC 3.07.1425(c)(8): If the Council determines there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering

(8) avoidance of conflict with regionally significant fish and wildlife habitat.

Hearings Officer's Analysis: This factor is not found within Statewide Planning Goal 14 but is instead a consideration created internally at Metro.

The Sherwood West urban reserve has some significant fish and wildlife habitat within in it, much of which is associated with Chicken Creek. According to the Sherwood West Concept Plan, Steelhead *(Oncorhynchus mykill),* a federally listed species, are known to exist within Chicken Creek. Sites located closer to Chicken Creek would therefore tend to be less suitable for this project.

All of the sites *except* for Sites B and C are constrained by a significant or moderate level of natural resources:

Site A has a wetland right in the middle, and the entire western portion of this site is mostly creek, and its drainage discharge is right into Chicken Creek (see Narrative, p. 25).

Site D has creek drainage running through the southern portion of the site. Since there is no established public storm drainage anywhere in the vicinity, so a costly system to route storm discharge would have to be built with input from the City of Sherwood and Clean water Services to avoid negatively impacting significant fish and wildlife habitat.

Site E is steeply sloped down to the east towards Highway 99, with a grade change around 75 feet. There are no established public storm drains in the vicinity. so a costly system to route storm discharge would have to be built with input from the City of Sherwood and Clean water Services to avoid negatively impacting significant fish and wildlife habitat.

Site F has creek drainage and potential wetlands running through the entire site (see Narrative, p. 30), so extensive mitigation measures could be required to avoid negatively effecting significant fish and wildlife habitat.

As shown on Figure 6 of the Sherwood West Concept Plan, the western edge of Site B abuts a tributary of Chicken Creek and includes some associated wildlife habitat. Site C has no such identified resources, and, therefore, the hearings officer concludes and finds that Site C best avoids conflicts with regionally significant fish and wildlife habitat.

MC 3.07.1425(c)(9): If the Council determines there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering

(9) *a clear transition between urban and rural lands, using natural and built features to mark the transition***.**

Hearings Officer's Analysis: This factor is not found within Statewide Planning Goal 14 but is instead a consideration created internally at Metro.

The boundaries of Sherwood West do not appear to have been designated according to providing a clear transition between urban and rural reserves using natural or built features. It is bisected in large part at its northern end by Chicken Creek. But Chicken Creek will not form a natural barrier between urban and rural uses, as the Sherwood West Concept Plan contemplates development on either side of the creek. So, Chicken Creek will end up being a natural area within an urban area - not a boundary between urban and rural uses. Because the boundaries of Sherwood West were not created according to natural or built features, and because all of the six sites studied within Sherwood West for a new high school are internal to Sherwood West and will eventually be in the midst of other urban area, this factor is not particularly relevant to this application. Even so, as staff notes in the staff report, there are no built or natural features that would mark even an internal transition from urban to rural lands for Sites C and E. Site B is flanked by Chicken Creek, which could form such a barrier, but, again, there will be urban development on the other side of that "barrier" one day. Site A is also flanked by Chicken Creek, but the creek and natural resources associated with that site also limit the development

potential of that site for a new high school. Further, there will be urban development on the other side of those natural barriers one day, so they will not really mark the transition that this factor contemplates. Site D has some natural resources on it that could provide a barrier of sorts, but which also reduce the buildable area, and, again, the concept plan does not contemplate these natural areas being any sort of permanent barrier between urban and rural uses. Site F has a large amount of wildlife habitat, but that habitat, too, cuts into the buildable area and will provide no such barrier as contemplated by this factor.

Hearings Officer's Analysis and Summary of the Nine MC 3.07.1425(c) Locational Factors

In summary, little weighing and balancing is needed in this case, because the applicant's preferred alternative, Site C, nearly always came out as the site that best met the intent of each individual factor. With respect to two factors, Sites B and C equally met the intent of the factor, and with respect to another factor Site B came in a fairly close second to Site C. All in all, however, Site C best met all of the factors. In sum, all of the factors were applied and evaluated, and on-balance, Site C came out ahead. Thus, whatever weighing and balancing of all of the nine locational factors with respect to the six sites that could potentially accommodate a new high school is required, the Hearings officer finds that the applicant's analysis clearly demonstrates that the proposed site, Site C, better meets the applicable locational factors than the other sites.

No discussion presented by any opponent to the contrary is convincing. In disputing the District's location factor analysis, the primary opponent pointed to individual aspects of different sites and argued why it believed those aspects made one site better than another with respect to a given, discrete aspect. The opponent's sniping is ineffective, however, because unlike the applicant, the opponent did not evaluate the sites *holistically* based on the nine enumerated factors. Stated it another, it may be the case, that some of the alternative sites fair better than the applicant's preferred alternative in some particular or another. No site is perfect, after all, and each site has its positives and its negatives. However, when viewed as a whole, on balance, the applicant's preferred alternative fairs the best over the broadest consideration of the nine factors. Therefore, the opponent failed to demonstrate that the MC 3. 07.1425(C) factors findings are deficient.

The opponent also argues that Sherwood South cannot be ruled out as a possible area for the Major Amendment even though it has not been concept planned under MC 3.07.1110, because MC 3.07.1110(6) provides that such an area can be added even if it has not yet been concept planned. *See* Brager letter dated June 23, 2017 at p.7. MC 3.07.1110(6) states:

> *"If the local governments responsible for completion of a concept plan under this section are unable to reach agreement on a concept plan by the date set under subsection (a), then the Metro Council may nonetheless add the area to the UGB if necessary to fulfill its responsibility under ORS 197.299 to ensure the UGB has sufficient capacity to forecasted growth."*

First, the MC 3.07.1110(6) exception is restricted to situations where "the local governments responsible for completion of a concept plan under this section are unable to reach agreement on a concept plan." There is no evidence that any local governments responsible for a concept plan for Sherwood South are unable to reach agreement on that concept plan. In fact, there seems to be no question that the City of Sherwood will be planning for Sherwood South-it just hasn't done it yet, and has no current plans to do so. Second, the fact that no pre-UGB expansion concept planning has been done for Sherwood South is just one of many reasons the District gave for why Sherwood South ceased to be considered as a viable area for the new high school. The opponent has not pointed to an area within Sherwood South that would meet the District's siting criteria. In fact, in the opponent's June 23, 2017, letter, the opponent points to "a large block of property" south of the recent Brookman Road annexation area, but then appears to agree that it is too sloped to work as a high school site. See Letter from Jennifer Brager dated June 23, 2017, at p.6.

Metro Code section 3.07.1425(D) The Council may consider land not designated urban or rural reserve for possible addition to the UGB only if it determines that:

1. *Land designated urban reserve cannot reasonably accommodate the need established pursuant to subsection B of this section; or*
2. *The land is subject to a concept plan approved pursuant to section 3.07.1110 of this chapter, involves no more than 50 acres not designated urban or rural reserve and will help the concept plan area urbanize more efficiently and effectively.*

Hearing Officer's Analysis: The proposed expansion is within an urban reserve. This criterion is not relevant because the site and surrounding properties to the north, east and south are within an Urban Reserve area (no property within or next to the subject site is outside of urban reserve areas).

This criterion is not applicable.

Metro Code section 3.07.1425(E): The Council may not add land designated rural reserve to the UGB.

Hearing Officer's Analysis: The proposed expansion is not within a rural reserve. This criterion is not relevant because the subject site and surrounding properties to the north, east and south are within an Urban Reserve area.

This criterion is either not applicable or has been met.

Metro Code section 3.07.1425(F): The Council may not amend the UGB in such a way that would create an island of urban land outside the UGB or an island of rural land inside the UGB.

Hearing Officer's Analysis: The subject site and the remaining portion of the Sherwood West urban reserve are adjacent to the City of Sherwood. The transformation of this area from rural to urban represents a logical and methodical way to enlarge an urban area, which will not create an island of urban development outside of the UGB.

The proposed expansion will not create an island of urban land outside the UGB or an island of rural land inside the UGB. The applicant has met its burden of showing compliance with this factor by substantial evidence in the whole record.

Metro Code section 3.07.1440 (B)(1) The applicant shall also demonstrate that:

(1) The proposed uses of the subject land would be compatible, or through measures can be made compatible, with uses of adjacent land.

Hearing Officer's Analysis: The applicant addresses this criterion as follows:

> The proposed major amendment site is surrounded by land that is either within the City of Sherwood or the Sherwood Urban Reserve Area 5B (aka Sherwood West Preliminary Concept Plan Area) (see Attachment 6). The land in the City located north and east of SW Elwert Road is fully urbanized with single-family subdivisions and constructed houses. City land located south and east of SW Elwert Road is the location of the Sherwood Elks Lodge. The Elks Lodge site contains a large area of vacant land around the existing building and parking lot. The Elks Lodge and undeveloped surrounding land is zoned Low Density Residential (LDR).
>
> Land to the north, south and west is currently rural and within the urban reserve area (Sherwood West Concept Plan). This County land is zoned Agricultural Forest (AF) and is a patchwork of sites zoned AF-5, AF-10 and AF-20 with the subject site zoned AF-20. AF-5 has a minimum lot size of 5 acres, AF-10 of 10 acres and AF-20 has a minimum lot size of generally 80 acres. The surrounding property has been highly parcelized and consists of a patchwork of small forests/farms and rural residential properties with none more than 80 acres and many under five acres in size.
>
> The site is compatible with surrounding residential properties as the property has separation provided by existing streets on the north (Haide Road), south (Kruger Road) and west (Elwert Road) boundaries. The eastern boundary consists of mostly forestland with only one house near the site boundary near the northwest corner of the site. All school traffic will be able to access the site

from Elwert Road and will not be routed through existing or proposed residential areas or streets.

While the development of a school site will be the first urban development in the Sherwood West Concept Plan Area, the regional and local plans anticipate redevelopment of this entire area for primarily residential land. Schools typically locate within residential areas and are considered to be compatible with residential land uses when the impacts of the school on residential uses are considered within the design.

The first urban development projects to occur within rural areas typically can cause some tension between existing residents who welcome the change, and those who are content with its current rural character. So well-designed solutions to deal with compatibility issues may still feel like "encroachment" to rural residents. The development of the site will include public involvement during the design development and permit approval process, allowing ample opportunity for the neighbors to help address specific compatibility issues. In the long term, establishing the school will provide the opportunity for subsequent urban developments to be oriented and designed to optimize their physical relationship with the school. This will allow the development of future Sherwood West properties to "grow up together" compared to infilling a large public facility into an established residential neighborhood.

The subject site borders the UGB on the east along SW Elwert Road. Adjacent land uses include single family homes and the Sherwood Robin Hood Elk Lodge that also includes some vacant land that is zoned for residential use, which is expected to develop over time. Directly to the southeast across Highway 99W is the Sherwood Regional Family YMCA. To the north across SW Haide Road is mostly open land with some out-buildings and one dwelling that appears to be vacant. To the west are forested parcels with one dwelling adjacent to the NW corner of the subject parcel. To the south across SW Kruger Road is the Countryside Community Church, limited agricultural activities and four dwellings. The typical weekend use of the church complements the weekday uses of a school. The land to the south also borders Highway 99W.

The District has developed a preliminary site plan that shows the school buildings located in the center of the property with sports fields generally to the south and west and parking located to the north. The southeast corner of the site will contain the realignment of SW Elwert and SW Kruger Roads. The three adjacent roads provide some buffering for the very few adjacent homes and the NW Natural Gas Easement also buffers the southwest corner of the site. The district currently has a High School Design Committee charged with working with the design team to provide advice on a number of design elements and a couple of community input meetings will be scheduled in 2017. In addition there will be public input opportunities during the City's development review and permit approval process.

Finally the subject site is within a very large urban reserve area that has the potential to urbanize over time. As noted previously this portion of the Sherwood West urban reserve was identified as phase A in the preliminary concept plan the City completed. This allows the adjacent land to be designed and developed in a manner that enhances and embraces this important community facility. Therefore the proposed use of the site can be made compatible, through measures, with the uses of the adjacent land.

The applicant has met its burden of showing compliance with this factor by substantial evidence in the whole record.

Metro Code section 3.01.1440 (B)(2) The applicant shall also demonstrate that:

If the amendment would add land for public school facilities, the coordination required by subsection C(5) of section 3.07.1120 of this chapter has been completed.

Hearing Officer's Analysis: MC 3.07.1120(C)(5) states:

> *"Provision for the amount of land and improvements needed, if any, for public school facilities sufficient to serve the area added to the UGB in coordination with affected school districts. This requirement includes consideration of any school facility plan prepared in accordance with ORS 195.110."*

The applicant addresses this requirement as follows:

> This requirement is satisfied as described in Section III of the application. In summary, the Sherwood School District adopted a long-term facilities plan in January of 2008. The long-term plan assumed that additional school capacity would likely be needed within 10 years of the plan's adoption. (The 2008 Long Term Facilities Plan is provided in Appendix C).
>
> In 2014 to 2016, the School District did significant planning prior to placing a bond on the November 2016 ballot that was ultimately approved by voters. This included inventorying existing school facilities, completing updated demographic information, as well as significant planning and public outreach to identify a plan for school facilities that includes the proposed new high school.

As the District points out, it experienced substantial growth in the late 1990's and early 2000's leading to a community effort in 2005 to determine facility needs. This resulted in the successful 2006 bond measure which included funding for an addition to the current high school to increase capacity to 1,550 students, consistent with phase 1 of the 2006 high school master plan. The District completed a long term facilities plan in 2008. Current enrollment at the high school is over 1,700 students and projections show over 2,250 students by the 2025-26 school

year. In early 2014 the District's Long Range Planning Committee made recommendations to the School Board regarding enrollment and growth challenges, facilities analysis and needs and financing options. In 2015 the District documented the condition and educational adequacy of its facilities, leading to bond visioning and steering committees in 2016. This resulted in the District's voters approving a bond measure in 2016 providing funding for school improvements including construction of a new high school. The District and the city of Sherwood have an intergovernmental agreement to share sport fields with most of the facilities occurring on school grounds. Thus the coordination required by subsection C(5) of Metro Code Section 3.07.1120 has been completed.

The applicant has met its burden of showing compliance with this factor by substantial evidence in the whole record.

Metro Code section 3.01.1440(B)(3) The applicant shall also demonstrate that:

If the amendment would add land for industrial use pursuant to section 3.07.1435, a large site or sites cannot be reasonably be created by land assembly or reclamation of a brownfield site.

Hearing Officer's Analysis: The proposed expansion is not for industrial use. This criterion is not applicable.

Findings Addressing OAR 660- Division 24 and the Applicable Statewide Planning Goals.

OAR 660-024-0020 requires that all UGB amendments apply the Statewide Planning Goals to the amendment process. This directive applies to the whole gamut of UGB amendments, from the every-six-year Metro legislative review of its UGB to a quasi-judicial major amendment under the Metro code to provide land for a specific public need, such as a school or other public facilities. However, this does not mean that the Goals will apply equally and in the same way in each situation. It may even be that one or more of the Goals may not apply at all to a given situation.

The primary opponent asserts that the applicant failed to adequately address the Statewide Planning Goals. *See* Letter from Jennifer Bragar dated June 6, 2017. While that was correct at the time Ms. Brager wrote her letter, the applicant followed up two days later with proposed findings. The Hearings officer finds that the applicant did adequately demonstrate compliance with the applicable Statewide Planning Goals by substantial evidence in the whole record, and adopts the applicant's suggested findings, with slight modification, as set forth below. The opponent's specific objections are also addressed below.

OAR 660-024 -0020

OAR 660-024-0020 sets out which of the Statewide Planning Goals are applicable to UGB amendments. The Goals will have a somewhat limited applicability to a UGB amendment for a specific need, but the relevant Goals are addressed below.

Goal 1 - Citizen Involvement

"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

Hearings Officer Analysis: This Major Amendment application does not alter Metro's citizen involvement program. Consequently, compliance with Goal 1 is established through compliance with the public involvement requirements of Metro's code. Those requirements have been followed.

Goal 2 - Land Use Planning
"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

Hearings Officer Analysis: OAR 660-024-0020(1)(a) states that the exceptions process in Goal 2 and OAR 660, Division 4 are not applicable unless a goal exception is part of the application. A goal exception is not part of the Major Amendment application and so those provisions will not be addressed. Other than goal exceptions, Goal 2 requires the establishment of a comprehensive plan, a need for coordination of government entities in planning, and the need for public hearings and an opportunity for comment and review.

1) Coordination: This Major Amendment application has required coordination with and between Metro, Washington County, the City of Sherwood, and public service providers including ODOT, Tualatin Valley Fire & Rescue, and Clean Water Services. This includes coordination at the Major Amendment level and at the Sherwood West Concept Plan level. Therefore, the required coordination has occurred.

2) Public Hearings/Opportunities for Comment and Review: Metro staff sent the required notice for the hearing before the hearings officer, and there has been opportunity for comment and review of the application materials. The hearing was continued, which provides additional opportunity for comment and review, and the hearings officer has stated he is likely to leave the record open after the second hearing concludes. There will also be at least one hearing before Metro Council. Further, the proposed high school will have additional approvals to obtain after the Major Amendment application has been approved, such as annexation, a zone change and a conditional use permit, all of which include a public involvement component. Therefore, there has been and will continue to be public hearings and an opportunity for comment and review.

Goal 3- Agricultural Lands

Hearings Officer Analysis: Not applicable under OAR 660-024-0020(3)(b).

Goal 4 - Forest Lands

Hearings Officer Analysis: Not applicable under OAR 660-024-0020(3)(b).

Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces

> "To protect natural resources and conserve scenic and historic areas and open spaces."

Hearings Officer Analysis: OAR 660-024-0020(1)(c) requires states that Goal 5 and its related rules apply only in areas added to the UGB. The area to be added to the UGB is the site identified in this application. There are no Goal 5 resources on the site identified by Metro, Washington County or the City of Sherwood in the Sherwood West Concept Plan. Therefore, this goal is not applicable.

> *Goal 6 - Air, Water and Land Resources Quality*
> "To maintain and improve the quality of the air, water and land resources of the state."

Hearings Officer Analysis: As LUBA recently stated:

> "[t]he relevant Goal 6 inquiry for a decision that amends comprehensive plan and zoning map designations, without approving any particular new development, is whether there is a reasonable expectation that applicable state and federal environmental quality standards can be met at the time the property is developed in the future. *See Friends of the Applegate Watershed v. Josephine County*, 44 Or LUBA 786, 802 (2003), (at the post-acknowledgment plan amendment stage, a local government need only show it is reasonable to expect that applicable state and federal environmental quality standards can be met); *see also Salem Golf Club v. City of Salem*, 28 Or LUBA 561, 583 (1995) (same).

See Nicita v. City of Oregon City, ___ Or LUBA ___ (LUBA No. 2016-045, Jan 25, 2017, slip op. at 27.

The hearings officer does not see how there could not be any "reasonable expectation that applicable state and federal environmental quality standards can be met at the time the property is developed [as a school]." The proposed school campus poses no significant adverse air, land or water quality impacts. There are no expected significant "waste or process discharges" from the new high school campus. The high school does not "process" anything and so there are no process discharges associated with the high school. Any waste that will be produced by high school activities will be handled through the normal course of business. For example, any solid waste generated by the school will be subject to recycling and solid waste collection by the franchised garbage hauler for the area. Any waste associated with sanitary sewers or storm events will be handled as part of the public sanitary and storm water facilities. As the property develops, the District will be required to coordinate with the state Department of Environmental Quality and with Clean Water Services to ensure that air, land and water resources are not degraded. As noted in response to Goal 5, no significant Goal 5 resources have been mapped on this property by Metro, Washington County or the City. Further, the proposed new high school site is adjacent to the existing UGB and will allow for efficient multi-modal transportation of the

bulk of the student population - especially as Sherwood West builds out with primarily residential uses in the decades to come.

The primary opponents make a half-hearted attempt to challenge the applicant's Goal 6 compliance, but its argument is too vague and too unfocused to provide a basis for denial. First, the opponent state that "air quality issues should be examined for a new school to be built near Highway 99." *See* letter from opponent's counsel Jennifer Brager, at p. 2, 6. This argument appears to assume that highway 99 causes sufficient level of pollution that a school should not be located in close proximity thereof. The opponents suggest that a "buffer" and "distancing is needed. The opponent never suggests what a proper buffer would be. The Hearings officer finds this concern to be speculative, unsupported by substantial evidence in the record, and beyond the scope of Goal 6's reach. Even if the hearings officer believed this was a valid concern, the hearings officer finds the air quality benefits of locating a school away from a major arterial would be offset by the additional VMT needed to transport school children a further distance.

Goal 7- Natural Hazards

"To protect life and property from natural disasters and hazards."

Hearings Officer Analysis: Goal 7 (Areas Subject to Natural Hazards). Goal 7 requires local governments to evaluate risks to people "upon receiving notice" of new hazard information from DLCD, and based on evaluation of that risk to prohibit development in areas "where the risk to public safety cannot be mitigated." Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires.

No natural hazards have been mapped on the properties that comprise the proposed school site. (*See, e.g.*, Sherwood West Concept Plan, figures 6 and 7.) The applicant's proposed site appears to be devoid of any natural hazards: It is not in a flood plain or a coastal zone. It does not have steep slopes that would be vulnerable to landslides. It does not contain soils that are exceptionally vulnerable to being an earth quake hazard (at least any more so in comparison to the rest of the Portland Metro region generally). Therefore, this goal is inapplicable.

Goal 8- Recreational Needs

"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts."

Hearings Officer Analysis: As set forth in the Narrative, the District provides most of the athletic fields for the City of Sherwood. The City and the District have had a long history of partnering in the provision, use, and maintenance of these fields so that recreational opportunities are provided as efficiently as possible. The new high school campus will include a number of new fields and sports facilities on which the City and the District will continue to partner. The new fields and sports facilities will be in addition to the existing fields and sports facilities already in use as part of the existing school facilities. See page 32 of the Narrative for additional

detail. The new high school campus, then is supportive of this goal, as it will help satisfy the need for recreational facilities in the city and in the District.

Goal 9 - Economic Development

> *"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."*

Hearings Officer Analysis: Goal 9 applies to areas within an urban growth boundary. OAR 660-09-0010(1). *Port of St. Helens v. Land Conservation & Development Committee*, 164 Or App 487, 495, 996 P 2d 1014 (2000). Goal 9 requires that jurisdictions provide adequate opportunities for a variety of economic activities. Goal 9 planning is limited to areas within UGBs, and local land use plans are required to comply with Goal 9 at periodic review and whenever a jurisdiction undergoes a post-acknowledgment plan amendment that changes the plan designation of more than two acres of land from industrial/employment use to a nonindustrial/non-employment use. OAR 660-009-0010(1), 0010(2), and 0010(4).)

Pursuant to OAR 660-024-0020, certain Goals, including Goal 9, are also applicable when the UGB is amended. The Major Amendment application expands the UGB to allow an existing high school to move several miles away from one site within the City of Sherwood to another site that will be annexed into the City of Sherwood for that purpose. This appears to be fairly neural from the standpoint of economic opportunities.

The opponent cites *Barkers Five, LLC v. LCDC*, 261 Or App 259, 289 (2014), and states that Goal 9 "requires a determination of the potential future land need for employment and is supposed to occur at the time the UGB is expanded, " and that "the school itself has to be analyzed as an 'other employment use' as defined under OAR 660-009-0005 because it will involve a governmental employment activity. " *See* letter from Jennifer Bragar dated June 6, 2017, at p. 2. That might be true for a UGB amendment that proposes to add employment land, but it not explain the relevance of Goal 9 to this particular UGB application, which is specific to a need for land for a new high school. In this case, the UGB amendment is targeting a specific need, *i.e.*, the relocation of an existing high school several miles away within the same city. Goal 9 is not applicable as the UGB expansion is for a specific need for a high school.

The cited passage from *Barkers Five* should be read in context. LCDC was referring to OAR 660-027-0050(2) and Metro's analysis for employment land needs occurring as part of its urban growth report. There is nothing in that passage that would make such an analysis a requirement for a major amendment application submitted under ORS 197.299(4). As stated in the findings for Goal 9, this goal is not applicable to a UGB amendment for a specific high school need. To the extent that the high school will have any Goal 9 impacts, the Hearings officer finds those impacts will be positive in terms of temporary construction jobs during development and provision of part-and-full time employment year-round.

Furthermore, if the opponent is implying that Metro must engage in a full-blown economic opportunities analysis in the context of a major amendment application for a high school, that conclusion does not follow from the opponent's stated premises or from Goal 9. The

opponent's argument is not developed well enough to allow the hearings officer to evaluate it on the merits: the opponent has not explained how this application actually impacts the requirements or scope of Goal 9.

Goal 10 - Housing

"To provide for the housing needs of citizens of the state."

Hearings Officer Analysis: The applicant states that Goal 10 is not applicable as the UGB expansion is for a specific need for a high school. The opponent states that "Goal 10 is implicated because housing opportunities will be lost as a result of this large land grab by the school district." *See* letter from Jennifer Bragar dated June 6, 2017, at p. 2. While it is true that any use of land for non-residential purposes results in that land not being available for housing, that truism does not create a Goal 10 violation. As best as the hearings officer can determine, the opponent is arguing that the Preliminary Sherwood West Concept Plan shows a small school site surrounded by housing, and the applicant's current plan shows the entire site being used for a school and no housing. The opponent concludes that this change in plans 'will limit the planned housing in the Sherwood West Concept Plan Area," which, according to the opponent, "has Goal 10 implications." *See* letter from Jennifer Bragar dated June 6, 2017, at p. 2-3. It appears that the opponent is arguing that the Concept Plan locks in the density and mix of housing, and any change to the Concept Plan requires an analysis of Goal 10 compliance.

The hearings officer finds that the concept plan does not have the regulatory effect that the opponent assigns to it. The opponent cites to nothing in any local zoning code or Comprehensive Plan that gives this sort of regulatory effect to this (or any other) concept planning effort. Goal 10 would not have that type of regulatory effect until the property subject to the Concept Plan is brought into the UGB and assigned urban zoning designations. As currently situated, the land at issue is not within the UGB and so is not considered "buildable lands" under Goal 10 and Goal 14, and is not included in any buildable land inventory. Therefore, there is no buildable lands inventory to measure the Major Amendment application against and Goal 10 does not anticipate that there would be in this situation. By its terms, Goal 14 requires that jurisdictions "provide for the housing needs of citizens of the state" by inventorying "buildable lands for residential use. " Goal 10 defines buildable lands as lands in "urban and urbanizable areas that are suitable, available and necessary for residential use. " Under the definitions section of the Statewide Planning Goals, "urban land" is defined as "land inside an urban growth boundary, " and "urbanizable land" is defined as urban land, i.e., land inside a UGB, that is presently unavailable for any number of reasons. Therefore, the opponent' argument that, in the context of a Major Amendment, Goal 10 requires Metro to "demonstrate that its actions do not leave it with less than adequate residential land supplies" is wrong..

Moreover, as the applicant points out, the City's urban reserves include a 50-year land supply for the City. There is no evidence that siting a new high school in Sherwood West, in the location that the Concept plan contemplated a new school, will in any way negatively impact the ability of the City to provide for its housing needs, especially when Sherwood West is combined with Sherwood North and Sherwood South.

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The opponent also complains that the applicant is seeking to bring in 82 acres when it defined its current need as requiring only a 50-acre site. *See* letter from Jennifer Bragar dated June 6, 2017, at p. 2. The hearings officer is at a loss to understand the relevance of this argument to a Goal 10 challenge. The opponent's argument is simply not developed sufficiently to allow the hearings officer to understand the nature of the complaint.

The opponent also argues that an 82-acre school site "contradicts the two school sites considered in the Preliminary Sherwood West Concept Plan. *See* letter from Jennifer Bragar dated June 6, 2017, at p. 2. However, Concept Plans are not regulatory documents in the sense that they do not limit the size of planned facilities. The Concept Plan took the provision of additional school sites into account when it was developed. Although the concept plan includes two identified school sites, it is important to remember that the Concept Plan is a general plan that addresses how the area will develop generally. The Concept Plan does not specify the types of schools that the conceptual school sites reflect, e.g., elementary, middle or high school. Therefore, one should not view the blue squares denoting school sites in the Concept Plan in the literal sense of trying to determine how big the Concept Plan believed the sites will ultimately be. Such information comes from future refinement of the Concept Plan after areas are brought into the UGB.

Moreover, as the applicant points out, Goal 10 concerns itself with land already within a UGB, which the subject property is not. Therefore, Goal 10 has very limited applicability to a Major Amendment application for a new public school site. That said, the justification for the proposed expansion area of 82 acres is included in the Narrative. (Narrative at 31-32.) As set forth in the Narrative, approximately seven of the 82 acres will be needed for transportation improvements that will support the new high school. There is also a 40-foot wide gas pipeline easement that runs across the site, occupying approximately 2.2 acres but requiring protection of additional, adjacent property of approximately 20 feet on either side. This pipeline easement essentially gives the site an irregular shape, which reduces the efficiency with which it can be developed. The Narrative also discusses the shared sports fields arrangement between the City of Sherwood and the District that provides for additional ballfields. The District would also note that Figure 3 of the Narrative depicts a conceptual layout of the high school site and related transportation improvements over the entire 82-acre area. (Narrative at 7.) As one can see on that conceptual layout, the entire site will be fully utilized.

In the Appendix 6 Service Provider Interviews, the District warns that the current high school was at-capacity at the time of the interview (the appendix is dated June 15, 2015), and with the growth expected in Sherwood the high school could be expected to become over-capacity. (See Appendix 6, pages 3-4.) The District stated that expanding the existing high school and adding a new high school to the District would both be explored. The relevant information to be gleaned from the Concept Plan is that the majority of Sherwood West is intended to be developed with varying densities of housing and that the Concept Plan integrated the need for at least two additional school sites, with an understanding that the existing Sherwood High School would soon be over-capacity.

In its June 23, 2017 letter, the opponent argues that Metro "must demonstrate that its actions do not leave it with less than adequate residential land supplies in the types, locations,

and affordability ranges affected." *See* letter from Jennifer Bragar dated June 23, 2017, at p.2. As support for this requirement, the opponent relies on *Burk v. Umatilla County*, 20 Or LUBA 54 (1990). In *Burk*, the Port of Umatilla filed an application with the City of Umatilla to amend the city's comprehensive plan map for a 42-acre area within the city's urban growth boundary, but outside the city limits, from single-family residential to industrial. The city's buildable land inventory for housing included the 42 acres, because that acreage was within its UGB. Even with the 42 acres included in the buildable lands inventory, the city was deficient in land available for single-family housing. The city approved the map amendment even though it increased that deficiency, which earned the city a remand by LUBA.

The facts of *Burk* are different than those presented by this Major Amendment application. The land in question in *Burk* was inside a UGB and was already planned for zoned and residential uses. That is a key factual difference from the present case, because the land in this case is planned for agriculture and forestry. The land proposed to be added to the UGB is not "buildable land," and is not in any current inventory. For this reason, the Goal 10 analysis required in *Burk* is not applicable here.

Goal 11 - Public Facilities and Services

> *"To Plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."*

Hearings Officer Analysis: As set forth in response to MC 3.07.1425(c)(2), the Sherwood West Concept Plan extensively studied the provision of public facilities and services with respect to that urban reserve. The concept plan was prepared with analyses of existing sanitary sewer, water, and storm water conditions and analyses of how those systems need to be upgraded, extended, and phased to meet the future development of Sherwood West. The concept plan was prepared in coordination with all of the future service providers, including those services that will be provided by the City and those that will be provided by others, including Clean Water Services. The concept plan discusses the provision of public facilities and services to the area at pages 16-18 and 40-44, as well as in Appendix 3 (Existing Conditions Report) and Appendix 6 (Service Provider Interviews). According to the Concept Plan, the area in which the school site is proposed "presents the best near-term opportunity for development in Sherwood West," and the cost to serve the area is on the lower end of the cost scale. (Sherwood West Concept Plan, pages 42-43.) The District used this work as a jumping off point to study the proposed site for inclusion in the UGB (as well as other sites within Sherwood West). See Narrative, pages 24-31 and Application Appendix A (New High School Preliminary Site and Utility Exhibit) and Appendix B (Service Provider Letters). All of the foregoing information addresses the orderly and efficient arrangement of sanitary sewer, water, and storm drainage facilities to serve the new school property, as well as the larger Sherwood West area and all of the evidence consistently points to the chosen property as a property that can served in a timely, orderly, and efficient manner.

The opponents argue that Goal 11 is not met, because the local sewer and water agency (Clean Water Services) has a concern about the installation of a temporary pump station. *See* letter from Jennifer Brager dated June 23, 2017, at p. 5. The opponents offer no testimony, expert

opinion, or evidence that would call into question the conclusions reached by the applicant's engineers, KPFF. Goal 11 does not require that every technical engineering solution be worked out at the time of UGB amendment. The KPFF engineers seem to believe that an engineering solution is not only possible, but likely, which is all that is required at this stage. See KPFF memo dated June 13, 2017. This Hearings officer has evaluated the opinion of the KPFF engineers, and finds them more credible.

The opponents further argue that "fire flow tests have not been completed." *See* Letter from Jennifer Brager dated June 23, 2017, at p. 5. The opponents do not explain why fire flow tests are mandated by Goal 11 in the context of a UGB amendment, nor is it obvious why they would be. The KPFF engineers seem to be satisfied that the fire flow issue can be adequately handled, and this hearings officer finds them more credible.

Goal 12 - Transportation

> *"To provide and encourage a safe, convenient and economic transportation system."*

Hearings Officer Analysis: Early LUBA cases suggested that a local government could not "pass the buck" by deferring compliance with Goal 12 and the TPR until the time of site plan review.[13] However, more recent case law clarifies that conditions of approval can be used to limit new development until such time as the TPR is addressed. For example, in *Citizens for Protection of Neighborhoods v. City of Salem*, 47 Or LUBA 111 (2004) (*Citizens*), the City of Salem approved a zone change to allow mixed residential and commercial use of a 275-acre property. That approval included a condition that prohibited development of the property until later adoption of a master plan for the property. The City of Salem's code criteria applicable during the master plan process included requirements that were substantially identical to the requirements of the TPR. Based on the condition requiring master plan approval, the city found that the zone change did not significantly affect the transportation facility because no development could occur until the subsequent master plan phase. *Id*. at 115, 116. LUBA held that the city could properly conclude that the rezoning of the property did not significantly affect any transportation facility because the condition essentially prohibited development on the property without first showing that any allowed development is consistent with the function, capacity and performance standards of affected transportation facilities. *Id*. at 120.

In *ODOT v. City of Klamath Falls (Southview Dev'l, LLC),* 39 Or LUBA 641, 660, *aff'd* 177 Or App 1, 34 P2d 667 (2001), LUBA affirmed that portion of a county decision which approved a zone change with a condition that prevented additional development from impacting a transportation facility until such a time in the future when the TPR is addressed. LUBA found that this condition was sufficient to ensure compliance with the TPR in the interim.

Finally, in *Willamette Oaks, LLC v. City of Eugene,* 59 Or. LUBA 60 (2009), the city approved a zone change, and imposed a condition of approval prohibiting development of the property without approval of a planned unit development (PUD) application and a showing of

[13] *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372 (1994), *aff'd*, 130 Or App 406 882 P2d 1130 (1994); *Concerned Citizens of the Upper Rogue v. Jackson County*, 33 Or LUBA 70 (1997).

consistency with the TPR as part of the PUD application and review. LUBA approved this approach, stating as follows:

> In sum, with one caveat discussed below,[14] we think it is permissible for the city to defer consideration of compliance with the TPR to a subsequent review process at the time actual development is proposed, provided that the zone change or plan amendment is effectively conditioned to prohibit traffic or other impacts inconsistent with the TPR's requirements unless and until those requirements are fully addressed. Applicant offers no reason in the present case why deferring the application of the provisions of the TPR to a later PUD application process is insufficient to ensure that allowed uses of the subject property are consistent with

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[14] LUBA stated in a footnote that the PAPA procedural requirements would still need to be satisfied as part of the deferred process:

> The caveat mentioned above is that unless the local government takes steps to ensure otherwise, the subsequent review process may not require a comprehensive plan or land use regulation amendment and therefore will not trigger [**12] the notice obligations of a post-acknowledgement action under ORS 197.610 *et seq*. Under those statutes, a local government that amends its comprehensive plan or land use regulations, including zone changes, must provide to the Department of Land Conservation and Development (DLCD) timely notice of the hearing on the proposed amendments as well the decision adopting the amendments. DLCD, in turn, provides notice of the proposed amendments and any subsequent adoption to persons or agencies who request such notice. OAR 660-018-0025. The requirement to provide notice of post-acknowledgment plan amendments to DLCD and other parties is a critical component of a statutory and rule-based scheme that is designed to ensure that post-acknowledgment plan and land use amendments comply with the applicable statewide planning goals and rules, including the TPR. *See Oregon City Leasing, Inc. v. Columbia County, 121 Or App 173, 177, 854 P2d 495 (1993)* (failure to provide DLCD the notice required under ORS 197.610 *et seq*. is a substantive, not procedural error). The efficacy of that scheme is undermined if a local government defers consideration [**13] of compliance with the TPR to a subsequent review process that does not provide equivalent notice to that required by ORS 197.610 *et seq*. Without such notice, it is possible that DLCD and parties who may rely on DLCD's re-notice, potentially including ODOT, may not learn of the review proceeding or have an opportunity to participate in that proceeding.

> the function, capacity and performance standards of the affected transportation facilities. *ODOT v. City of Klamath Falls,* 39 Or LUBA at 660.

Under OAR 660-024-0020(1)(d), the Transportation Planning Rule ("TPR") need not be applied to a UGB amendment if the land will remain zoned as urbanizable. That will be the case with the properties subject to the proposed UGB amendment. The current AF-20 zoning will remain until the is annexed into the City of Sherwood. During the forthcoming Metro Title 11 concept planning process for the properties, the City will determine the appropriate zone and this will include a TPR analysis. The zoning will not actually be changed, however, until after annexation.

With respect to Goal 12 generally, as set forth in response to MC 3.07.1425(c)(2), the Sherwood West Concept Plan extensively studied the provision of public facilities and services, including transportation, with respect to that urban reserve. The concept plan analyzed the existing transportation system and how that system will need to be upgraded, extended, and phased to meet the future development of Sherwood West. The concept plan was prepared in coordination with all of the future transportation service providers, including Washington County and ODOT. The concept plan discusses the transportation system within the plan area at 18-21, 40-44, as well as in Appendix 3 (Existing Conditions Report), Appendix 6 (Service Provider Interviews), and Appendix 8 (Transportation Options Alternative Analysis Report). The District used this work as the jumping off point to study the proposed site for inclusion in the UGB (as well as other sites within Sherwood West). See Narrative at pages 10-11, and Appendix B (Service Provider Letters). The District also engaged a licensed traffic engineer to prepare the March 15, 2017, Sherwood High School UGB Expansion Transportation Study (the "Transportation Study") to address the provision of a safe, convenient, and economic transportation system for the new high school site. (The Transportation Study has been submitted to the record.) The Sherwood West Concept Plan takes a higher-level look at the transportation needs of the Sherwood West area in general, including the need for new streets and intersection improvements. The Narrative provides general information about how the school site will be served and the Transportation Study provides more detail than is commonly found at the UGB expansion stage, but finds that, with some mitigation improvements, a new high school on the proposed site can be served by the appropriate transportation system. The Transportation Study will become more relevant at the Title 11 concept planning and annexation stages of the high school site development. Because the new high school is very near to an existing, urban-level street system, and because Washington County and the City will be constructing a new intersection improvement adjacent to the new high school, the provision of transportation services to the new school will be more economical. According to the concept plan, the area in which the school site is proposed "presents the best near-term opportunity for development in Sherwood West," and the cost to serve the area is on the lower end of the cost scale. (Sherwood West Concept Plan, pages 42-43.) In sum, all of the cited evidence supports a finding that it is possible to safely, conveniently, and economically provide for the transportation needs of the new high school.

For this reason, the applicant proposes a condition of approval to the UGB amendment that prohibits any new development on the subject property until a Comprehensive Plan Map and Zoning Map Amendment are completed, and that the TPR will be addressed at that time.

Several opponents expressed concerns about the adequacy of the surrounding transportation system to support the proposed high school. It is tempting to jump ahead to the specific traffic impacts of a proposed use even at this early stage of the land use process. It is important to keep in mind, however, that the Major Amendment application is just the first application in a series of land use proceedings that must occur prior to the high school actually being approved on the property. With respect to the Major Amendment application, Goal 12, OAR 660-024-0060(8), and MC 3. 07. l425(c)(2) are applicable and implicate transportation facilities. The District has submitted findings with supporting substantial evidence to address all of those provisions. The District also submitted additional evidence from its traffic engineer to address particular issues raised with respect to the March 15, 2017, Sherwood High School UGB Expansion Transportation Study. (See June 28, 2017, DKS memorandum.)

No one besides the District provided any evidence or testimony from a traffic engineer regarding any aspect of the Major Amendment application. Opponents correctly point out that there are existing transportation deficiencies in the area that surrounds the proposed high school site. Those opponents also correctly point out that if those deficiencies are not addressed then the new high school will exacerbate them. All of that is true, but it would be expected to be true regardless of where the new high school is sited, *i.e.*, nearly every area in and around Sherwood has existing transportation deficiencies and siting a new high school in any of those areas would impact the transportation system. Where the opponent's logic fails is in the apparent assumption that the transportation impacts of the new high school will not be addressed as part of the planning and permitting processes that are required prior to the new school opening its doors in 2020. That assumption is incorrect.

The laws and regulations that govern the permitting of the new high school simply do not allow the new school to be plopped down anywhere without transportation impacts being analyzed and mitigated in accordance with the law. The specifics of that analysis and mitigation for the chosen site are largely irrelevant at the UGB amendment stage. Instead, those specific transportation impacts will be addressed through subsequent Title ll planning for the UGB amendment area, and through annexation, zone change, and conditional use permit processes. Through these processes, the Transportation Planning Rule will be addressed, appropriate off-site mitigation within an appropriate timeframe will be required, and appropriate frontage improvements for all of the abutting streets will be conditioned. Public involvement is included in each of those steps as part of each of the planning and permitting processes. (See June 28, 2017, DKS & Associates memorandum.)

Goal 13 - Energy Conservation
"To conserve energy."

Hearings Officer Analysis: LUBA and the Courts have never given any regulatory affect to this Goal. The Hearings officer views this goal as being essentially meaningless. The general practice has been for applicants and staff to write some flowery prose that extorts the energy

saving virtues of the project. In this vein, the applicant states:

> As explained under the District's response to MC 3.07.1425(c)(3), which is the analog of Goal 14, Location Factor 3 (ESEE energy consequences), the proposed school site's adjacency to the existing UGB, served by major streets, facilitates multi-modal access for students, teachers, families, and administrative staff to and from the school campus. This will multi-modal facilitation will only increase as Sherwood West builds out into a predominantly residential area with nodes of neighborhood commercial.

Without some baseline standard to measure against, it is difficult to evaluate whether any given proposal will "conserve energy" or not. But at least it sounds good.

For its part, the opponent's arguments do not shed much light on the issue. They merely state that an "energy analysis" must be provided. *See* Letter from Jennifer Brager dated June 6, 2017, at p. 3. The opponents do not explain exactly what an "energy analysis" entails, nor it is particularly apparent on its face. Given that no focused argument concerning Goal 13 was raised by any party, the hearings officer finds that the applicant's proposed findings comply with Goal 13 – whatever it means.

Goal 14 - Urbanization

> *"To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities."*

Hearings Officer Analysis: Goal 14 is addressed throughout this submittal.

Goals 15 through 19

Hearings Officer Analysis: These goals are not applicable, as the proposed UGB expansion does not include Willamette River Greenway, Estuarine Resources, Coastal Shorelands, Beaches and Dunes or Ocean Resources.

OAR 660-024-0040 - 0050

OAR 660-024-0050 directs local governments to inventory land inside the UGB to determine whether there is adequate development capacity to accommodate 20-year needs determined in OAR 660-024-0040. The District's Major Amendment application does not directly implicate these rule provisions, because the need for the new high school site did not arise out of an OAR 660-024-0040 overall land needs analysis and subsequent OAR 660-024-0050 buildable lands analysis. A specific need for a new high school site arose out of long-term facilities planning engaged in by the District. However, once the need for the new high school was identified, the District analyzed land that was within both the District boundaries and the Sherwood, Wilsonville, and Tualatin UGBs for land that could accommodate the need for the

new high school based on its suitability criteria. (See Narrative at pages 8-21.) There was no suitable land within those areas. The analysis required by OAR 660-024-0050 tracks closely in some respects with the analysis required by MC 3.07.1425(a), which was addressed by the District in its application. The caveat, however, is that identified specific land need, such as land for a new school, is not the same as a generalized need for more residential land or employment land. Given the specific need for a new school site, MC 3.07.1440(a) allows a UGB expansion tailored to just that need under certain circumstances.

OAR 660-024-0060 - Metro Boundary Local Alternatives Analysis

OAR 660-024-0060 sets forth the provisions that apply when a need within the Metro UGB has been specified and there is no land within the UGB that can accommodate that need. The provisions in OAR 660-024-0060 track closely with the provisions contained in MC 3.07.1425(c), which have been addressed in the District's application submittal, the Metro staff report, and the additional findings submitted by the District in response to the hearings officer's request.

OAR 660-024-0060:

(1) When considering a Metro UGB amendment, Metro must determine which land to add by evaluating alternative urban growth boundary locations. For Metro, this determination must be consistent with the priority of land specified in ORS 197.298 and the boundary location factors of Goal 14, as follows:

(a) Beginning with the highest priority of land available, Metro must determine which land in that priority is suitable to accommodate the need deficiency determined under OAR 660-024-0050.

Hearings Officer Analysis: The highest priority of land available is land designated urban reserve. (ORS 197.298(1)(a).) The District's application included an analysis of urban reserve land.

(b) If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, Metro must apply the location factors of Goal 14 to choose which land in that priority to include in the Metro UGB.

Hearings Officer Analysis: As set forth in the District's Major Amendment application, there is suitable land within an existing urban reserve to satisfy the need deficiency, i.e., the new high school. Accordingly, the location factors of Goal 14 were applied to that land. Those location factors are the first four location factors found in MC 3.07.1425(c)(1)-(9) and have been addressed in the District's application submittal, the Metro staff report, and the additional findings submitted by the District in response to the hearings officer's request.

(c) If the amount of suitable land in the first priority category is not adequate to satisfy the identified need deficiency, Metro must determine which land in the next priority is suitable to

accommodate the remaining need, and proceed using the same method specified in subsections (a) and (b) of this section until the land need is accommodated.

Hearings Officer Analysis: This is not applicable as there is urban reserve land that can accommodate the need.

(d) Notwithstanding subsection (a) to (c) of this section, Metro may consider land of lower priority as specified in ORS 197.298(3).

Hearings Officer Analysis: This is not applicable as there is urban reserve land that can accommodate the need.

(e) For purposes of this section, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.

Hearings Officer Analysis: This provision is similar to MC 3.07.1425(b), in which site characteristics may be specified for land to be suitable for an identified need. The District specified such characteristics in the Narrative at page 19.

(2) Notwithstanding OAR 660-024-0050(4) and subsection (1)(c) of this rule, except during a legislative review of the Metro UGB, Metro may approve an application under ORS 197.610 to 197.625 for a Metro UGB amendment proposing to add an amount of land less than necessary to satisfy the land need deficiency determined under OAR 660-024-0050(4), provided the amendment complies with all other applicable requirements.

Hearings Officer Analysis: This provision is not applicable.

(3) The boundary location factors of Goal 14 are not independent criteria. When the factors are applied to compare alternative boundary locations and to determine the Metro UGB location, Metro must show that all the factors were considered and balanced.

Hearings Officer Analysis: This provision is consistent with how Metro interprets its analogous boundary location factors in MC 3.07.1425(c), which were applied to the District's Major Amendment application.

(4) In determining alternative land for evaluation under ORS 197.298, "land adjacent to the UGB" is not limited to those lots or parcels that abut the UGB, but also includes land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency.

Hearings Officer Analysis: The District's analysis took into account all of the land in the urban reserves that otherwise met the District's siting criteria. Some of the land analyzed did not abut the UGB, but was rejected for other reasons.

(5) If Metro has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, Metro may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.

Hearings Officer Analysis: This provision is similar to MC 3.07.1425(b), in which site characteristics may be specified for land to be suitable for an identified need. The District specified such characteristics in the Narrative at page 19.

(6) The adopted findings for a Metro UGB adoption or amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis. If the analysis involves more than one parcel or area within a particular priority category in ORS 197.298 for which circumstances are the same, these parcels or areas may be considered and evaluated as a single group.

Hearings Officer Analysis: The District mapped all of the alternative areas evaluated in the boundary location alternatives analysis and evaluated them separately.

(7) For purposes of Goal 14 Boundary Location Factor 2, "public facilities and services" means water, sanitary sewer, storm water management, and transportation facilities.

Hearings Officer Analysis: The District took into account the public facilities and services enumerated in this provision when it evaluated MC 3.07.1425(c)(2), which is the analog to Goal 14 Boundary Location Factor 2.

(8) The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative Metro UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation (ODOT) with regard to impacts on the state transportation system. "Coordination" includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:

(a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the Metro UGB;

(b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the Metro UGB; and

(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

Hearings Officer Analysis: As set forth in the responses to Goals 11 and 12, Sherwood West has been concept planned pursuant to MC 3.07.1110, and so the provision of public

facilities and services within the Sherwood West concept plan area and as those services relate to the rest of the city have been studied extensively, as required by MC 3.07.1110. The Sherwood West Concept Plan was prepared with analyses of existing sanitary sewer, water, stormwater, and transportation conditions and analyses of how those systems need to be upgraded, extended, and phased to meet the future development of Sherwood West without adversely impacting the existing city development. The concept plan was prepared in coordination with all of the future service providers, including those services that will be provided by the City and those that will be provided by others, including Clean Water Services, ODOT, and Washington County.[15]

Additional Issues Raised by Opponents

1. **Metro Staff Provided Proper Notice to DLCD.**

Opponents allege that Metro failed to provide notice to DLCD of a proposed plan map amendment under ORS 197.610. *See* Letter from Jennifer Bragar dated June 23, 2017, at p. 8. This is not correct. Metro submitted the requisite notice to DLCD on April 20, 2017, as evidenced on the weekly DLCD notice summary dated April 21, 2017, which is attached to the June 30, 2017 letter from Metro counsel Roger Alfred.

2. **The Fair Housing Act Is Inapplicable.**

The opponent argues that Metro must apply the Fair Housing Act ("FHA") to the Major Amendment application, because "Metro has a duty to affirmatively further fair housing." *See* Letter from Jennifer Bragar dated June 23, 2017, at p. 3-5.

The opponent does not point to any approval criterion that requires Metro to apply the FHA directly to this application, and did not include any convincing argument as to why a UGB expansion to accommodate a new public high school would require the FHA to be addressed. As best as the hearings officer can ascertain, the opponent's core argument is that the FHA is a *de-facto* approval standard for every Comprehensive Plan Amendment and zone change decision. In this regard, Ms. Brager states that "Metro has a duty to affirmatively further fair housing" and that "Metro needs to address fair housing implications in this Major Amendment application through analysis under Goal 10 and under Metro's locational factors, Metro Code 3.07.1425(c)(5) regarding equitable and efficient distribution of housing." The argument is not well-developed; the opponent seems to be arguing that the FHA must be complied with, but that compliance with Goal 10 and the Metro Code establishes compliance with the FHA.

Beyond that, the opponent complains that Sherwood does not have enough subsidized housing, which "does not properly address the housing issues in Washington County for low-income households, especially protected classes." That statement is followed up with the conclusion that the "failure to analyze the school siting in context of the regional need for fair housing only exacerbates the inequitable distribution of affordable housing in the Metro region."

[15] This coordination effort included service provider interviews included as Appendix 6 of the Sherwood West Concept Plan. Appendix 8 provides more detail regarding the provision of transportation infrastructure to the Sherwood West Concept Plan area.

Letter from Jennifer Bragar dated June 23, 2017, at p. 5. Again, the hearings officer is at a loss to understand the opponent's argument, especially since the opponent does not tie their ultimate policy concern back to any specific language in the FHA or any other law for that matter. This argument is simply not developed sufficiently to allow for its review and evaluation. If the argument is that every school siting project has an inclusionary zoning requirement for additional low-income / subsidized housing, that argument is rejected.

SECTION IV: HEARINGS OFFICER'S SUMMARY, RECOMMENDATION, AND PROPOSED CONDITIONS OF APPROVAL.

The applicant seeks to amend the UGB to include approximately 82 acres for a high school with sports fields and the realignment of SW Elwert and SW Kruger Roads. The Applicant has provided sufficient evidence to demonstrate that the criteria are satisfied and the locational factors have been addressed. As detailed herein, the applicant has demonstrated that the high school is currently over capacity and by 2025 will be severely over capacity. Delaying the decision to await a legislative amendment of the UGB by the Metro Council which may or may not occur in the 2018 timeframe only exacerbates the capacity issues which impacts the District's ability to meet the goals of its strategic plan. The applicant provided adequate comparison of the proposed UGB expansion area with other possible expansion areas in seven different urban reserve areas and a determination that the need cannot be met on land currently within the urban growth boundary. In addition the applicant has shown the proposed use can be made compatible with adjacent uses through site design and the city's development design review process provides for public involvement. Additionally the adjacent land is within an urban reserve and is expected to urbanize over time, allowing for the development of a cohesive neighborhood and school/park facility.

Therefore, the hearings officer forwards a recommendation to the Metro Council for ***approval*** of this petition, with the following two conditions of approval:

1. The property must be used for a public high school, associated accessory uses, and public transportation improvements consistent with the application are required for this Major Amendment.

2. The applicant must comply with the Transportation Planning Rule (TPR) at the time the zoning is established on the subject property.

Respectfully submitted this 21st day of July, 2017.

ANDREW H. STAMP, P.C.

Andrew H. Stamp

Andrew H. Stamp

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ATTACHMENTS

Attachment 1: Subject Property Map
Attachment 2: Current Enrollment and School Building Capacities, Table 1 of petition
Attachment 3: Projected Enrollment, Table 2 of petition
Attachment 4: Existing High School Campus, Figure 5of petition
Attachment 5: 2014 Sherwood Residential Buildable Lands Inventory Map, Figure 6 of petition
Attachment 6: Urban Reserve Areas within Sherwood School District Boundary, Figure 7 of petition
Attachment 7: Sherwood West Planning Area, Figure 8 of petition
Attachment 8: Sherwood West Alternative High School Sites, Figures 9-14 of petition

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New Business Agenda
Item A

CITY OF SHERWOOD **November 21, 2017**

Old Town Overlay Review **Staff Report**
Case File: LA 17- 01

TO: Planning Commission

Pre-App. Meeting:	N/A
App. Submitted:	August 11, 2017
App. Complete:	October 19, 2017
120-Day Deadline:	February 16, 2018
Hearing Date:	November 28, 2017

FROM:

Joy L. Chang
Associate Planner

Proposal: The applicant proposes to construct a single family home on a vacant lot in the Old Town District. The property is zoned Medium Density Residential Low (MDRL), and is located in the Smockville area of the Sherwood Old Town Overlay. The applicant's submittal materials are attached to this report as Exhibit A.

I. BACKGROUND

A. Applicant/ Owner: Sherwood School District
23295 SW Main Street
Sherwood, OR 97140

Contact: Jon Dickover
Construction Teacher
503-481-9351

B. Location: The property address is 15804 SW 1st Street in Sherwood's Old Town and identified as Tax Lot 3300 on Washington County Tax Assessor's map number 2S132BA. The property is located between SW 1st and SW Oregon Street with frontages on SW 1st Street and SW Ash Street.

C. Parcel Size: The total site area is approximately 4,326 square feet or 0.10 acres.

D. Existing Development and Site Characteristics: The site is vacant with the exception of an accessory structure (shed) currently being constructed by students from the Sherwood School District. There is vegetation on site consisting of trees. The rear property line abuts a pedestrian and bicycle pathway, formerly SW Oregon Street, but there is no direct vehicular access to the site due to its proximity to the "pear-about" adjacent to this site. Right-of-way improvements such as sidewalks exist

along the eastern frontage of the site along SW Ash Street - adjacent to the pear-about. Frontage along SW 1st Street does not have sidewalks; however, a half of a shared driveway has been constructed on the west property line that will benefit this parcel along with the parcel to the west.

This property does not have any inventoried significant riparian, upland or wildlife habitat according to Metro's inventory of regionally significant habitat and the Comprehensive Plan inventory map.

E. Zoning Classification and Comprehensive Plan Designation: The property is zoned Medium Density Residential Low (MDRL) within the Old Town Overlay. Chapters 16.12 and 16.162.030 of the Sherwood Zoning and Community Development Code list the permitted uses in this zone within the Old Town Overlay.

F. Adjacent Zoning and Land Use: The properties to the north, east and west are zoned Medium Density Residential Low (MDRL). Across the street is a small business in a former residential home and the property directly west of the site contains a single-family dwelling that was previously owned by the School District and built by the students of Sherwood High School. The property to the southwest is owned by the City and contains the Sherwood Library, City Hall and a parking lot, zoned Retail Commercial (RC).

G. 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 July 19, 2017 at the Sherwood High School Main office (16956 SW Meinecke Road) to inform the community of the proposed single-family dwelling construction project. No one from the community attended the neighborhood meeting.

Notice of the application was mailed to property owners within 1,000 feet of the subject property and in five locations throughout the City on November 8, 2017. Staff posted notice onsite on November 8, 2017 in accordance with Section 16.72.020 of the SZCDC. The notice was published in the Tigard Times (a paper of general circulation) on November 9 and November 23, 2017 in accordance with Section 16.72.020 of the SZCDC.

H. Review Criteria: Sherwood Zoning and Community Development Code, 16.12 (Use Districts – MDRL) 16.162 (Old Town Overlay District), and where applicable, 16.168 (Landmark Alteration).

II. PUBLIC COMMENTS

Public notice was mailed and posted on the property in five locations throughout the City on November 8, 2017. Staff received no public comments as of the date of this report. However, comments are accepted until the Planning Commission closes the public hearing.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on November 1, 2017. The following is a summary of the comment received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department provided comments that are attached as Exhibit B.
Engineering staff has reviewed the information provided for the project and notes that construction plans will need to meet the standards established by the City of Sherwood Engineering Department and Public Works Department, Clean Water Services (CWS) and Tualatin Valley Fire & Rescue (TVF&R) in addition to requirements established by other jurisdictional agencies providing land use comments. The comments included an overview of the project as well as conditions that are specific

to construction of infrastructure improvements (sidewalk and share driveway). The specific utility comments are attached to this report as Exhibit B.

Clean Water Services provided comments that are attached as Exhibit C. Jackie Humphreys reviewed the proposal and required the following condition - prior to any work on the site, a CWS Storm Water Connection Permit Authorization must be obtained. The requirements for the permit are clearly identified on the Exhibit C.

Pride Disposal Company: Kristen Leichner, Pride Disposal, had no comments on the proposal.

Tualatin Valley Fire and Rescue Department: Tom Mooney, Deputy Fire Marshall of TVF&R, had no comments on the proposal.

Washington County Land Use and Transportation, Kinder Morgan Energy, ODOT, 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.

IV. APPLICABLE CODE PROVISIONS

The applicable zoning district standards are identified in Chapter 16.12 below.

A. Division II– Land Use and Development
16.12.010. - Purpose and Density Requirements
C. Medium Density Residential Low (MDRL)
The MDRL zoning district provides for single-family housing and other related uses with a density of 5.6 to 8 dwelling units per acre. Minor land partitions are exempt from the minimum density requirement.

FINDING: The applicant proposes a single-family home, which is an allowed use in the zone. The proposal does not include a division of land and is therefore exempt from the density requirements. This provision is not applicable to this request**.**

16.12.020. - Allowed Residential Land Uses
A. Residential Land Uses

FINDING: Single-family attached or detached dwellings are permitted uses in this zone. The applicant indicated that he intends to construct a single-family home as part of this development, which is allowed outright in the zone. This criterion is met.

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
Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas) Chapter 16.44 (Townhomes), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.

MEDIUM DENSITY RESIDENTIAL LOW STANDARDS

1.	**Lot area:**	**5,000 sq. ft.**
2.	**Lot width at front property line:**	**25 feet**
3.	**Lot width at building line**	**50 feet**

The applicant proposes to construct a single-family dwelling on an existing lot with the dimensions of approximately 94 by 46 feet. The lot width at the front property and building line is 46 feet. The parcel is 4,326 square feet. Lot area and lot width at building line standards are not met; however, the parcel is an existing non-conforming lot with dimensions that do not satisfy the minimum requirements. The minimum dimensions of the MDRL zone are satisfied since the parcel has existing non-conforming dimensions.

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

MEDIUM DENSITY RESIDENTIAL LOW SETBACK REQUIREMENTS

1.	**Front yard:**	**Fourteen (14) feet**
	Face of Garage:	**Twenty (20) feet**
2.	**Side yard:**	**Five (5) feet**
3.	**Rear yard:**	**Twenty (20) feet**
4.	**Corner Lot street side:**	**Fifteen (15) feet**

The applicant proposes to meet all setbacks. All of setbacks will be reviewed during the plot plan review process.

FINDING: It is feasible for the proposal to satisfy the required setbacks. The setbacks will be verified to ensure that the building satisfies the minimum requirements of the MDRL zone at the time of building permit review.

16.12.050.C. Height
Except as otherwise provided, the maximum height shall be two (2) stories or thirty (30) feet, whichever is less.

FINDING: The submitted plans show that the house is two stories and under 30 feet. Therefore, this standard is met.

16.58.010 Clear Vision Areas
A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.

A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.

A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2-1/2) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground.

The following requirements shall govern clear vision areas:
A. In a residential zone, the minimum distance shall be thirty (30) feet, or at intersections including an alley, ten (10) feet.
B. In commercial and industrial zones, the minimum distance shall be fifteen (15) feet, or at intersections including an alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.
C. Where no yards are required, buildings may be constructed within the clear vision area.

The parcel is located at the intersection of SW 1st and Ash Street. The driveway will be shared with the property to the west. The plans do not show any impediment to the clear vision area and will be evaluated during plot plan review, at the time of building permit review.

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

B. <u>Division IX – Historic Resources</u>
The applicable provisions of Division IX include:

16.162 Old Town Overlay District (OT)

16.162.060 - Dimensional Standards

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

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

B. Setbacks - Minimum yards (RC zoned property only): None, including structures adjoining a residential zone, provided that Uniform Building Code, Fire District regulations, and the site design standards of this Code, not otherwise varied by this Chapter, are met.

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

FINDING: The property is zoned Medium Density Residential Low (MDRL). The proposed expansion is subject to the dimensions of Chapter 16.12, which have been discussed previously in this report. There are no home occupations associated with this use or request.

16.162.070 - Community Design

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

A. Generally

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

B. Landscaping for Residential Structures

1. Perimeter screening and buffering, as per Section 16.92.030, is not required for approved home occupations.

2. Minimum landscaped areas are not required for off-street parking for approved home occupations.

3. Landscaped strips, as per Sections 16.92.030 and 16.142.030A, may be a minimum of five (5) feet in width, except when adjoining alleys, where landscaped strips are not required.

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

FINDING: The applicant is not proposing any landscaping at this time and there are no requirements to provide landscaping as there are no landscape strips. Interior landscaping and fencing are not required. Thus, this criterion is not applicable.

C. Off-Street Parking

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

FINDING: Off-street parking is not required in the “Smockville” portion of the Old Town overlay. Regardless, the applicant proposes a one-car garage along with a driveway to provide adequate parking for the residence.

D. Off-Street Loading

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

2. For all property and uses within the "Smockville Area" of the Old Town Overlay District, off-street loading is not required.

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

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

STAFF ANALYSIS: The property is in the Smockville Area and off-street loading is not required. The applicant is not proposing a home occupation or a non-conforming use at this time and therefore these criteria are not applicable.

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

Staff Analysis: The Engineering Department has reviewed the proposal and the recommendations are attached as Exhibit B. The Engineering Department describes SW 1st as a two-lane collector street with a 13-foot wide paved section from center line to curb with no sidewalk within a 30-foot half street right-of-way section along the subject property frontage. The City standards for a two-lane collector street require 17 feet of pavement from centerline to curb (11-foot wide vehicle lane with a 6-foot wide sidewalk) with a 5-foot wide landscape strip with an 8-foot wide sidewalk within a 31-foot half street right-of-way section. Since there is an existing bike corridor in this area, widening the street to accommodate a bike lane is unnecessary. Therefore, no street widening is required. Existing sidewalk around SW 1st Street is 5 feet wide and curb tight. Therefore, a 5-foot wide curb tight sidewalk is required along the site frontage of SW 1st Street meeting Engineering Department approval.

Due to SW 1st Street being a collector status street, the driveway for the subject property will be required to be shared with the parcel to the west due to Engineering standards and the proximity to the "pearabout." The driveway throat shall not exceed 24 feet in width.

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

RECOMMENDED CONDITION: Prior to Engineering Plan approval, design a 5-foot wide curb tight sidewalk that meets Engineering Department approval to be constructed along the site's frontage with SW 1st Street.

RECOMMENDED CONDITION: Prior to Building Permit approval, construct a shared driveway with the parcel to the west with a driveway throat not to exceed 24 feet in width.

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

The applicant proposes materials comprised of off-white, brick red, and harvest yellow tones that are earth toned. The applicant has submitted a color palette and pictures for approval as part of the applicant's materials found in Exhibit A.

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

16.162.090 OLD TOWN SMOCKVILLE DESIGN STANDARDS

RESIDENTIAL STRUCTURES

Historically, the Old Town District contained both commercial and residential structures, often intermixed on the same block. Today, many of the city's oldest residential structures remain as private dwellings while others have been converted to professional office or other commercial uses. The following standards are intended to reinforce the traditional mixed architectural character of the district and apply equally to all residential designs, including those now used for other commercial purposes, such as professional offices, restaurants, antique stores, and other similar uses. However, the International Building Code still dictates any requirements for interior remodeling.

Residential Standard 1: Volume & Mass

Historically, residential architecture in the Old Town core was comprised of multiple volumes or articulations, with extended porches, intersecting roof lines, dormers, and other features creating a complex whole rather than a single large volume. To maintain that traditional visual character the following standards apply:

a. Verticality: Buildings shall have a generally vertical character or are comprised of a primary vertical element surrounded by more horizontally appearing wings.

STAFF DISCUSSION: This building includes architectural features that will be placed vertically on the structure to address the vertical character from the front. The front elevation shows stone material, a porch and steep roof pitches. The buildings features compliment the home to the east. There are a few intersecting roof lines with architectural interest in projections. Additionally, a pillar on the porch adds to the verticality.

b. Complexity: Single large volumes are prohibited. Total area shall be contained within a minimum of two intersecting volumes, one of which may be a porch under a separate roof element. An attached garage does not constitute a second volume for purposes of this standard.

STAFF DISCUSSION: Per applicant's narrative, the proposed home has one intersecting volume connected by one porch that is offset in the rear. It also has one intersecting volume above the office and front porch area.

c. Height: No building may be greater than 40 feet in overall height. Major roof ridges shall be no lower than 16 feet in height. [Note: this lower limit is designed to encourage steeper gables as opposed to low-pitched roof forms]

STAFF DISCUSSION: The height of the house is proposed to be 29'8" feet.

Residential Standard 2: Roof Forms

Roofs play a significant role in the overall character of a structure and, in combination with Standard 1, shelter the complex volumes typical of the traditional development pattern.

a. Pitch: Roof pitches of less than 6/12 for gables are prohibited. Roof pitches of less than 5/12 for hipped roofs are prohibited. Flat roofs visible from the street are prohibited. An exception to this standard may be made for porch roofs attached to the primary volume.

b. Complexity: As per Standard 1(B), single large roof forms are prohibited. A single roof form with two or more dormers is considered a complex roof form and accordingly will meet this Standard.

c. Materials: Roofs shall be of historically appropriate materials, including asphalt shingle, wood shingle, or wood shake. The use of metal roofing, concrete tile roofing, hot-mopped asphalt, rolled asphalt, terra cotta tiles and other non-historic materials are prohibited in view of the public right-of-way.

STAFF DISCUSSION: There are no flat roofs visible from the street. The overall roof pitch from the front is 12/12 on the intersecting volumes. The plan identifies two different roof levels for complexity. Asphalt shingles are proposed that will match the color of the siding and trim.

Residential Standard 3: Siding/Exterior Cladding

Generally, vertical appearance of historic volumes in Sherwood was typically balanced by strong horizontal wood siding. The following standard requires a continuation of this horizontal character. All structures shall employ one or more of the following siding types:

- **Horizontal wood siding, maximum 8″ exposed to weather: Concrete or manufactured wood-based materials are acceptable under this Standard. This includes so-called "Cottage Siding" of wide panels scored to form multiple horizontal lines. Applicants are strongly encouraged to use smooth surfaces, not "rustic" or exposed wood grain pattern materials, which are inconsistent with Sherwood's architecture.**
- **Wood Shingle siding (painted shingles are preferred, with a maximum 12″ to weather)**
- **True board and batten vertical wood siding, painted**
- **Brick**
- **Brick and stone veneer (see below)**

STAFF DISCUSSION: The applicant proposes a variety of materials including horizontal wood siding, shingles, brick or stone veneer. The applicant specified that narrow Hardie lap siding and Hardie shingles are proposed. Cultured stone on the front of the house wrapping 4 feet around each side is also proposed. All of these materials are permitted materials.

Residential Standard 4: Trim and Architectural Detailing

The vernacular residential architecture of Sherwood reflects the construction techniques of the late 19th and early 20th century, when buildings had "parts" that allowed for easy construction in a pre-power saw era. Today, many of these traditional elements are considered "trim," as newer materials better shed water and eliminate the original functional aspects of various historic building elements. This Standard provides for sufficient architectural detail within the Old Town Area to assure compatibility between new and old construction and create a rich and visually interesting streetscape. All residential construction shall employ at least FOUR (4) of the following elements to meet this Standard:

- **Water table or decorative foundation treatments (including stucco)**
- **Corner boards**
- **Eave Returns**
- **Stringcourse or other horizontal trim at plate or floor levels**
- **Eave brackets or support elements**

- **Bargeboards/Raking cornice (decorative roof "edge" treatments)**
- **Decorative projecting rafter tails**
- **Decorative gable end wall details, including change of materials (shingle bands), decorative venting, eave compass features and similar**
- **Wide cornice-level frieze and wall treatments.**

STAFF DISCUSSION: The applicant proposes to use four architectural features on the building including 5/4 corner boards, bargeboard with 5/4 shake mold trim, decorative foundation treatment, and shingled decorative gable ends. All of these details add interest to the dwelling and satisfy the above requirement.

Residential Standard 5: Openings [Windows & Doors]

Doors and windows form the "eyes" and "mouth" of a building and play a significant role in forming its character.

Windows

a. Verticality: All windows will reflect a basic vertical orientation with a width-to-height ratio of 1.5 to 2, or greater (i.e., a 24″ wide window must be a minimum 36″ tall). Larger window openings shall be formed by combining multiple window sash into groupings.

b. Types: The following windows types are permitted:

1. **Single and double hung windows.**
2. **Hopper and transom-type windows.**
3. **Casement windows.**
4. **Any combination of the above, including groupings containing a central single pane fixed window flanked by two or more operable windows.**
5. **Glass block windows.**
6. **Fixed leaded or stained glass panels.**

c. Lights: (internal divisions of window, formed by "muntins" or "mullions") True-divided lights are preferred. "Pop-In" or fake muntins are not historic, nor appropriate within Sherwood's vernacular tradition, and are prohibited when visible from the public right-of-way.

STAFF DISCUSSION: All windows meet the width to height ratio of 1.5 to 2 with the exception of three window on the second floor in the bathrooms (as shown in on the right side elevation). These three windows cannot meet the height ratio of 1.5 to 2 due to the low plate height of the floor. All windows are single hung and casement.

Doors

a. Transparency: Primary entry doors will retain a degree of transparency, with no less than 25% of the surface being glazed, either in clear, leaded, or stained glass materials. Solid, flat single, panel doors are prohibited.

b. Materials: Doors may be of wood, metal-clad wood, or metal. Other materials that can be painted or stained, such as cast fiberglass, so as to reflect traditional materials are permitted.

STAFF DISCUSSION: Per applicant's narrative, the front door is metal with glazing on the top half. A glass panel is also proposed adjacent to the door. These two features provide compliance with this section. The rear door will be clear sliding glass doors, which again provides compliance with this section.

Trim

a. Sills: All windows will have a projecting sill and apron.

b. Side and Head Casing: Door and window trim will including side and head casing that sits no less than ½″ proud of the surrounding wall surface. Trim mounted in plane with siding is not permitted in the Old Town area. Trim mounted atop siding is not recommended.

c. Other Trim Elements: As discussed in Standard 4, above, the use of trim to articulate the construction process was a standard character-defining element of Sherwood's vernacular architecture. Although not required by this Standard, the use of the following traditional door and window trim elements are encouraged, particularly on the primary facade.

- **Simple window "hoods," mounted over the window opening. Such features are traditionally treated as pents and clad with roofing material**
- **Parting bead, between the side and head casings**
- **Crown moldings**
- **Decorative corner elements at the head, apron, or both**
- **Single or dual flanking sidelights at entryways**
- **Transom windows above the major door or window openings**

STAFF DISCUSSION: All of the windows have trim that has a decorative corner element at the apron. The front door has a single sidelight at the entryway. Specifically, the window trim is 5 / 4x4 sides with 5 / 4x6 on top. The exterior doors have 5 / 4x6 on top and 5 / 4x4 inch trim on the sides.

Residential Standard 6: Porches/Entrances

In combination with doors, front porches help create a "sense of entry" and typically serve as the focal point of the front-facing facade of the structure. Porches should be encouraged and adequately detailed to create that sense of entry and serve as a primary element of the exterior character.

a. Depth: Projecting or recessed porches should be a minimum of five (5) feet deep. Projecting covered stoops should be a minimum of three (3) feet deep.

b. Width: Projecting or recessed porches should be a minimum of ten (10) feet wide or 25% of the primary facade width, whichever is the lesser. Projecting covered stoops should be a minimum of five (5) feet wide.

c. Supports: To assure appropriate visual weight for the design, vertical porch supports shall have a "base" of no less than six (6) inches square in finished dimension from floor level to a minimum 32″ height. Upper posts shall be no less than four (4) inches square.

1. **Base features may be of boxed wood, brick, stone, true stucco, or other materials that reflect a support structure. The use of projecting "caps" or sills is encouraged at the transition between the base and column.**
2. **When the entire support post is a minimum of six (6) inches square no base feature is required.**
3. **Projecting covered stoops, with no full-height vertical support, shall utilize members of no less than four (4) inches square.**

STAFF DISCUSSION: The applicant proposes a 12.5-foot wide porch that extends half the length of the front of the dwelling (25 feet). The porch is also recessed seven feet from the primary façade. The porch is designed with multiple details including a base feature made of stone and one column**.** This provides a focal point to the entry as well as the front façade of the dwelling.

Residential Standard 7: Landscape, Fencing, and Perimeter Definition

Fencing or other edge-defining perimeter features, including the use of landscape materials, are traditional elements in Old Town Sherwood's residential areas. Please refer to Chapter 16.92 of the SZCDC for applicable landscaping standards and requirements. In addition to those provisions, such features within the Smockville Area shall also comply with the following Standard to maintain the area's character.

a. Materials: The following fencing materials are permitted in the Smockville Area:

1. **Brick**
2. **Concrete, including concrete block, "split faced" concrete block and similar.**
3. **Stone**
4. **Wood, including vertical or horizontal board, pickets, split rail, and similar traditional fence designs.**

STAFF DISCUSSION: Per applicant narrative, a good neighbor fence with 4X4 outdoor wood posts, 2X4 outdoor wood rails and cedar 1X6 vertical board is proposed. The height will be 30-inches high in right-of-way and 6-foot height the remainder in compliance with the standards. Flower beds are proposed in the front yard.

Residential Standard 8: Additions to Existing Buildings

a. Compatibility: Additions to existing properties will continue the existing character of the resource or return to the documented original character in scale, design, and exterior materials. The creation of non-documented elements outside the traditional vernacular character such as towers, turrets, elaborate surface decoration and similar "earlying-up" is prohibited.

b. Attachment: Additions should "read" as such, and be clearly differentiated from the historic portion of the structure and shall be offset or "stepped" back from the original volume a minimum of four (4) inches to document the sequence of construction. An exception to this standard is allowed for the reconstruction of previously existing volumes that can be documented through physical or archival evidence.

c. Non-Compatible Materials: Repair of existing non-compatible materials is exempt from Standard 8(A). Rear-facing additions to existing buildings may continue the use of these materials so long as they are a continuation of the attached materials.

STAFF DISCUSSION: The applicant is not proposing any additions to existing buildings. These standards are not applicable.

Residential Standard 9: Front-Facing Presentation

Traditionally, the portions of a structure facing the public right of way were considered the most important for presenting an aesthetically pleasing appearance. Skylights were not used, and there was very little venting since the structures were not tightly enclosed and wrapped as they are today. Therefore, keeping all modern looking venting and utilities to the side that is not visible from the public right of way is important and greatly adds to the appearance.

a. Skylights: Skylights shall be placed on the side of the structure not visible from the public right of way, and shall be of a low profile design.

b. Roof vents: Roof vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material. Where possible, a continuous ridge vent is preferred over roof jacks for venting

purposes. In the case of using a continuous ridge vent with a vintage structure, care should be taken in creating inconspicuous air returns in the eave of the building.

c. Plumbing vents: Vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material.

STAFF DISCUSSION: The applicant has not proposed skylights. The roof and plumbing vents will not be visible from the street.

FINDING: The applicant's materials demonstrate that the design of the home would comply with the Residential Design standards as discussed above.

STAFF RECOMMENDATION

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's revised submittal, staff finds that the requested approval can comply with the applicable standards of the SZCDC. Therefore, staff recommends land use **approval of Case File No: LA 17-01 with the following conditions:**

V. 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 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.

C. Prior to Engineering Department Approval:

1. Submit engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets) **to the Sherwood Engineering Department.** The engineering plans shall conform to the design standards of the City of Sherwood's Engineering Department, Clean Water Services, Tualatin Valley Water District, Tualatin Valley Fire & Rescue and other applicable requirements and standards that includes the following:

   a. Design a 5-foot wide curb tight sidewalk along the subject property frontage of SW 1st Street that meets Engineering Department approval.

   b. Design a shared driveway with the parcel to the west with a driveway throat not to exceed 24 feet in width.

2. Obtain a Clean Water Services Storm Water Connection Permit Authorization.

D. 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) including compliance with all conditions specified in "Prior to Engineering Department Approval".

2. Obtain a right-of-way permit for any work to be performed within the city right-of-way.

E. Prior to Issuance of Certificate of Occupancy:

1. All public improvements shall be competed, inspected and approved, as applicable, by the City, CWS, TVF&R, Tualatin Valley Water District and other applicable agencies.

2. All agreements required as conditions of this approval must be signed and recorded.

VI. EXHIBITS

A. Applicant's submitted materials October 26, 2017 (Revised Narrative)
B. Engineering Comments dated November 9, 2017
C. Clean Water Services Comments dated November 15, 2017

END OF REPORT

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

Case No. LA 17-01
Fee 720
Receipt # 174079
Date 8-11-17
TYPE IV

City of Sherwood
Application for Land Use Action

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

- ☐ Annexation
- ☐ Plan Amendment (Proposed Zone _____)
- ☐ Variance(list standard(s) to be varied in description
- ☐ Site Plan (Sq. footage of building and parking area)
- ☐ Planned Unit Development
- ☐ Conditional Use
- ☐ Partition (# of lots _____)
- ☐ Subdivision (# of lots _____)
- → ☐ Other: Landmark Alt.

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 Departments/Planning/Fee Schedule.

Owner/Applicant Information:

Applicant: Sherwood High School Bowman House — Phone: 503-481-9351
Applicant Address: 16956 SW Meinecke Rd. — Email: JDickover@Sherwood.K12.OR.US
Owner: Sherwood School Dist 88J — Phone: 503-825-5500
Owner Address: 16956 SW Meinecke Rd — Email: _____
Contact for Additional Information: JON DICKOVER

Property Information:

Street Location: 15804 SW 1st ST.
Tax Lot and Map No: 2S132BA / 03300
Existing Structures/Use: Storage Shed
Existing Plan/Zone Designation: Residential
Size of Property(ies) 4330 Sq ft.

Proposed Action:

Purpose and Description of Proposed Action: Build a single story single family, low density residential home.

Proposed Use: Single Family residence

Proposed No. of Phases (one year each): (1) Framing (2) Interior

Continued on Reverse

LAND USE APPLICATION FORM

Authorizing Signatures:

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

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

Applicant's Signature — Date: 7/19/17

Owner's Signature — Date: 8-11-17

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.

☐ **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 * sets** 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)

☐ **Signed checklist** verifying submittal includes specific materials necessary for the application process

* **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.

First Street Bowmen House

Single Family Dwelling Construction in Old Town Overlay District
Land Use Application

Applicant/Owner:	Sherwood School District Bowmen House Project 16956 SW Meinecke Rd. Sherwood, OR 97140 Contact: Jon Dickover (503) 481-9351
Site Location:	15804 SW 1st Street Sherwood, OR
Tax Lot #:	2S132BA03300
Zoning:	Medium Density Residential Low (MDRL) Old Town Overlay
Summary of Request:	Approval for construction of a single-family home / shared driveway on SW 1st Street with adjacent lot to the east
Report Date:	July 1, 2017

REPORT ATTACHMENTS

1. **Copy of Application Form**
2. **Neighborhood Meeting Documentation**
3. **Tax Map**
4. **Mailing Labels**
5. **Vicinity Map/Surrounding Land Use Map**
6. **Site Plan**
7. **Architectural Exterior Elevations and Materials**
8. **CWS Service Provider Letter**
9. **Title Information**

TABLE OF CONTENTS

I. DESCRIPTION OF PROPOSAL

The site is located on SW 1st Street in Old Town Sherwood and includes 15804 SW 1st St. The applicant proposes construct a two story single family dwelling 1785 square feet in size. The home will be accessed from a shared driveway with the existing lot from the west. Lot number 2S132BA03300 is owned by Sherwood School District 88j.

Authority and Approval Request
The applicant requests approval of a conditional use permit to construct a single-family detached house in Old Town.

II. SUBMITTAL REQUIREMENTS

Response: The form titled "Conditional Use Checklist" obtained from the City of Sherwood website was used in preparing this application.

1. Fees

Response: Provided. A credit card was used at the time of application was submitted.

2. Application Form

Response: Provided. An application form signed by the project lead has been submitted with this application.

3. Documentation of Neighborhood Meeting

Response: Provided.

4. Tax Map

Response: Provided.

5. Mailing Labels

Response: Provided. Two sets of mailing labels obtain from a title company for properties within 1,000 feet has been provided. A copy of the mailing labels is attached (see Attachment 4)

6. Vicinity Map

Response: Provided.

7. Narrative Report

Response: Provided. This document is the narrative report.

8. Electronic Copy.

Response: Provided. An electronic copy in PDF format has been provided on a Jump Drive and submitted with this application.

9. Required Plans

Response: Provided. A site plan has been provided including all required information.

10. Reduced – Proposed Development Plans

Response: A copy of the single family home has been provided

11. Lighting Plan

Response: Does not apply. Only minimal lighting is proposed including porch lights and outdoor lights placed on the building.

12. Surrounding Land Uses

Response: Surrounding property will not be adversely affected by the use, or that the adverse effects of the use on the surrounding uses, the neighborhood, or the City as a whole as this is a single family dwelling.

13. Architectural Exterior

Response: The architectural exterior will follow all guidelines dictated by the Sherwood Old Town Historic Overlay Zone.

14. Title Report

Response A title/deed is provided.

15. CWS Service Provider Letter

Response: Provided.

16. Trip Analysis

Response: Does not apply.

17. Army Corps and DSL wetland applications and/or permits

Response: Does not apply.

18. Traffic Study

Response: Does not apply.

19. Soils Analysis and/or Geotechnical Report

Response: Does not apply.

20. Tree Report

Response: On this specific lot there are no existing trees.

21. Natural resource Assessment

Response: Does not apply. Clean Water Services indicates that no sensitive areas exist on site or within 200 feet of the site and therefore for a natural resource assessment.

22. Wetland Delineation Study

Response: Does not apply. There are no jurisdictional wetlands or waterways that exist on the site.

III. RESPONSE TO APPLICABLE APPROVAL CRITERIA

is met.

IV. RESPONSE TO APPLICABLE CODE STANDARDS

Chapter 16.12 RESIDENTIAL LAND USE DISTRICTS

16.12.020 - Uses

Response: The property is in the Old Town Overlay District. Single family homes are permitted

16.12.030 – Development Standards

Response: The proposal complies with the development standards contained within the Residential Land Use Development Standards 16.12.030, with the exception of the square feet per lot. Minimum Lot area is 5,000 square feet, this was purchased as an existing non-conforming lot 46.11' which over the minimum lot width of 25 ft. at the sfront property line and is less than the required minimum lot width (50 ft) at the building line. This existing non-conforming lot width remains 46.11' The lot depth requirement is met as the minimum depth is 80' and this lot depth is 94.02'. Maximum height is 30' or 2 stories. This particular house will be 29'8", at two stories tall. This conforms to both of the guidelines. All setback requirements will be met. The minimum front yard is 14, and this house will provide over this requirement, providing a 19' front yard. The face of the garage will meet the requirement of 20' to the property line, the interior side yard will provide 5'6" to the property line, where the requirement is 5'. The corner lot street side requirement of 15' will be met by providing 15'6" to property line. The rear yard setback of 20' will be met by providing 28'.

16.12.040 – Community Design

Response: The proposal complies with the development standards contained within the Old Town Overlay standards (Section 16.162)

Chapter 16.58 CLEAR VISION AND FENCE STANDARDS

16.58.010 - Clear Vision Areas

Response: There will be a 30 inch high picket fence in the front and rear of the building as well as on the eastern side. This is in accordance with clear vision provisions section 16.58.010. There will also be a 6 foot high fence on the west side of the building.

16.58.020 - Fences, Walls and Hedges

[...]
D.Location—Residential Zone:
1.Fences up to forty-two (42) inches high are allowed in required front building setbacks.
2.Fences up to six (6) feet high are allowed in required side or rear building setbacks, except fences adjacent to public pedestrian access ways and alleys shall not exceed forty-two (42) inches in height unless there is a landscaped buffer at least three (3) feet wide between the fence and the access way or alley.
3.Fences on corner lots may not be placed closer than eight (8) feet back from the sidewalk along the corner-side yard.

4.All fences shall be subject to the clear vision provisions of Section 16.58.010
5.A sound wall is permitted when required as a part of a development review or concurrent with a road improvement project. A sound wall may not be taller than twenty (20) feet.
6.Hedges are allowed up to eight (8) feet tall in the required side and rear setbacks.

Response: The applicant proposes to install a wood fence along the property line that will comply with the requirements of this section including a 6-foot fence along the west side yard and 30" fence in the front and east side yard.

Chapter 16.98 - ON-SITE STORAGE

16.98.010 - Recreational Vehicles and Equipment

Response: Not proposed by the application

16.98.020 - Solid Waste and Recycling Storage

Response: The applicant will be transporting waste to appropriate locations for recycling and garbage facilities.

16.98.030 – Material Storage

Response: Materials will be stored on the side yard and in the lot's own driveway during construction.

16.98.040 – Outdoor Sales and Merchandise Display

Response: Not proposed by the application

Chapter 16.106 – TRANSPORTATION FACILITIES

Response: Curb exists along the 1st Street frontage with no sidewalk. As required by the City Engineering Department the applicant proposes to install sidewalk along the site frontage incompliance with this section.

Chapter 16.110 – SANITARY SEWERS

Response: The proposal will connect to sanitary sewer in back of property.

Chapter 16.112 – WATER SUPPLY

Response: The proposal will connect to domestic water along 1st Street.

Chapter 16.114 – STORM WATER

Response: The stormwater will drain to the front of the house into the city main.

Chapter 16.116 – FIRE PROTECTION

Response: The proposal has adequate fire apparatus access from Ash Street. No deficiencies have been identified at the pre-application meeting. The meeting was not a pre-application conference, but instead was a one on meeting with Michelle Miller in February of 2017. The proposed structure will be reviewed by the Building Department and meet all current building codes. The applicant is unaware of any fire code related issues.

Chapter 16.118 – PUBLIC AND PRIVATE UTILITIES

Response: Public utility easements are not required in Old Town. The surrounding streets are existing and the applicant does not propose to install new streets and fully extend franchise utilities. However, these utilities are available to the property.

Chapter 16.128 – LAND DIVISION DESIGN STANDARDS

16.128.010 – Blocks

Response: The site is contained within an existing block and the proposed partition has no effect on the block size or connectivity.

16.128.020 – Pedestrian and Bicycle Ways

Response: Adequate block length currently exists. A pedestrian and/or bicycle way through the site is not needed or required.

16.128.030 – Lots

Response: The lots will have access to a public street, 1st Street, and alleyway incompliance with this section. Grading will be minimal to construct the house and will not require grading or regarding of public streets.

Chapter 16.142– PARKS, TREES AND OPEN SPACES

16.142.060 - Street Trees

Response: There will be minimal trees added for landscaping along streets and walkways to the front, side and in back of the house.

16.142.070 - Trees on Property Subject to Certain Land Use Applications

Response: Along with the demolition and removal of the previous structure all trees (2) were removed from the site.

Chapter 16.162 – Old Town (OT) Overlay District

16.162.040 – Conditional Uses

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

Response: A single family dwelling is proposed. The applicant has responded to the conditional use criteria.

16.162.060 – Dimensional Standards

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

A.Lot Dimensions - Minimum lot area (RC zoned property only): Twenty-five hundred (2,500) square feet.
B.Setbacks - Minimum yards (RC zoned property only): None, including structures adjoining a residential zone, provided that Uniform Building Code, Fire District regulations, and the site design standards of this Code, not otherwise varied by this Chapter, are met.
C.Height - The purpose of this standard is to encourage 2 to 4 story mixed-use buildings in the Old Town area consistent with a traditional building type of ground floor active uses with housing or office uses above.
Except as provided in Section 16.162.080, subsection C below, the maximum height of structures in RC zoned property shall be forty (40) feet (3 stories) in the "Smockville Area" and fifty (50) feet (4 stories) in the "Old Cannery Area". Limitations in the RC zone to the height of commercial structures adjoining residential zones, and allowances for additional building height as a conditional use, shall not apply in the OT overlay zone. However, five foot height bonuses are allowed under strict conditions. Chimneys, solar and wind energy devices, radio and TV antennas, and similar devices may exceed height limitations in the OT overlay zone by ten (10) feet.Minimum height: A principal building in the RC and HDR zones must be at least sixteen (16) feet in height.[…]

Response: The proposal complies with the dimensional standards as follows:

Minimum lot size 2,500 square feet – 4324 proposed
Setbacks –west side 7'4" , rear 28 feet and front 20 feet. The east side is 17'-9.5".
All setback requirements are met.

Height 40 feet: 21'9" to ridge and 15'7" to middle of roof line proposed

16.162.070 – Community Design

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

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

Response: Site is in the Smockville area and response is provided later in this report.

B.Landscaping for Residential Structures

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

Response: Landscaping is provided in the 5'-6" side yard and 15-foot front yard. Fencing is also proposed around the perimeter of the site.

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

Response: Parking is being provided per the townhome standards (Section 16.44) 4.

All townhomes shall include at least two (2) off-street parking spaces in the HDR zone, and two and one-half (2-½) spaces in the MDRH zone; garages and/or designated shared parking spaces may be included in this calculation. The City Engineer may permit diagonal or angle-in parking on public streets within a townhome development, provided that adequate lane width is maintained. All townhome developments shall include a parking plan, to be reviewed and approved with the Site Plan application.

The driveway and garage will provide 2 ½ parking spaces.

D.Off-Street Loading
1.Off-street loading spaces for commercial uses in the "Old Cannery Area" may be shared and aggregated in one or several locations in a single block, provided that the minimum area of all loading spaces in a block, when taken together, shall not be less than sixty-five percent (65%) of the minimum standard that is otherwise required by Section 16.94.030B.
(Ord. 2006-009 § 2)
2.For all property and uses within the "Smockville Area" of the Old Town Overlay District, off-street loading is not required.

Response: Not required or proposed.

E.Signs - In addition to signs otherwise permitted for home occupations, as per Section 16.42.010, one (1) non-illuminated, attached, exterior sign, up to a maximum of nine (9) square feet in surface area, may be permitted for each approved home occupation.
(Ord. 2006-009 § 2)

Response: Not proposed.

F.Non-conforming Uses - When a nonconforming lot, use, or structure within the OT overlay zone has been designated a landmark as per Chapter 16.166, or when a nonconforming lot

within the OT overlay zone is vacant, and the proposed change will, in the City's determination, be fully consistent with the goals and standards of the OT overlay zone and other City guidelines to preserve, restore, and enhance historic resources, nonconforming use restrictions contained in Chapter 16.48 may be waived by the Commission.

Response: Not proposed.

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

Response: The applicant is proposing to install sidewalk as required by the Engineering Department.

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

Response: Earth tone is proposed. A color palette is attached to this report (see Attachment 7).

16.162.090(F) – Old Town Smockville Design Standards – Residential Structures

RESIDENTIAL STRUCTURES
Historically, the Old Town District contained both commercial and residential structures, often intermixed on the same block. Today, many of the city's oldest residential structures remain as private dwellings while others have been converted to professional office or other commercial uses. The following standards are intended to reinforce the traditional mixed architectural character of the district and apply equally to all residential designs, including those now used for other commercial purposes, such as professional offices, restaurants, antique stores, and other similar uses. However, the International Building Code still dictates any requirements for interior remodeling.

Residential Standard 1: Volume & Mass
Historically, residential architecture in the Old Town core was comprised of multiple volumes or articulations, with extended porches, intersecting roof lines, dormers, and other features creating a complex whole rather than a single large volume. To maintain that traditional visual character the following standards apply:

a.Verticality: Buildings shall have a generally vertical character or are comprised of a primary vertical element surrounded by more horizontally appearing wings.

Response: The front elevations show an average structure with stone and steep roof pitches. There are a few intersecting roof lines with architectural interest in projections.

b.Complexity: Single large volumes are prohibited. Total area shall be contained within a minimum of two intersecting volumes, one of which may be a porch under a separate roof element. An attached garage does not constitute a second volume for purposes of this standard.

Response: This plan has 1 intersecting volume connected by 1 porches that is offset in the rear and it also has one intersecting volume above the office and front porch area.

c.Height: No building may be greater than 40 feet in overall height. Major roof ridges shall be no lower than 16 feet in height. [Note: this lower limit is designed to encourage steeper gables as opposed to low-pitched roof forms]

Response: The house is 29'8" feet tall complying with this required of between 16 and 40 feet tall.

Residential Standard 2: Roof Forms
Roofs play a significant role in the overall character of a structure and, in combination with Standard 1, shelter the complex volumes typical of the traditional development pattern.
a.Pitch: Roof pitches of less than 6/12 for gables are prohibited. Roof pitches of less than 5/12 for hipped roofs are prohibited. Flat roofs visible from the street are prohibited. An exception to this standard may be made for porch roofs attached to the primary volume.

Response: Pitch of the roof is 12/12

b.Complexity: As per Standard 1(B), single large roof forms are prohibited. A single roof form with two or more dormers is considered a complex roof form and accordingly will meet this Standard.

Response: The plan has 2 different roof levels.

c.Materials: Roofs shall be of historically appropriate materials, including asphalt shingle, wood shingle, or wood shake. The use of metal roofing, concrete tile roofing, hot-mopped asphalt, rolled asphalt, terra cotta tiles and other non-historic materials are prohibited in view of the public right-of-way.
Response: Asphalt shingles are proposed that will match the color of the siding and trim.

Residential Standard 3: Siding/Exterior Cladding
Generally, vertical appearance of historic volumes in Sherwood was typically balanced by strong horizontal wood siding. The following standard requires a continuation of this horizontal character. All structures shall employ one or more of the following siding types:
- *Horizontal wood siding, maximum 8" exposed to weather: Concrete or manufactured wood-based materials are acceptable under this Standard. This includes so-called "Cottage Siding" of wide panels scored to form multiple horizontal lines. Applicants are strongly encouraged to use smooth surfaces, not "rustic" or exposed wood grain pattern materials, which are inconsistent with Sherwood's architecture.*
- *Wood Shingle siding (painted shingles are preferred, with a maximum 12" to weather)*
- *True board and batten vertical wood siding, painted*
- *Brick*

- *Brick and stone veneer (see below)*

Use of the following non-historic exterior materials are specifically prohibited within the zone: Stucco (other than as foundation cladding or a secondary detail material, as in a gable end or enframed panel.).

- *Stucco-clad foam (EIFS, DryVit, and similar)*
- *T-111 or similar 4x8 sheet materials or plywood*
- *Horizontal metal or vinyl siding*
- *Plastic or fiberglass*
- *Faux stone (slumpstone, fake marble, cultured stone, and similar)*
- *Brick veneer or any other masonry-type material, when applied over wood-frame construction, of less than twelve (12) inches width in any visible dimension. This Standard specifically excludes the use of brick or similar veneered "columns" on one face of an outside corner, as typically used to frame garage openings.*

Response: Narrow Hardie Lap, Hardie Shingles, a form of concrete material, is proposed that meets this standard. Cultured stone on the front of the house wrapping 4' around each side. No prohibited materials are proposed.

Residential Standard 4: Trim and Architectural Detailing

The vernacular residential architecture of Sherwood reflects the construction techniques of the late 19th and early 20th century, when buildings had "parts" that allowed for easy construction in a pre-power saw era. Today, many of these traditional elements are considered "trim," as newer materials better shed water and eliminate the original functional aspects of various historic building elements. This Standard provides for sufficient architectural detail within the Old Town Area to assure compatibility between new and old construction and create a rich and visually interesting streetscape. All residential construction shall employ at least FOUR (4) of the following elements to meet this Standard:

- *Watertable or decorative foundation treatments (including stucco)*
- *Corner boards*
- *Eave Returns*
- *Stringcourse or other horizontal trim at plate or floor levels*
- *Eave brackets or support elements*
- *Bargeboards/Raking cornice (decorative roof "edge" treatments)*
- *Decorative projecting rafter tails*
- *Decorative gable end wall details, including change of materials (shingle bands), decorative venting, eave compass features and similar*
- *Wide cornice-level frieze and wall treatments.*

Response: The applicant proposes to use four of these materials including 5/4 corner boards, a bargeboard with 5/4 shake mold trim, shingled decorative Gable Ends.

Residential Standard 5: Openings [Windows & Doors]

Doors and windows form the "eyes" and "mouth" of a building and play a significant role in forming its character.

Windows

a.Verticality: All windows will reflect a basic vertical orientation with a width-to-height ratio of 1.5 to 2, or greater (i.e., a 24" wide window must be a minimum 36" tall). Larger window openings shall be formed by combining multiple window sash into groupings.
b.Types: The following windows types are permitted:
1.Single and double hung windows.
2.Hopper and transom-type windows.
3.Casement windows.
4.Any combination of the above, including groupings containing a central single pane fixed window flanked by two or more operable windows.
5.Glass block windows.
6.Fixed leaded or stained glass panels.
The following window types are specifically prohibited within the area:
1.Fixed pane windows (when not within a grouping, as in #4, above).
2.Horizontal slider windows (when visible from the public right-of-way).
3.Arched windows and fanlights, including "Palladian" window groupings, are inconsistent with the vernacular character of the area and are prohibited when visible from the public-right-of-way.
c.Lights: (internal divisions of window, formed by "muntins" or "mullions") True-divided lights are preferred. "Pop-In" or fake muntins are not historic, nor appropriate within Sherwood's vernacular tradition, and are prohibited when visible from the public right-of-way.
d.Sash Materials: Wood windows or enameled metal clad windows are most consistent with the vernacular tradition and are preferred. Vinyl windows or paintable fiberglass windows are allowed. Anodized or mill-finish aluminum windows or storm windows are prohibited.
e.Mirror Glazing: The use of "mirror" or reflective glass visible from the public right-of-way is prohibited.

Response: All windows meet the width to height ratio of 1.5 to 2, with the exception of three windows on the upper floor in the bathrooms. They cannot become vertical due to the low plate height.. All windows meet requirements of being single hung and casement.

Doors
a.Transparency: Primary entry doors will retain a degree of transparency, with no less than 25% of the surface being glazed, either in clear, leaded, or stained glass materials. Solid, flat single, panel doors are prohibited.
b.Materials: Doors may be of wood, metal-clad wood, or metal. Other materials that can be painted or stained, such as cast fiberglass, so as to reflect traditional materials are permitted.

Response: Front door is metal with a light and window adjacent which provide compliance with this section. The rear door will be clear sliding glass doors, which again provides compliance with this section

Trim
a.Sills: All windows will have a projecting sill and apron.
b.Side and Head Casing: Door and window trim will including side and head casing that sits no less than ½" proud of the surrounding wall surface. Trim mounted in plane with siding is not permitted in the Old Town area. Trim mounted atop siding is not recommended.

c.Other Trim Elements: As discussed in Standard 4, above, the use of trim to articulate the construction process was a standard character-defining element of Sherwood's vernacular architecture. Although not required by this Standard, the use of the following traditional door and window trim elements are encouraged, particularly on the primary facade.

- *Simple window "hoods," mounted over the window opening. Such features are traditionally treated as pents and clad with roofing material*
- *Parting bead, between the side and head casings*
- *Crown moldings*
- *Decorative corner elements at the head, apron, or both*
- *Single or dual flanking sidelights at entryways*
- *Transom windows above the major door or window openings*

Response: Window trim is 5/4x4 sides with 5/4x6 on top. Exterior doors have 5/4x6 on top and 5/4x4 sides.

Residential Standard 6: Porches/Entrances

In combination with doors, front porches help create a "sense of entry" and typically serve as the focal point of the front-facing facade of the structure. Porches should be encouraged and adequately detailed to create that sense of entry and serve as a primary element of the exterior character.

a.Depth: Projecting or recessed porches should be a minimum of five (5) feet deep. Projecting covered stoops should be a minimum of three (3) feet deep.

b.Width: Projecting or recessed porches should be a minimum of ten (10) feet wide or 25% of the primary facade width, whichever is the lesser. Projecting covered stoops should be a minimum of five (5) feet wide.

c.Supports: To assure appropriate visual weight for the design, vertical porch supports shall have a "base" of no less than six (6) inches square in finished dimension from floor level to a minimum 32" height. Upper posts shall be no less than four (4) inches square.

1.Base features may be of boxed wood, brick, stone, true stucco, or other materials that reflect a support structure. The use of projecting "caps" or sills is encouraged at the transition between the base and column.

2.When the entire support post is a minimum of six (6) inches square no base feature is required.

3.Projecting covered stoops, with no full-height vertical support, shall utilize members of no less than four (4) inches square.

Response: The front recessed stoop is over 5 feet deep and over 5’ wide which meets the minimum standards. These stoops are covered with gable roofs and decorative ends.

Residential Standard 7: Landscape, Fencing, and Perimeter Definition

Fencing or other edge-defining perimeter features, including the use of landscape materials, are traditional elements in Old Town Sherwood's residential areas. Please refer to Chapter 16.92 of the SZCDC for applicable landscaping standards and requirements. In addition to those provisions, such features within the Smockville Area shall also comply with the following Standard to maintain the area's character.

a.Materials: The following fencing materials are permitted in the Smockville Area:

1.Brick.

2.Concrete, including concrete block, "split faced" concrete block and similar.
3.Stone.
4.Wood, including vertical or horizontal board, pickets, split rail, and similar traditional fence designs.
5.Woven-metal (arch-top wire), construction cloth (square-patterned) and similar.
1.Vinyl, when used in simple plain board, picket, or post and board installations. (see #3, below)
2.Natural metal colored or black-coated chain link fencing is permitted, but discouraged when visible from the public-right-of-way.
3.The mixed use of materials, as in brick columns with wood or woven wire "fields" is encouraged.
b.The following fencing materials are prohibited in the Smockville area:
1.Plywood or other solid wood panel systems.
2.Open pattern concrete elements except as decorative elements.
3.Vinyl, that includes the use of arches, latticework, finials, acorn tops, and other elaborate detailing not consistent with Old Town Sherwood's vernacular tradition.
4.Vinyl or wood slat inserts in chain link fencing when in view from the public right-of-way.
5.Faux stone, including cultured stone, slumpstone, and similar materials.
6.Molded or cast aluminum.
a.Transparency: Solid barriers of any material built to the maximum allowable height are prohibited facing the public right of way(s). Pickets or wood slats should provide a minimum ½" spacing between vertical elements with large spacing encouraged. Base elements, as in a concrete "curb" or foundation element are excluded from this standard provided they are no higher than twelve (12) inches above grade.
b.Gates/Entry Features: In order to create a sense of entry, gates, arbors, pergolas, or similar elements integrated into a perimeter fence are strongly encouraged. Such features may exceed the maximum fence height limit of four (4) feet provided they are less than eight (8) feet in overall height, are located more than ten (10) feet from any public intersection, and do not otherwise reduce pedestrian or vehicular safety.

Response: A Good Neighbor Fence with 4x4 outdoor wood posts, 2x4 outdoor wood rails and cedar lx6 vertical board is proposed. The height will be 30-inches high in right-of-way and 6-foot high the remainder incompliance with this section. Flower beds are proposed in the front yard.

Residential Standard 8: Additions to Existing Buildings[…]

Response: Does not apply.

V. CONCLUSION

This narrative and attachment demonstrate compliance with applicable approval criteria and code. The applicant respectfully requests that this application be approved.

SHERWOOD SCHOOLS
a great place for all kids

Sherwood High School

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□ neighborhood meeting will be held on □uly □□th, □□□□ at □□□□□ S□ □einec□e □d, Sherwood □□ to inform the community about our proposed single family dwelling construction pro□ect. □nterested community members are invited to attend this meeting.

Project Proposal□ □he Sherwood □igh School □dvanced Construction Class is proposing a single family dwelling at □□□□□ S□ □st Street. □n the vacant lot the class will construct a single family dwelling which will be constructed in one phase.

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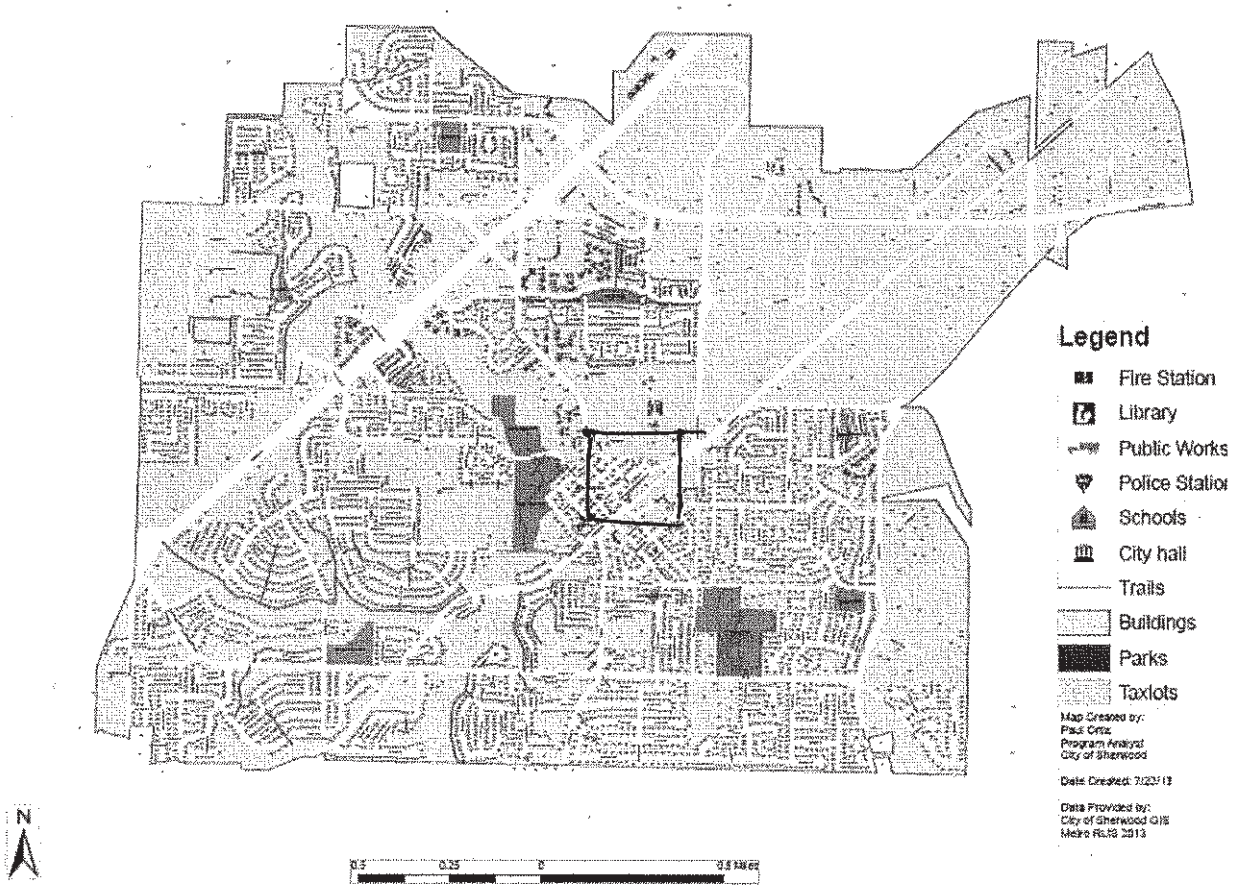
Neighborhoods meeting notes:

The meeting was held at the Sherwood High School main office on July 19th, 2017.

Nobody showed up for this meeting.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Paul Ortiz
Program Analyst
City of Sherwood
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SW 1ST ST
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Veterans Park
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SW 2ND ST
SW WASHINGTON ST
SW SHERWOOD BLVD
Sherwood Middle
Hopkins Elementary
St. Francis
Langer Park
SW THRASHER WAY
SW FARMER WAY
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SW WHEATSTONE WAY
SW REDCLOVER LN
SW SPRINGTOOTH LN
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SW WHEAT PL
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SW WALLACE PL
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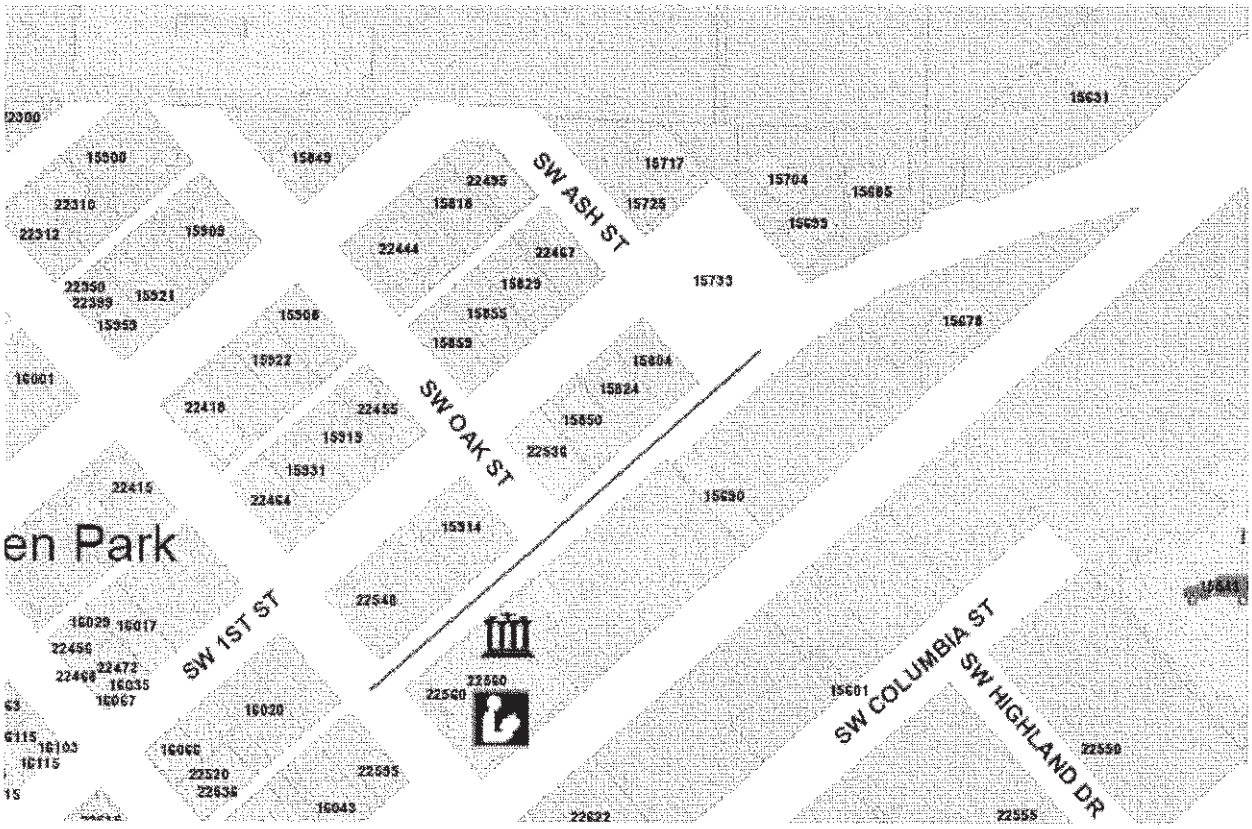
SW LEE DR
SW LITTLE JOHN TER
SW TRAVIS CT
SW MARSHALL ST
SW ARCHERS PL



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- Fire Station
- Library
- Public Works
- Police Station
- Schools
- City hall
- Trails
- Buildings
- Parks
- Taxlots

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Program Analyst
City of Sherwood

Date Created: 7/22/13

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Legend

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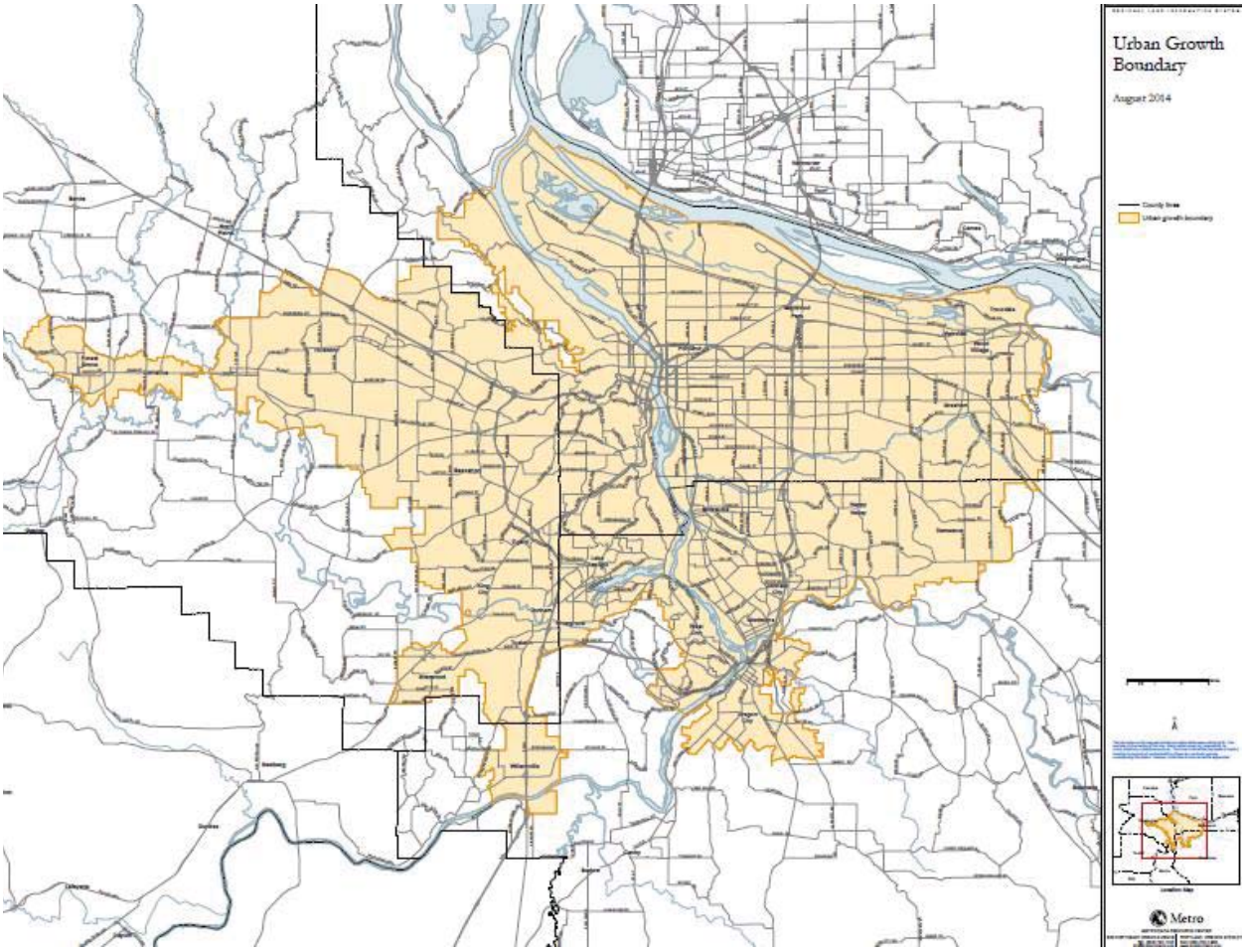
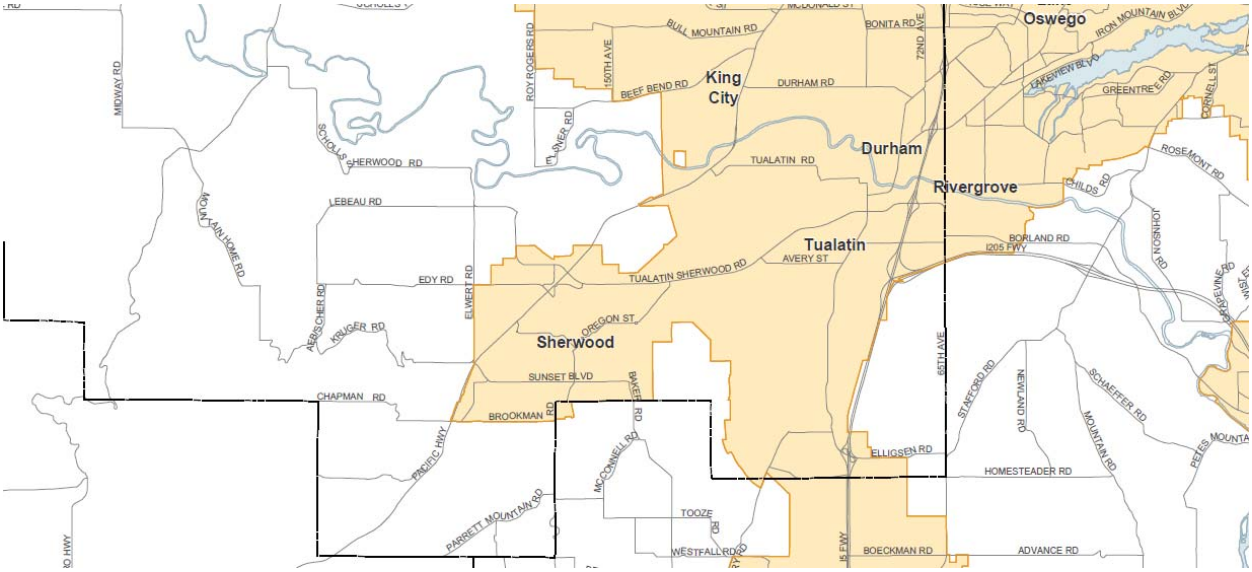


Exhibit A (25 of 158)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Durham
Rivergrove
Tualatin
Sherwood
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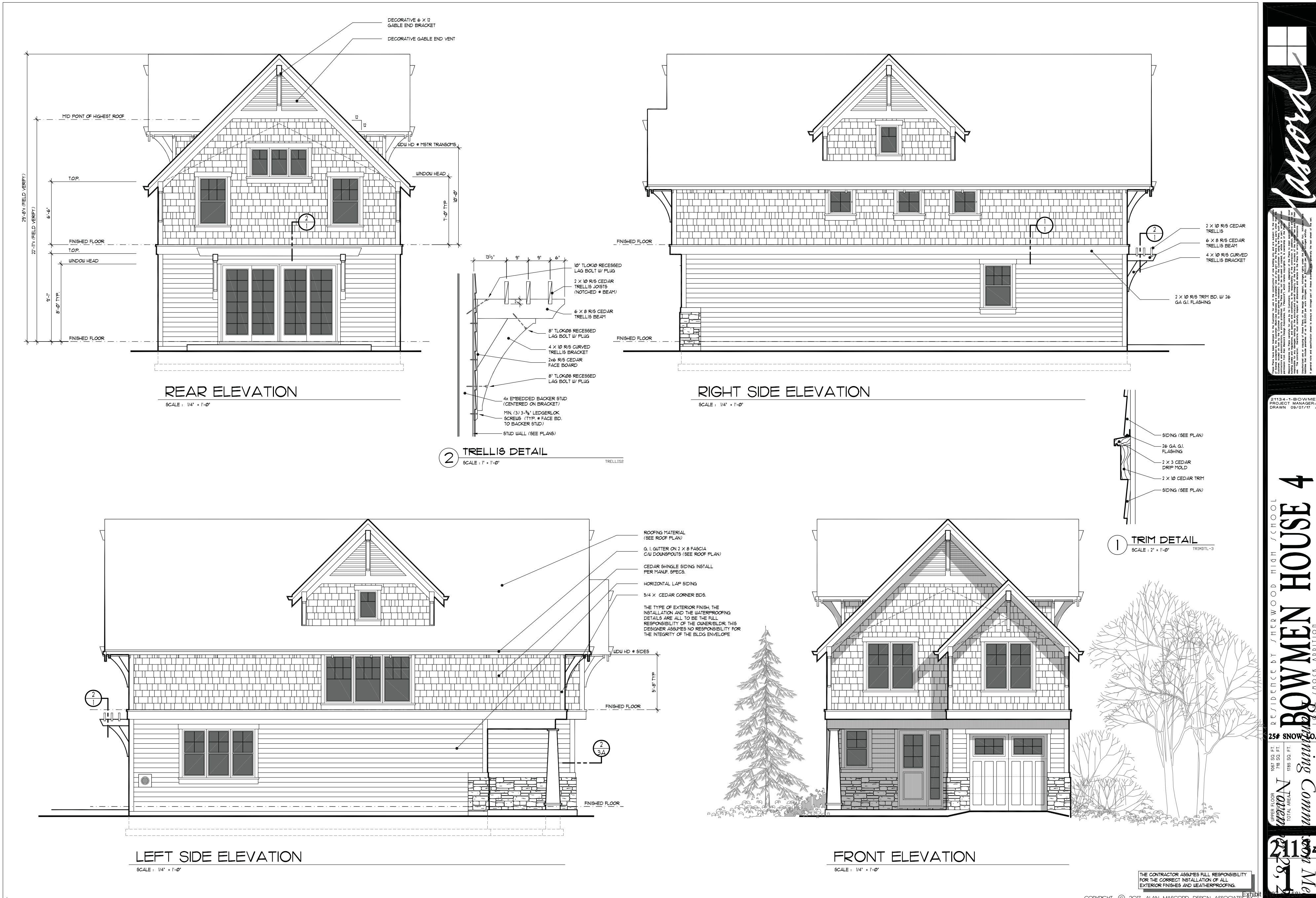
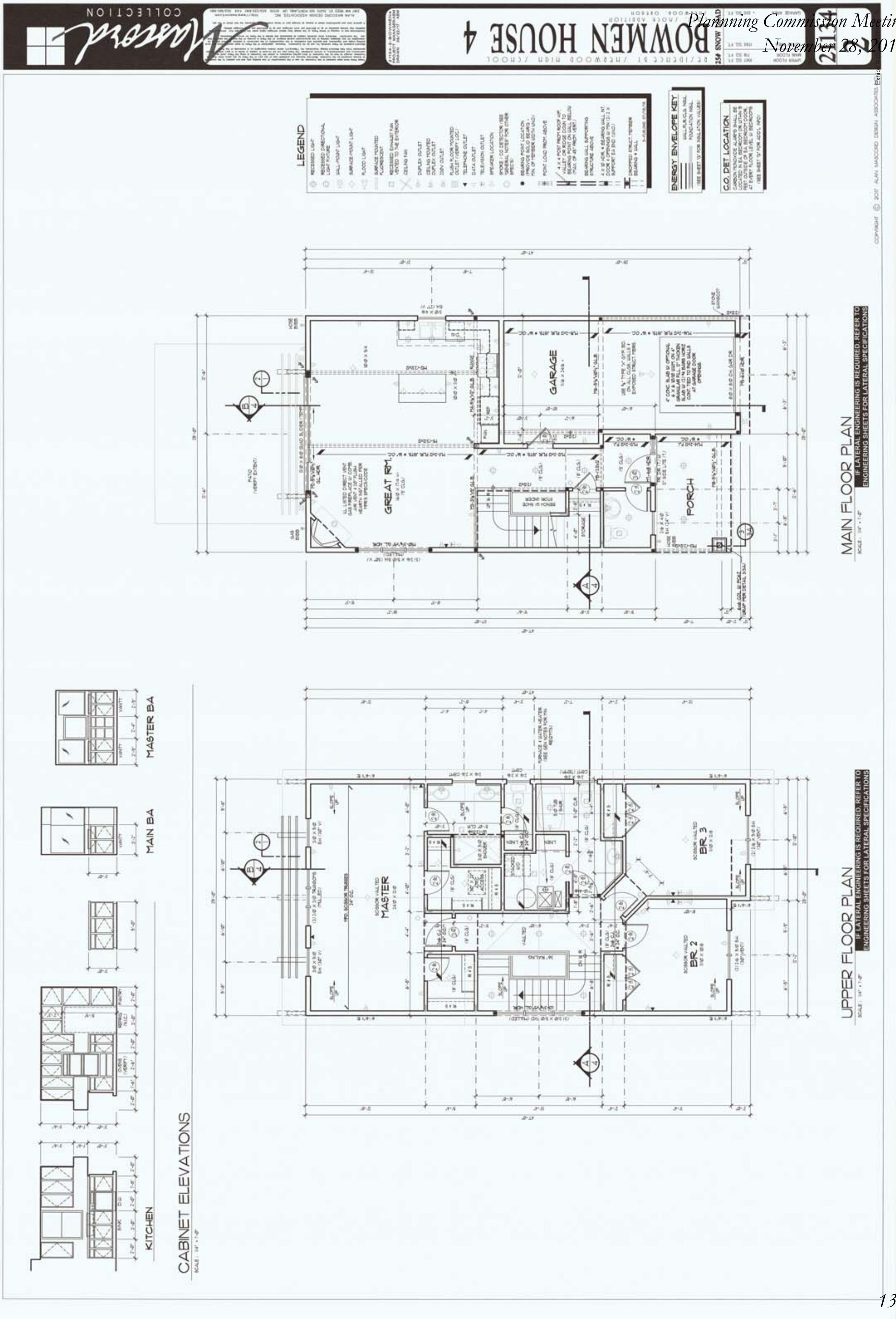
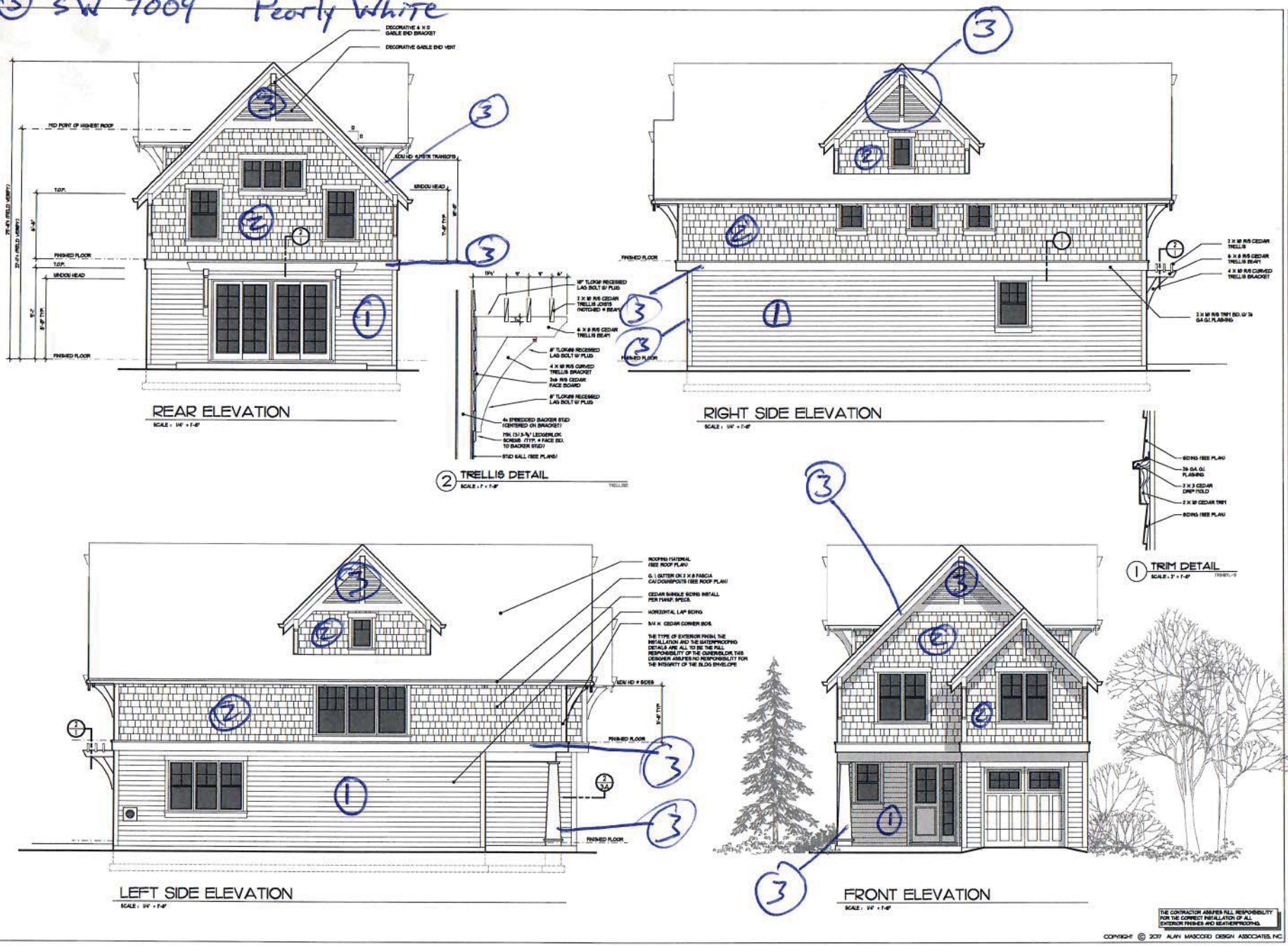
BONITA RD
IRON MOUNTAIN BLVD
LAKERIDGE BLVD
GREENTREE RD
BEEF BEND RD
DURHAM RD
ROY ROGERS RD
150TH AVE
72ND AVE
MIDWAY RD
SCHOLLS SHERWOOD RD
TUALATIN RD
ROSEMONT RD
CHILDS RD
LEBEAU RD
BORLAND RD
I205 FWY
AVERY ST
TUALATIN SHERWOOD RD
EDY RD
ELWERT RD
OREGON ST
KRUGER RD
SUNSET BLVD
CHAPMAN RD
BROOKMAN RD
65TH AVE
STAFFORD RD
NEWLAND RD
SCHAEFFER RD
ELLIGSEN RD
HOMESTEADER RD
PACIFIC HWY
MCCONNELL RD
PARRETT MOUNTAIN RD
TOOZE RD
WESTFALL RD
I5 FWY
BOECKMAN RD
ADVANCE RD


DECORATIVE 6 X 12 GABLE END BRACKET
DECORATIVE GABLE END VENT
MID POINT OF HIGHEST ROOF
WDW HD @ MSTR TRANSOMS
WINDOW HEAD
T.O.P.
FINISHED FLOOR
REAR ELEVATION
SCALE : 1/4" = 1'-0"
10" TLOK10 RECESSED LAG BOLT W/ PLUG
2 X 10 R/S CEDAR TRELLIS JOISTS (NOTCHED @ BEAM)
6 X 8 R/S CEDAR TRELLIS BEAM
8" TLOK08 RECESSED LAG BOLT W/ PLUG
4 X 10 R/S CURVED TRELLIS BRACKET
2x6 R/S CEDAR FACE BOARD
4x EMBEDDED BACKER STUD (CENTERED ON BRACKET)
STUD WALL (SEE PLANS)
2 TRELLIS DETAIL
SCALE : 1" = 1'-0"
RIGHT SIDE ELEVATION
SCALE : 1/4" = 1'-0"
2 X 10 R/S CEDAR TRELLIS
6 X 8 R/S CEDAR TRELLIS BEAM
4 X 10 R/S CURVED TRELLIS BRACKET
2 X 10 R/S TRIM BD. W/ 26 GA G.I. FLASHING
SIDING (SEE PLAN)
26 GA. G.I. FLASHING
2 X 3 CEDAR DRIP MOLD
2 X 10 CEDAR TRIM
1 TRIM DETAIL
SCALE : 2" = 1'-0"
ROOFING MATERIAL (SEE ROOF PLAN)
G. I. GUTTER ON 2 X 8 FASCIA C/W DOWNSPOUTS (SEE ROOF PLAN)
CEDAR SHINGLE SIDING INSTALL PER MANUF. SPECS.
HORIZONTAL LAP SIDING
5/4 X CEDAR CORNER BDS.
THE TYPE OF EXTERIOR FINISH, THE INSTALLATION AND THE WATERPROOFING DETAILS ARE ALL TO BE THE FULL RESPONSIBILITY OF THE OWNER/BLDR. THIS DESIGNER ASSUMES NO RESPONSIBILITY FOR THE INTEGRITY OF THE BLDG ENVELOPE
WDW HD @ SIDES
LEFT SIDE ELEVATION
SCALE : 1/4" = 1'-0"
FRONT ELEVATION
SCALE : 1/4" = 1'-0"
THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR THE CORRECT INSTALLATION OF ALL EXTERIOR FINISHES AND WEATHERPROOFING.
COPYRIGHT © 2017 ALAN MASCORD DESIGN ASSOCIATES, INC.
MASCORD COLLECTION
ALAN MASCORD DESIGN ASSOCIATES, INC.
21134-1-BOWMEN4
DRAWN 09/07/17 AEM
RESIDENCE BY SHERWOOD HIGH SCHOOL
BOWMEN HOUSE 4
SHERWOOD, OREGON
25# SNOW LOAD
UPPER FLOOR 1067 SQ. FT.
TOTAL AREA 1785 SQ. FT.
GARAGE AREA 320 SQ. FT.
21134
1


BOWMEN HOUSE 4
LEGEND
ENERGY ENVELOPE KEY
C.O. DET. LOCATION
GARAGE
GREAT RM.
PORCH
MAIN FLOOR PLAN
IF LATERAL ENGINEERING IS REQUIRED, REFER TO ENGINEERING SHEETS FOR LATERAL SPECIFICATIONS
MASTER
BR. 2
BR. 3
UPPER FLOOR PLAN
IF LATERAL ENGINEERING IS REQUIRED, REFER TO ENGINEERING SHEETS FOR LATERAL SPECIFICATIONS
MASTER BA
MAIN BA
KITCHEN
CABINET ELEVATIONS

1. SW 6335 Fired Brick
2. SW 6373 Harvester
3. SW 7009 Pearly White



Mascord COLLECTION

RESIDENCE BY ARCHWOOD HIGH SCHOOL
BOWMEN HOUSE 4
25# SNOW LOAD

2134
1

Planning Commission Meeting
November 28, 2017

Exhibit A (30 of 158)

Color representation only


Exhibit A (31 of 158)

Exhibit A (32 of 158)

Exhibit A (33 of 158)

Clean Water Services

Clean Water Services File Number
17-002282

Sensitive Area Pre-Screening Site Assessment

1. Jurisdiction: Sherwood

2. Property Information *(example 1S234AB01400)*
Tax lot ID(s): 2S132BA03300

Site Address: 15804 SW 1st Street
City, State, Zip: Sherwood, OR, 97140
Nearest Cross Street: Ash

3. Owner Information
Name: Sherwood School District
Company: Sherwood High School
Address: 16956 SW Meinecke Rd
City, State, Zip: Sherwood, OR, 97140
Phone/Fax: 5038255551
E-Mail: JDickover@Sherwood.k12.or.us

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: Single Family Residential

5. Applicant Information
Name: Jon Dickover
Company: Bowmen Construction
Address: 16956 SW Meinecke Rd., Sherwood High School
City, State, Zip: Sherwood, OR, 97140
Phone/Fax: 503-481-9351
E-Mail: JDickover@Sherwood.k12.or.us

6. 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 will be a simple, single story, single family residence approximately 1500 sq ft.

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 Jon Dickover **Print/Type Title** Instructor

ONLINE SUBMITTAL **Date** 7/7/2017

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 07-20, Section 3.02.1. 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 07-20, Section 3.02.1. 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 Laurie Bunce Date 07/10/17

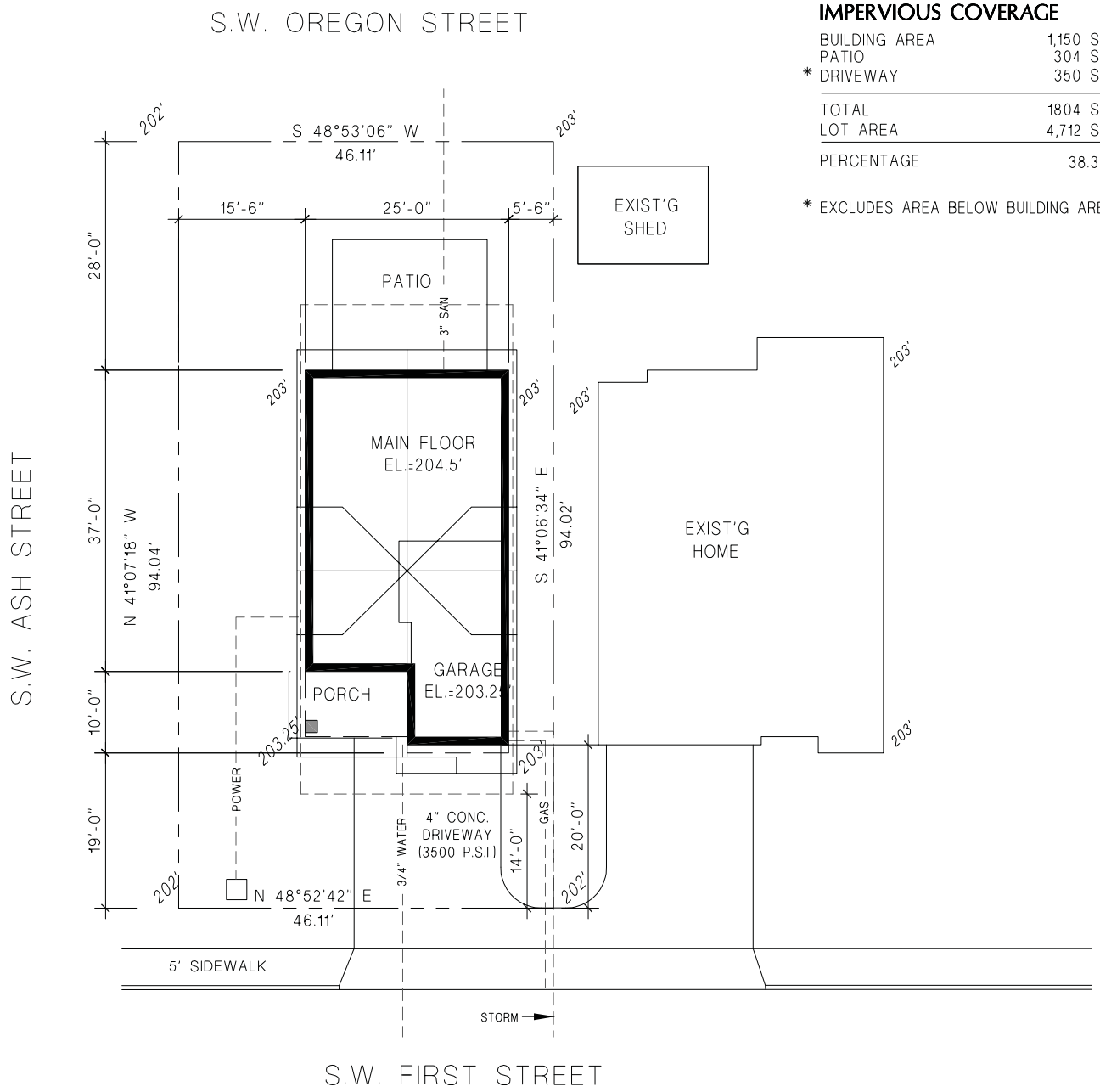
LOT COVERAGE

BUILDING AREA	1,150 S.F.
LOT AREA	4,712 S.F.
PERCENTAGE	24.4%

IMPERVIOUS COVERAGE

BUILDING AREA	1,150 S.F.
PATIO	304 S.F.
* DRIVEWAY	350 S.F.
TOTAL	1804 S.F.
LOT AREA	4,712 S.F.
PERCENTAGE	38.3%

* EXCLUDES AREA BELOW BUILDING AREA



OCTOBER 13, 2017 AEM

SCALE : 1" = 20'-0"

Mascord COLLECTION

ALAN MASCORD DESIGN ASSOCIATES, INC.
1305 NW 18th AVE, PORTLAND OR 97209
503/225-9161 FAX 503/225-0933 http://www.mascord.com

CITY OF SHERWOOD
SMOCK ADDITION TO SHERWOOD
LOT 1

21134

FOR: BOWMEN HOUSE 4

Exhibit A (35 of 158)

CENTERLINE CONCEPTS
LAND SURVEYING, INC.

729 Molalla Avenue, Ste. 1 and 2, Oregon City, OR 97045
P. 503-650-0188 **F. 503-650-0189**

Exhibit "A"
Legal Description
(Remainder of Lot 2)

A tract of land being a portion of Lot 2, Block 11, Smock Addition to Sherwood, in the Northwest one-quarter of Section 32, Township 2 South, Range 1 West of the Willamette Meridian, City of Sherwood, County of Washington, State of Oregon, being all of said Lot 2, except the westerly 4 feet thereof, and being more particularly described as follows:

Commencing at the most westerly corner of said Lot 2, being on the easterly right of way line of SW First Street (30.00 feet from the centerline thereof, when measured at right angles); thence, along said easterly right of way line, North 48°52'42" East, 4.00 feet to the ***POINT OF BEGINNING;*** thence, continuing along said easterly right of way line, North 48°52'42" East, 46.05 feet to the south line of Lot 1, Block 11, of said Smock Addition to Sherwood; thence along the south line of said Lot 1, South 41°06'56" East, 94.03 feet to the most easterly corner of said Lot 2, and the westerly right of way of SW Oregon Street (20.00 feet from the centerline thereof, when measured at right angles); thence, along said westerly right of way line, South 48°53'06" West, 46.06 feet; thence, along a line 4.00 feet northerly of and parallel with the southerly line of said Lot 2, North 41°06'34" West, 94.02 feet to the ***POINT OF BEGINNING.***

Contains 4,331 square feet. Bearings based on Survey No. 32631, Washington County Survey Records.

20NOV15

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS

RENEWS: 31DEC15

CENTERLINE CONCEPTS
LAND SURVEYING, INC.

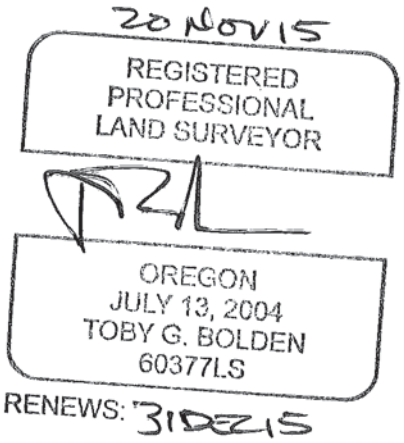
729 Molalla Avenue, Ste. 1 and 2, Oregon City, OR 97045
P. 503-650-0188 **F. 503-650-0189**

Exhibit "A"
Legal Description

A tract of land being all of Lot 1, Block 11, Smock Addition to Sherwood, in the Northwest one-quarter of Section 32, Township 2 South, Range 1 West of the Willamette Meridian, City of Sherwood, County of Washington, State of Oregon, and being more particularly described as follows:

BEGINNING at the most westerly corner of said Lot 1, being on the easterly right of way line of SW First Street (30.00 feet from the centerline thereof, when measured at right angles); thence, along said easterly right of way line, North 48°52'42" East, 50.05 feet to the northwest corner of said Lot 1, thence along the northeast line of said Lot 1, being the southerly right of way of SW Ash Street (30.00 feet from the centerline thereof, when measured at right angles), South 41°07'18" East, 94.04 feet to the most easterly corner of said Lot 1; thence, along the easterly line of said Lot 1, also being the westerly right of way line of SW Oregon Street (20.00 feet from the centerline thereof, when measured at right angles), South 48°53'06" West, 50.06 feet to the most southerly corner of said Lot 1; thence, along the line common to said Lot 1 and Lot 2 of said Block 11, Smock Addition to Sherwood, North 41°06'56" West, 94.03 feet to the ***POINT OF BEGINNING.***

Contains 4,707 square feet. Bearings based on Survey No. 32631, Washington County Survey Records.



FORM No. 705—WARRANTY DEED.

7821

KNOW ALL MEN BY THESE PRESENTS, That we, Clive E. Reisch and Lleana A. Reisch, husband and wife

in consideration of One dollar and other valuable consideration *Dollars,*

to us *paid by* Fred W. Schamburg and Lillian A. Schamburg, husband and wife

do hereby grant, bargain, sell and convey unto said

heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the County of Washington *and State of Oregon, bounded and described as follows, to-wit:*

Beginning at the most Westerly corner of Lot 1, Block 11, Smock's Addition to Sherwood, Washington County, Oregon, thence South 42° 55" East along the Southwesterly line of said lot 1, 94 feet to the most South erly corner thereof; thence Northerly 47° 45" East 4 feet; thence Northerly 42° 55" West parallel with the Southwesterly line or said Lot 1, 94 feet to the Northwesterly line of Lot 1; thence Southwesterly 47° 45" West 4 feet to the place of beginning.

To Have and to Hold, the above described and granted premises unto the said

heirs and assigns forever.

And

the grantorS above named do covenant to and with the above named grantee , heirs and assigns that they *lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances,*

and that they *will and* their *heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever,*

Witness our hands *and seal*S *this* 23rd *day of* June *, 1961.*

Executed in the Presence of

Clive E. Reisch (SEAL)

Lleana A. Reisch (SEAL)

(SEAL)

(SEAL)

BOOK 446 PAGE 459

STATE OF OREGON,

County of Washington } ss.

BE IT REMEMBERED, That on this 23rd day of June, 1961, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Clive E. Reisch and Lleana A. Reisch known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

M. LYNN JUDY
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES DEC. 13, 1964

M. Lynn Judy
Notary Public for Oregon.
My Commission expires

7821

INDEXED

250

WARRANTY DEED

(FORM No. 703)

STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

STATE OF OREGON,
County of WASHINGTON } ss.

I certify that the within instrument was received for record on the 11 day of July, 1961, at 830 o'clock a M., and recorded in book 446 on page , Record of Deeds of said County.

Witness my hand and seal of County affixed.

ROGER THOMSSEN, County Clerk
County Clerk—Recorder.
By Ingeborg Hansen Deputy.

WHEN RECORDED RETURN TO

F. W. SCHAMBURG
Route 2, Box 02
Sherwood, Oregon.

BOOK 446 PAGE 460

Exhibit A (39 of 158)

Washington County, Oregon **2015-022554**
D-DW
Stn=4 K GRUNEWALD **03/31/2015 10:32:17 AM**
$10.00 $11.00 $5.00 $20.00 $195.00 **$261.00**
$20.00
I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of
Assessment and Taxation, Ex-Officio

RECORDING REQUESTED BY:

GRANTOR:
City of Sherwood Urban Renewal Agency
22560 SW Pine Street
Sherwood, OR 97140

GRANTEE:
Sherwood School District 88J
23295 SW Main Street
Sherwood, OR 97140-6309

SEND TAX STATEMENTS TO:
Sherwood School District 88J
23295 SW Main Street
Sherwood, OR 97140-6309

AFTER RECORDING RETURN TO:
Sherwood School District 88J
23295 SW Main Street
Sherwood, OR 97140-6309

Escrow No: 3626074636MLY-TTPOR45
CODE 088.30
R554563, R554572
15804 & 15824 SW 1st Street
Sherwood, OR 97140

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Recorded by TICOR TITLE TTPOR 302200-74030MN

STATUTORY WARRANTY DEED

City of Sherwood Urban Renewal Agency, the duly designated Urban Renewal Agency for the City of Sherwood, Oregon, Grantor, conveys and warrants to

Sherwood School District 88J, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Washington, State of Oregon:

PARCEL I

A parcel of land situated in the County of Washington and State of Oregon and further described as Lot 2, Block 11, SMOCK'S ADDITION TO SHERWOOD, in the City of Sherwood, Washington County Oregon.

EXCEPTING therefrom a portion of Lot 2, described as follows:

Beginning at the most Westerly corner of Lot 2, Block 11, SMOCK'S ADDITION TO SHERWOOD, Washington, Oregon, thence South 42° 55' East along the Southwesterly line of said Lot 2, 94 feet to most Southerly corner thereof; thence Northerly 47° 45' East, 4 feet; thence Northerly 42° 55' West parallel with the Southwesterly line of said Lot 2, 94 feet to the Northwesterly line of Lot 2; thence Southwesterly 47° 45' West, 4 feet to the place of beginning.

And also a part of Lot 1, Block 11, SMOCK'S ADDITION TO SHERWOOD, described as follows:

Beginning at the most Westerly corner of Lot 2, Block 11 SMOCK'S ADDITION TO SHERWOOD, Washington, Oregon, thence South 42° 55' East along the Southwesterly line of said Lot 2, 94 feet to the most Southerly corner thereof; thence North 47° 45' East, 4 feet; thence North 42° 55' West parallel with the Southwesterly line of said Lot 2, 94 feet to the Northwesterly line of Lot 2; thence Southwesterly line of said Lot 1, 94 feet to the Northwesterly line of Lot 1; thence South 47° 45' West, 4 feet to the place of beginning.

RECORDING REQUESTED BY:

GRANTOR:
City of Sherwood Urban Renewal Agency
22560 SW Pine Street
Sherwood, OR 97140

GRANTEE:
Sherwood School District 88J
23295 SW Main Street
Sherwood, OR 97140-6309

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23295 SW Main Street
Sherwood, OR 97140-6309

Escrow No: 3626074636MLY-TTPOR45
CODE 088.30
R554563, R554572
15804 & 15824 SW 1st Street
Sherwood, OR 97140

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Recorded by TICOR TITLE #TTPOR2010074030MN

STATUTORY WARRANTY DEED

City of Sherwood Urban Renewal Agency, the duly designated Urban Renewal Agency for the City of Sherwood, Oregon, Grantor, conveys and warrants to

Sherwood School District 88J, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Washington, State of Oregon:

PARCEL I

A parcel of land situated in the County of Washington and State of Oregon and further described as Lot 2, Block 11, SMOCK'S ADDITION TO SHERWOOD, in the City of Sherwood, Washington County Oregon.

EXCEPTING therefrom a portion of Lot 2, described as follows:

Beginning at the most Westerly corner of Lot 2, Block 11, SMOCK'S ADDITION TO SHERWOOD, Washington, Oregon, thence South 42° 55' East along the Southwesterly line of said Lot 2, 94 feet to most Southerly corner thereof; thence Northerly 47° 45' East, 4 feet; thence Northerly 42° 55' West parallel with the Southwesterly line of said Lot 2, 94 feet to the Northwesterly line of Lot 2; thence Southwesterly 47° 45' West, 4 feet to the place of beginning.

And also a part of Lot 1, Block 11, SMOCK'S ADDITION TO SHERWOOD, described as follows:

Beginning at the most Westerly corner of Lot 2, Block 11 SMOCK'S ADDITION TO SHERWOOD, Washington, Oregon, thence South 42° 55' East along the Southwesterly line of said Lot 2, 94 feet to the most Southerly corner thereof; thence North 47° 45' East, 4 feet; thence North 42° 55' West parallel with the Southwesterly line of said Lot 2, 94 feet to the Northwesterly line of Lot 2; thence Southwesterly line of said Lot 1, 94 feet to the Northwesterly line of Lot 1; thence South 47° 45' West, 4 feet to the place of beginning.

PARCEL II

Lot 1, Block 11, SMOCK'S ADDITION TO SHERWOOD, in the City of Sherwood, County of Washington and State of Oregon EXCEPTING THEREFROM that portion described in deed to Fred W. Schamburg, et ux, recorded July 11, 1961 in Book 446, page 459, Washington County Deed Records, more particularly described as follows, to-wit:

Beginning at the most Westerly corner of Lot 2, Block 11 SMOCK'S ADDITION TO SHERWOOD, Washington, Oregon, thence South 42° 55' East along the Southwesterly line of said Lot 2, 94 feet to the most Southerly corner thereof; thence North 47° 45' East, 4 feet; thence North 42° 55' West parallel with the Southwesterly line of said Lot 2, 94 feet to the Northwesterly line of Lot 2; thence Southwesterly line of said Lot 1, 94 feet to the Northwesterly line of Lot 1; thence South 47° 45' West, 4 feet to the place of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS $195,000.00. (See ORS 93.030)

Subject to and excepting:

Covenants, Conditions, Restrictions, Reservations, set back lines, Power of Special Districts, and easements of Record, if any.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: 3/31/15

City of Sherwood Urban Renewal Agency, the duly designated Urban Renewal Agency for the City of Sherwood, Oregon

BY: _____
Joseph Gall, City Manager

State of OR

COUNTY of Clackamas

This instrument was acknowledged before me on March 31, 20 15.

by Joseph Gall, as City Manager, City of Sherwood Urban Renewal Agency, the duly designated Urban Renewal Agency for the City of Sherwood, Oregon

Mariah L. Yee

Notary Public - State of OR

My commission expires: Aug 29, 2015

3626074636MLY-TTPOR45
Deed(Warranty-Statutory)

OFFICIAL SEAL
MARIAH L YEE
NOTARY PUBLIC-OREGON
COMMISSION NO. 461229
MY COMMISSION EXPIRES AUGUST 29, 2015

Ticor Title Company
PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Ticor Title Company Of Oregon hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company, a/an Nebraska corporation.

Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

Countersigned

FDOR0211.rdw

Ticor Title Company
5800 SW Meadows Rd, Suite 150, Lake Oswego, OR 97035
(503)219-1150 FAX (503)597-5060

PRELIMINARY REPORT

ESCROW OFFICER: Mariah Yee
TITLE OFFICER: Lori Guzman

ORDER NO.: 3626074636MLY-TTPOR45
1st Supp- Amd Note E & Delete D & F

TO: Ticor Title Company Of Oregon
Attn: Mariah L. Yee
5800 SW Meadows Rd, Suite 150
Lake Oswego, OR 97035

OWNER/SELLER: Sherwood Urban Renewal Agency

BUYER/BORROWER: Sherwood School District

PROPERTY ADDRESS: 15804 & 15824 SW 1st Street
Sherwood, Oregon 97140

EFFECTIVE DATE: March 12, 2015, 08:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	AMOUNT	PREMIUM
Owner's Standard	195,000.00	$ 688.00
Governmental Service Fee		$ 50.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:
   A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:
   City of Sherwood Urban Renewal Agency, the duly designated Urban Renewal Agency for the City of Sherwood, Oregon

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF SHERWOOD IN THE COUNTY OF WASHINGTON, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:
   SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

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PRELIMINARY REPORT
(Continued)

Order No.: 3626074636MLY-TTPOR45

EXHIBIT "A"

PARCEL I

A parcel of land situated in the County of Washington and State of Oregon and further described as Lot 2, Block 11, SMOCK'S ADDITION TO SHERWOOD, in the City of Sherwood, Washington County Oregon.

EXCEPTING therefrom a portion of Lot 2, described as follows:

Beginning at the most Westerly corner of Lot 2, Block 11, SMOCK'S ADDITION TO SHERWOOD, Washington, Oregon, thence South 42° 55' East along the Southwesterly line of said Lot 2, 94 feet to most Southerly corner thereof; thence Northerly 47° 45' East, 4 feet; thence Northerly 42° 55' West parallel with the Southwesterly line of said Lot 2, 94 feet to the Northwesterly line of Lot 2; thence Southwesterly 47° 45' West, 4 feet to the place of beginning.

And also a part of Lot 1, Block 11, SMOCK'S ADDITION TO SHERWOOD, described as follows:

Beginning at the most Westerly corner of Lot 2, Block 11 SMOCK'S ADDITION TO SHERWOOD, Washington, Oregon, thence South 42° 55' East along the Southwesterly line of said Lot 2, 94 feet to the most Southerly corner thereof; thence North 47° 45' East, 4 feet; thence North 42° 55' West parallel with the Southwesterly line of said Lot 2, 94 feet to the Northwesterly line of Lot 2; thence Southwesterly line of said Lot 1, 94 feet to the Northwesterly line of Lot 1; thence South 47° 45' West, 4 feet to the place of beginning.

PARCEL II

Lot 1, Block 11, SMOCK'S ADDITION TO SHERWOOD, in the City of Sherwood, County of Washington and State of Oregon EXCEPTING THEREFROM that portion described in deed to Fred W. Schamburg, et ux, recorded July 11, 1961 in Book 446, page 459, Washington County Deed Records, more particularly described as follows, to-wit:

Beginning at the most Westerly corner of Lot 2, Block 11 SMOCK'S ADDITION TO SHERWOOD, Washington, Oregon, thence South 42° 55' East along the Southwesterly line of said Lot 2, 94 feet to the most Southerly corner thereof; thence North 47° 45' East, 4 feet; thence North 42° 55' West parallel with the Southwesterly line of said Lot 2, 94 feet to the Northwesterly line of Lot 2; thence Southwesterly line of said Lot 1, 94 feet to the Northwesterly line of Lot 1; thence South 47° 45' West, 4 feet to the place of beginning.

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.

3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

4. Any encroachment, (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.

5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

SPECIFIC ITEMS AND EXCEPTIONS:

6. The subject property is under public, charitable, fraternal, or religious organization ownership and is exempt from ad valorem taxation. Any change in ownership prior to delivery of the assessment roll may result in tax liability.

   Tax Account No.: R554563, 2S132BA-03300, CODE 088.30 -Parcel II
   Tax Account No.: R554572, 2S132BA-03400, CODE 088.30-Parcel I

7. City Liens, if any, in favor of the City of Sherwood. An inquiry has been directed to the City Clerk concerning the status of said liens and a report will follow if such liens are found.

8. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

9. If requested to issue an extended coverage ALTA loan policy, the following matters must be addressed:

   a) The rights of tenants holding under unrecorded leases or tenancies
   b) Any facts which would be disclosed by an accurate survey of the Land
   c) Matters disclosed by a statement as to parties in possession and as to any construction, alterations or repairs to the Land within the last 75 days. The Company must be notified in the event that any funds are to be used for construction, alterations or repairs.

   ADDITIONAL REQUIREMENTS/NOTES:

   A. A real property transfer tax will be imposed at the rate of $1.00 per $1000.00 or fraction thereof of the selling price based upon the provisions of Washington County Ordinance No. 289, effective May 3, 1984.

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B. Note: No utility search has been made or will be made for water, sewer or storm drainage charges unless the City/Service District claims them as liens (i.e. foreclosable) and reflects them on its lien docket as of the date of closing. Buyers should check with the appropriate city bureau or water service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.

C. The Land lies within the Sherwood Urban Renewal Area and is subject to the terms and provisions thereof.

D. INTENTIONALLY DELETED

E. AMENDED

The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance by the corporation named below.

Name of Corporation: City of Sherwood Urban Renewal Agency

a) An original or certified copy of a resolution authorizing the transaction contemplated herein.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

F. INTENTIONALLY DELETED

G. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

H. Note: There are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties: Sherwood School District

I. Note: Effective January 1, 2008, Oregon law (ORS 314.258) mandates withholding of Oregon income taxes from sellers who do not continue to be Oregon residents or qualify for an exemption. Please contact your Escrow Closer for further information.

J. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.

K. Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

EXHIBIT ONE

2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06)
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 11, 13, or 14); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
   (a) a fraudulent conveyance or fraudulent transfer, or
   (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. 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 Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

SCHEDULE B- GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. 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.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06)
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.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

SCHEDULE B- GENERAL 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:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. 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.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

Exhibit One

Fidelity National Financial, Inc. and its majority-owned subsidiary companies providing real estate- and loan-related services (collectively, "FNF", "our" or "we") respect and are committed to protecting your privacy. This Privacy Notice lets you know how and for what purposes your Personal Information (as defined herein) is being collected, processed and used by FNF. We pledge that we will take reasonable steps to ensure that your Personal Information will only be used in ways that are in compliance with this Privacy Notice. The provision of this Privacy Notice to you does not create any express or implied relationship, or create any express or implied duty or other obligation, between Fidelity National Financial, Inc. and you. See also **No Representations or Warranties** below.

This Privacy Notice is only in effect for any generic information and Personal Information collected and/or owned by FNF, including collection through any FNF website and any online features, services and/or programs offered by FNF (collectively, the "Website"). This Privacy Notice is not applicable to any other web pages, mobile applications, social media sites, email lists, generic information or Personal Information collected and/or owned by any entity other than FNF.

How Information is Collected

The types of personal information FNF collects may include, among other things (collectively, "Personal Information"): (1) contact information (*e.g.*, name, address, phone number, email address); (2) demographic information (*e.g.*, date of birth, gender marital status); (3) Internet protocol (or IP) address or device ID/UDID; (4) social security number (SSN), student ID (SIN), driver's license, passport, and other government ID numbers; (5) financial account information; and (6) information related to offenses or criminal convictions.

In the course of our business, we may collect Personal Information about you from the following sources:

- Applications or other forms we receive from you or your authorized representative;
- Information we receive from you through the Website;
- Information about your transactions with or services performed by us, our affiliates, or others; and
- From consumer or other reporting agencies and public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others.

Additional Ways Information is Collected Through the Website

Browser Log Files. Our servers automatically log each visitor to the Website and collect and record certain information about each visitor. This information may include IP address, browser language, browser type, operating system, domain names, browsing history (including time spent at a domain, time and date of your visit), referring/exit web pages and URLs, and number of clicks. The domain name and IP address reveal nothing personal about the user other than the IP address from which the user has accessed the Website.

Cookies. From time to time, FNF or other third parties may send a "cookie" to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive and that can be re-sent to the serving website on subsequent visits. A cookie, by itself, cannot read other data from your hard disk or read other cookie files already on your computer. A cookie, by itself, does not damage your system. We, our advertisers and other third parties may use cookies to identify and keep track of, among other things, those areas of the Website and third party websites that you have visited in the past in order to enhance your next visit to the Website. You can choose whether or not to accept cookies by changing the settings of your Internet browser, but some functionality of the Website may be impaired or not function as intended. See the Third Party Opt Out section below.

Web Beacons. Some of our web pages and electronic communications may contain images, which may or may not be visible to you, known as Web Beacons (sometimes referred to as "clear gifs"). Web Beacons collect only limited information that includes a cookie number; time and date of a page view; and a description of the page on which the Web Beacon resides. We may also carry Web Beacons placed by third party advertisers. These Web Beacons do not carry any Personal Information and are only used to track usage of the Website and activities associated with the Website. See the Third Party Opt Out section below.

Unique Identifier. We may assign you a unique internal identifier to help keep track of your future visits. We may use this information to gather aggregate demographic information about our visitors, and we may use it to personalize the information you see on the Website and some of the electronic communications you receive from us. We keep this information for our internal use, and this information is not shared with others.

Third Party Opt Out. Although we do not presently, in the future we may allow third-party companies to serve advertisements and/or collect certain anonymous information when you visit the Website. These companies may use non-personally identifiable information (*e.g.*, click stream information, browser type, time and date, subject of advertisements clicked or scrolled over) during your visits to the Website in order to provide advertisements about products and services likely to be of greater interest to you. These companies typically use a cookie or third party Web Beacon to collect this information, as further described above. Through these technologies, the third party may have access to and use non-personalized information about your online usage activity.

You can opt-out of certain online behavioral services through any one of the ways described below. After you opt-out, you may continue to receive advertisements, but those advertisements will no longer be as relevant to you.

- You can opt-out via the Network Advertising Initiative industry opt-out at http://www.networkadvertising.org/.
- You can opt-out via the Consumer Choice Page at www.aboutads.info.
- For those in the U.K., you can opt-out via the IAB UK's industry opt-out at www.youronlinechoices.com.
- You can configure your web browser (Chrome, Firefox, Internet Explorer, Safari, etc.) to delete and/or control the use of cookies.

More information can be found in the Help system of your browser. Note: If you opt-out as described above, you should not delete your cookies. If you delete your cookies, you will need to opt-out again.

Use of Personal Information

Information collected by FNF is used for three main purposes:

- To provide products and services to you or one or more third party service providers (collectively, "Third Parties") who are obtaining services on your behalf or in connection with a transaction involving you.
- To improve our products and services that we perform for you or for Third Parties.
- To communicate with you and to inform you about FNF's, FNF's affiliates and third parties' products and services.

When Information Is Disclosed By FNF

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

- To agents, brokers, representatives, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- To third-party contractors or service providers who provide services or perform marketing services or other functions on our behalf;
- To law enforcement or other governmental authority in connection with an investigation, or civil or criminal subpoenas or court orders; and/or
- To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

In addition to the other times when we might disclose information about you, we might also disclose information when required by law or in the good-faith belief that such disclosure is necessary to: (1) comply with a legal process or applicable laws; (2) enforce this Privacy Notice; (3) respond to claims that any materials, documents, images, graphics, logos, designs, audio, video and any other information provided by you violates the rights of third parties; or (4) protect the rights, property or personal safety of FNF, its users or the public.

We maintain reasonable safeguards to keep the Personal Information that is disclosed to us secure. We provide Personal Information and non-Personal Information to our subsidiaries, affiliated companies, and other businesses or persons for the purposes of processing such information on our behalf and promoting the services of our trusted business partners, some or all of which may store your information on servers outside of the United States. We require that these parties agree to process such information in compliance with our Privacy Notice or in a similar, industry-standard manner, and we use reasonable efforts to limit their use of such information and to use other appropriate confidentiality and security measures. The use of your information by one of our trusted business partners may be subject to that party's own Privacy Notice. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

We also reserve the right to disclose Personal Information and/or non-Personal Information to take precautions against liability, investigate and defend against any third-party claims or allegations, assist government enforcement agencies, protect the security or integrity of the Website, and protect the rights, property, or personal safety of FNF, our users or others.

We reserve the right to transfer your Personal Information, as well as any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets. We also cannot make any representations regarding the use or transfer of your Personal Information or other information that we may have in the event of our bankruptcy, reorganization, insolvency, receivership or an assignment for the benefit of creditors, and you expressly agree and consent to the use and/or transfer of your Personal Information or other information in connection with a sale or transfer of some or all of our assets in any of the above described proceedings. Furthermore, we cannot and will not be responsible for any breach of security by any third parties or for any actions of any third parties that receive any of the information that is disclosed to us.

Information From Children

We do not collect Personal Information from any person that we know to be under the age of thirteen (13). Specifically, the Website is not intended or designed to attract children under the age of thirteen (13). You affirm that you are either more than 18 years of age, or an emancipated minor, or possess legal parental or guardian consent, and are fully able and competent to enter into the terms, conditions, obligations, affirmations, representations, and warranties set forth in this Privacy Notice, and to abide by and comply with this Privacy Notice. In any case, you affirm that you are over the age of 13, as **THE WEBSITE IS NOT INTENDED FOR CHILDREN UNDER 13 THAT ARE UNACCOMPANIED BY HIS OR HER PARENT OR LEGAL GUARDIAN**.

Parents should be aware that FNF's Privacy Notice will govern our use of Personal Information, but also that information that is voluntarily given by children – or others – in email exchanges, bulletin boards or the like may be used by other parties to generate unsolicited communications. FNF encourages all parents to instruct their children in the safe and responsible use of their Personal Information while using the Internet.

Privacy Outside the Website

The Website may contain various links to other websites, including links to various third party service providers. FNF is not and cannot be responsible for the privacy practices or the content of any of those other websites. Other than under agreements with certain reputable organizations and companies, and except for third party service providers whose services either we use or you voluntarily elect to utilize, we do not share any of the Personal Information that you provide to us with any of the websites to which the Website links, although we may share aggregate, non-Personal Information with those other third parties. Please check with those websites in order to determine their privacy policies and your rights under them.

European Union Users

If you are a citizen of the European Union, please note that we may transfer your Personal Information outside the European Union for use for any of the purposes described in this Privacy Notice. By providing FNF with your Personal Information, you consent to both our collection and such transfer of your Personal Information in accordance with this Privacy Notice.

Choices With Your Personal Information

Whether you submit Personal Information to FNF is entirely up to you. You may decide not to submit Personal Information, in which case FNF may not be able to provide certain services or products to you.

You may choose to prevent FNF from disclosing or using your Personal Information under certain circumstances ("opt out"). You may opt out of any disclosure or use of your Personal Information for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization by notifying us by one of the methods at the end of this Privacy Notice. Furthermore, even where your Personal Information is to be disclosed and used in accordance with the stated purposes in this Privacy Notice, you may elect to opt out of such disclosure to and use by a third party that is not acting as an agent of FNF. As described above, there are some uses from which you cannot opt-out.

Please note that opting out of the disclosure and use of your Personal Information as a prospective employee may prevent you from being hired as an employee by FNF to the extent that provision of your Personal Information is required to apply for an open position.

If FNF collects Personal Information from you, such information will not be disclosed or used by FNF for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you

subsequently gave authorization unless you affirmatively consent to such disclosure and use.

You may opt out of online behavioral advertising by following the instructions set forth above under the above section "Additional Ways That Information Is Collected Through the Website," subsection "Third Party Opt Out."

Access and Correction

To access your Personal Information in the possession of FNF and correct inaccuracies of that information in our records, please contact us in the manner specified at the end of this Privacy Notice. We ask individuals to identify themselves and the information requested to be accessed and amended before processing such requests, and we may decline to process requests in limited circumstances as permitted by applicable privacy legislation.

Your California Privacy Rights

Under California's "Shine the Light" law, California residents who provide certain personally identifiable information in connection with obtaining products or services for personal, family or household use are entitled to request and obtain from us once a calendar year information about the customer information we shared, if any, with other businesses for their own direct marketing uses. If applicable, this information would include the categories of customer information and the names and addresses of those businesses with which we shared customer information for the immediately prior calendar year (*e.g.*, requests made in 2015 will receive information regarding 2014 sharing activities).

To obtain this information on behalf of FNF, please send an email message to privacy@fnf.com with "Request for California Privacy Information" in the subject line and in the body of your message. We will provide the requested information to you at your email address in response.

Please be aware that not all information sharing is covered by the "Shine the Light" requirements and only information on covered sharing will be included in our response.

Additionally, because we may collect your Personal Information from time to time, California's Online Privacy Protection Act requires us to disclose how we respond to "do not track" requests and other similar mechanisms. Currently, our policy is that we do not recognize "do not track" requests from Internet browsers and similar devices.

No Representations or Warranties

By providing this Privacy Notice, Fidelity National Financial, Inc. does not make any representations or warranties whatsoever concerning any products or services provided to you by its majority-owned subsidiaries. In addition, you also expressly agree that your use of the Website is at your own risk. Any services provided to you by Fidelity National Financial, Inc. and/or the Website are provided "as is" and "as available" for your use, without representations or warranties of any kind, either express or implied, unless such warranties are legally incapable of exclusion. Fidelity National Financial, Inc. makes no representations or warranties that any services provided to you by it or the Website, or any services offered in connection with the Website are or will remain uninterrupted or error-free, that defects will be corrected, or that the web pages on or accessed through the Website, or the servers used in connection with the Website, are or will remain free from any viruses, worms, time bombs, drop dead devices, Trojan horses or other harmful components. Any liability of Fidelity National Financial, Inc. and your exclusive remedy with respect to the use of any product or service provided by Fidelity National Financial, Inc. including on or accessed through the Website, will be the re-performance of such service found to be inadequate.

Your Consent To This Privacy Notice

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Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, Florida 32204
Attn: Chief Privacy Officer
(888) 934-3354
privacy@fnf.com

EFFECTIVE AS OF: JANUARY 6, 2015

Fidelity National Title OREGON

Property Profile Report

15804 SW 1ST ST SHERWOOD, OR 97140

Ownership Information

Owner Name:
Please see attached vesting deed for current ownership.
Mailing Address:
22560 SW PINE ST SHERWOOD, OR 97140

Property Description

County:	Washington		
Map / Tax Lot:	2S132BA/03300		
Account Num:	R554563	**Census:**	0321.03
Property ID:	R554563	**Owner Occ.:**	No
Land Use:	9400-		
Subdivision:	SMOCK ADDITION TO SHERWOOD		

Legal Description:
Please see attached vesting deed for legal description.

Property Characteristics

Property Type:	OTHER	**Building SF:**		**Pool:**	No
House Style:		**Living Area SF:**		**Deck SF:**	
Year Built:		**Square Feet:**	0	**Deck Desc:**	
Bedrooms:		**1st Floor SF:**		**Patio SF:**	
Bathrooms:		**2nd Floor SF:**		**Patio Desc:**	
Heat:		**3rd Floor SF:**		**Foundation:**	
Cooling:		**Attic SF:**		**Exterior:**	
Lot Size:	4,330	**Bsmnt SF:**		**Ext. Finish:**	
Acres:	0.1	**Fin Bsmt SF:**		**Interior:**	
Garage Type:		**Garage SF:**		**Roof Style:**	
Fireplaces:		**Bsmnt Type:**		**Roof Cover:**	

Assessment Information

Real Market Value:	$ 86,140	**Taxes:**	$ 0.00
Land Value:	$ 86,140	**Imp. Value:**	$ 0
Total Assessed Value:	$ 0	**Levy Code:**	08830
M-5 Rate:	19.0478	**Tax Year:**	14-15

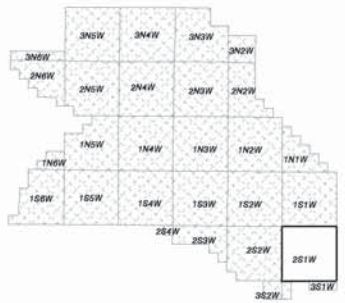
Previous Sale Information

Sale Amount:	$ 264,000	**Sale Date:**	10/07/2008
Document Num:			

Transaction History

Sale Date	Sale Amount	HPI Sale Amount	Document Type	Reception Num	Book/Page
10/7/2008	$ 264,000				/
11/4/2004			Dw	2004127310	/
12/31/2003	$ 129,900				/

These images are provided by Microsoft Virtual Earth. ValueCheck is supplying the data to assist the user in understanding the subject property and its surroundings, any assumptions made from the images are the sole responsibility of the user and ValueCheck assumes no liability.



WASHINGTON COUNTY OREGON
NE1/4 NW1/4 SECTION 32 T2S R1W W.M.
SCALE 1" = 100'

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.co.washington.or.us

BB	BA	AB	AA
BC	BD	AC	AD
CB	CA	DB	DA
CC	CD	DC	DD

SECTION 32

Cancelled Taxlots For: 2S132BA
3301,100,300,801,900,500,700,3700,3800,3900,

SCALE 1" = 100'
0 50 100 200

WASHINGTON COUNTY OREGON 1843

Assessment CARTOGRAPHY Taxation

PLOT DATE: January 03, 2014

FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE

Map areas delineated by either gray shading or a combination pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

SHERWOOD
2S 1 32BA

Planning Commission Meeting November 28, 2017

- - Property Data - -

Owner: SHERWOOD, CITY OF
Prop ID : R554563 (Real Estate) (106103) 22560 SW PINE ST
Map Tax Lot: 2S132BA-03300 SHERWOOD, OR 97140
Legal : SMOCK ADDITION TO SHERWOOD, BLOCK 11, LOT PT 1, ACRES .10,*

Situs : 15804 SW 1ST ST, SHERWOOD, OR
Year Built :
Living Area:
Name(s) :
Area : 088.30

Sale Info : 10/07/08 $264,000
Deed Type : DW
Instrument: 2009100763
2014 Tax Status * No Taxes Due *
Current Levied Taxes : 0.00
Special Assessments :

2014 Roll Values

RMV Land	$	86,140 (+)
RMV Improvements	$	0 (+)
RMV Total	$	86,140 (=)
Total Exemptions	$	86,140
M5 Net Value	$	0
M50 Assd Value	$	0

- - Property Account Summary (R554563) - -

Property: R554563 2S132BA-03300 088.30
SMOCK ADDITION TO SHERWOOD, BLOCK 11, LOT PT 1, ACRES .10, NON-ASSESSABLE

SHERWOOD, CITY OF (106103)
22560 SW PINE ST
SHERWOOD, OR 97140

Eff Date Paid: 01/16/2015

ID#	Bill ID	Levied Tax	Tax Paid	Interest	Amount Paid	Date Paid
1.	1989.119717 0	1,027.01	996.20	<30.81>	996.20	11/08/89
2.	1990.122674 0	1,224.49	1,187.76	<36.73>	1,187.76	11/15/90
3.	1991.126980 0	1,308.85	1,269.58	<39.27>	1,269.58	11/15/91
4.	1992.123778 0	1,130.91	1,096.98	<33.93>	1,096.98	11/15/92
5.	1993.53759 0	1,069.07	1,037.00	<32.07>	1,037.00	11/15/93
6.	1994.130917 0	1,108.30	1,075.05	<33.25>	1,075.05	11/15/94
7.	1995.127945 0	1,017.63	987.10	<30.53>	987.10	11/14/95
8.	1996.137023 0	1,192.06	1,156.30	<35.76>	1,156.30	11/13/96
9.	1997.142506 0	1,026.99	996.18	<30.81>	996.18	12/08/97
10.	1998.145846 0	1,039.67	1,039.67	23.40	1,063.07	04/21/99
11.	1999.150443 0	1,161.23	1,161.23	42.08	1,203.31	06/01/00
12.	2000.131576 0	1,178.83	1,178.83	15.93	1,194.76	05/23/01
13.	2001.236117 0	1,291.95	1,291.95	413.42	1,705.37	01/16/04
14.	2002.171959 0	1,302.90	1,302.90	208.46	1,511.36	01/16/04
15.	2003.173270 0	1,326.32	1,326.32	17.69	1,344.01	01/16/04
16.	2004.285727 1	0.00	0.00		0.00	
17.	2005.290628 0	0.00	0.00		0.00	
18.	2006.295756 0	0.00	0.00		0.00	
19.	2007.300576 0	0.00	0.00		0.00	
20.	2008.304204 0	0.00	0.00		0.00	
21.	2009.305431 0	0.00	0.00		0.00	
22.	2010.305533 0	0.00	0.00		0.00	
23.	2011.305976 0	0.00	0.00		0.00	
24.	2012.307264 0	0.00	0.00		0.00	
25.	2013.307628 0	0.00	0.00		0.00	
26.	Current Taxes for bill 2014.308889, Levied tax of 0.00					
1/3	Nov 17	0.00	0.00		0.00	
2/3	Feb 17	0.00	0.00		0.00	
3/3	May 15	0.00	0.00		0.00	
	Total Paid:		0.00		0.00	

*** No taxes are due on this property ***

```
|          - -  2012 Assessment Roll Uncertified Values Information  - -          |
|                                                                                |
|   Property ID: R554563  (Real Estate)  2S132BA-03300                           |
|                                                                                |
|   RMV Land Non-LSU :        86,140 (+)    Land Special Use                     |
|   RMV Improvement  :             0 (+)     RMV :           0  SAV:           0 |
|   RMV Total Non-LSU:        86,140 (=)     LSU :           0 MSAV:           0 |
|                                                                                |
|   Measure 50                           Ex ID  TaxYear  Code      Exception    |
|   Prev Assd Non-LSU:             0     -----  -------  ------ ------------    |
|   Prev Assd Adj    :             0                                             |
|   Prev Adj Assd +3%:             0 (+)                                         |
|                                                                                |
|                                                                                |
|   Measure 50 Exceptions                                                        |
|   Exception RMV    :             0                                             |
|   Chg Prop Ratio   :        Class: 9                                           |
|   Exception MAV    :             0 (+)    Veteran/Cancel   :             0     |
|   MAV Non-LSU      :             0 (=)    M50 Assd Value   :             0     |
+--------------------------------------------------------------------------------+
```

Washington County, Oregon 2009-100763
11/18/2009 11:04:38 AM
D-DW Cnt=1 Stn=29 RECORDER
$25.00 $5.00 $11.00 $15.00 - Total = $56.00

01427851200901007630050054

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio County Clerk

Re-recorded to correct legal description, previously recorded on document 2009-079564

Washington County, Oregon
08/31/2009 03:42:18 PM 2009-079564
D-DW Cnt=1 Stn=29 RECORDS1
$15.00 $5.00 $11.00 - Total = $31.00

01404092200900795640030038

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio County Clerk

MAIL TAX STATEMENT TO:
Until a change is requested, all tax statements shall be sent to the following address:

Urban Renewal Agency, City of Sherwood
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140

AFTER RECORDING RETURN TO:

Urban Renewal Agency, City of Sherwood
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140

WARRANTY DEED

CITY OF SHERWOOD, an Oregon municipal corporation, GRANTOR, conveys and warrants to CITY OF SHERWOOD URBAN RENEWAL AGENCY, the duly designated Urban Renewal Agency for the City of Sherwood, Oregon, GRANTEE, the following described real property free of encumbrances and exceptions:

TWO LOTS AT 15804 SW 1ST STREET AND 15824 SW 1ST STREET IN SHERWOOD, OREGON. SAID PROPERTY CONSISTS OF PARCELS R554563 - .10 ACRES AND RR554572 – 0.11 ACRES, Sherwood, Washington County, Oregon.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

//

-SIGNATURES AND NOTARIES APPEAR ON THE FOLLOWING PAGE-

The true consideration for this conveyance is $264,000, and other good and valuable consideration which is part of the total consideration.

DATED THIS 7th DAY OF October, 2008

GRANTOR: CITY OF SHERWOOD

BY _____
ITS City Manager
(TITLE)

STATE OF OREGON)
)
COUNTY OF WASHINGTON)

The foregoing instrument was acknowledged before me this 7th day of ~~February~~ October, 2008 by, Jim Patterson, as City Manager of the City of Sherwood.

_____
NOTARY PUBLIC FOR OREGON

MY COMMISSION EXPIRES: 4.28.2010

ACCEPTED FOR THE SHERWOOD URBAN RENEWAL AGENCY, GRANTEE:
(ORS 93.808)

BY: _____
ITS: District Administrator

OFFICIAL SEAL
SYLVIA MURPHY
NOTARY PUBLIC – OREGON
COMMISSION NO. 403829
MY COMMISSION EXPIRES APRIL 28, 2010

STATE OF OREGON)
)
COUNTY OF WASHINGTON)

The foregoing instrument was acknowledged before me this 7th day of October, 2008 by, Jim Patterson, as City Manager of the City of Sherwood.

_____
NOTARY PUBLIC FOR OREGON

MY COMMISSION EXPIRES: 4.28.2010

OFFICIAL SEAL
SYLVIA MURPHY
NOTARY PUBLIC – OREGON
COMMISSION NO. 403829
MY COMMISSION EXPIRES APRIL 28, 2010

A parcel of land situated in the County of Washington and State of Oregon and further described as Lot 2, Block 11, Smock Addition to Sherwood, Washington County Oregon

Excepting therefrom a portion of Lot 2, described as follows:

Beginning at the most Westerly corner of Lot 2, Block 11, Smock's Addition to Sherwood, Washington, Oregon, thence South 42 degrees 55 minutes East along the Southwesterly line of said Lot 2, 94 feet to most Southerly corner thereof; thence Northerly 47 degrees 45 minutes East, 4 feet; thence Northerly 42 degrees 55 minutes West parallel with the Southwesterly line of said Lot 2, 94 feet to the Northwesterly line of Lot 2; thence Southwesterly 47 degrees 45 minutes West, 4 feet to the place of beginning.

And also a part of Lot 1, Block 11, described as follows:

Beginning at the most Westerly corner of Lot 2, Block 11 Smock's Addition to Sherwood, Washington, Oregon, thence South 42 degrees 55 minutes East along the Southwesterly line of said Lot 2, 94 feet to the most Southerly corner thereof; thence North 47 degrees 45 minutes East, 4 feet; thence North 42 degrees 55 minutes West parallel with the Southwesterly line of said Lot 2, 94 feet to the Northwesterly line of Lot 2; thence Southwesterly line of said Lot 1, 94 feet to the Northwesterly line of Lot 1; thence South 47 degrees 45 minutes West, 4 feet to the place of beginning.

1st Street Properties
At 15084 and 15824 SW 1st St.
In Sherwood, OR
Parcels R554563 and R554572

APN:

Statutory Special Warranty Deed
- continued

File No.: **NCS-62245-OR1 (mk)**
Date: **12/31/2003**

EXHIBIT A

LEGAL DESCRIPTION:

Lot 1, Block 11, SMOCK ADDITION TO SHERWOOD, in the City of Sherwood, County of Washington and State of Oregon:

EXCEPTING THEREFROM that portion therefrom that portion thereof described in deed to Fred W. Schamburg, et ux, recorded July 11, 1961 in Book 446, page 459, Washington County Deed Records, more particularly described as follows, to-wit:

Beginning at the most Westerly corner of Lot 1, Block 11, SMOCK ADDITION TO SHERWOOD, in the City of Sherwood, County of Washington and State of Oregon; thence South 42°55' East along the Southwesterly line of said Lot 1, 94 feet to the most Southerly corner thereof; thence North 47°45' East 4 feet; thence North 42°55' West parallel with the Southwesterly line of said Lot 1, 94 feet to the Northwesterly line of Lot 1; thence South 47°45' west 4 feet to the place of beginning.

Engineering Land Use Application Comments

To:	Joy Chang, Associate Planner
From:	Craig Christensen, P.E., Engineering Department
Project:	Bowman House #4 (LA 17-01)
Date:	November 9, 2017

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 within the sidewalk corridor along the subject property frontage. There is currently no public sanitary sewer within SW 1st Street of the subject property. It appears that there may be an existing sanitary lateral servicing this site at the southeast end of the subject property. Since all of the properties in this area are either on public sanitary sewer or have access to sanitary sewer service, no public sanitary sewer main extensions are required.

CONDITION: The proposed project will need to connect into a public sanitary sewer system at a location approved by the Engineering Department.

Water
Currently there is a 10-inch diameter public water main existing within SW 1st Street along the frontage of the subject property. No public water main extensions are required. Water service currently exists for the subject property.

CONDITION: The proposed project will need to use the existing water service unless otherwise approved by Sherwood Public Works.

Storm Sewer
Currently a 12-inch diameter public storm main exists within SW 1st Street and within the sidewalk corridor along the frontage of the subject property. No public storm sewer extensions are required.

CONDITION: The proposed project will need to connect into a public storm sewer at a location approved by the Engineering Department unless otherwise approved by the City Engineer.

CONDITION: The developer shall provide water quality treatment for all new impervious area constructed as required by Clean Water Services standards unless otherwise approved by the City Engineer and Clean Water Services.

Transportation
Currently SW 1st Street is a 2-lane collector street with a 13-foot wide paved section from center line to curb with no sidewalk within a 30-foot half street right-of-way section along the subject property frontage.

City standards for a 2-lane collector street require 17 feet of pavement from center line to curb (11-foot wide vehicle lane with a 6-foot wide sidewalk) with a 5-foot wide landscape strip with an 8-foot wide sidewalk within a 31-foot half street right-of-way section.

Since there is an existing bike corridor in this area, widening the street to accommodate a bike lane is unnecessary. Therefore, no street widening is required. Existing sidewalk around SW 1st Street is 5 feet wide and curb tight.

CONDITION: A 5-foot wide curb tight sidewalk is required along the subject property frontage of SW 1st Street meeting Engineering Department approval.

CONDITION: Due to SW 1st Street being a collector status street, the driveway for the subject property shall be constructed in a manner to be a combined driveway with the parcel to the west. The driveway throat shall not exceed 24 feet in width in front of the subject property.

It appears that SW 1st Street at this location may be deficient of adequate street lighting. However, since this proposed project is the development of an existing parcel and does not create any new parcels, no street lighting construction is required.

Grading and Erosion Control:
City policy requires that prior to grading, a grading and erosion control permit shall be obtained from the Building Department for all grading on the private portion of the site. This may be included as part of the building permit process.

Other Engineering Issues:
A Service Provider Letter from Clean Water Services is required.

Since the subject property is within the Old Town Overlay, no dedication of a Public Utility Easement is required.

Private piping within the subject property shall be installed in accordance with the current Plumbing Code.

CONDITION: Developer shall obtain a right-of-way permit for any work to be performed within the city right-of-way.
Sherwood Broadband utilities shall be installed as per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074 unless otherwise approved by the City of Sherwood IT Director.

END OF COMMENTS

M E M O R A N D U M

Date: November 15, 2017

To: Joy Chang, Associate Planner, City of Sherwood

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

Subject: Bowman House, LA 17-01, 2S132BA03300

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

PRIOR TO ANY WORK ON THE SITE

A Clean Water Services (CWS) Storm Water Connection Permit Authorization must be obtained. Application for CWS Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 17-5, (or current R&O in effect at time of Engineering plan submittal), 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 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 17-5, Section 4.05. Access shall be provided for maintenance of facility per R&O 17-5, Section 4.02.4.

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. 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.

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New Business Agenda
Item B

CITY OF SHERWOOD
November 21, 2017

Staff Report **Parkway Village South Site Plan and Subdivision**
SP 17-01 / SUB 17-03

TO: Planning Commission

Pre-App. Meeting:	January 4, 2017
App. Submitted:	July 19, 2017
App. Complete:	August 18, 2017
120-Day Deadline:	December 16, 2017
Hearing Date:	November 28, 2017

FROM:

Joy L. Chang
Associate Planner

Proposal: The applicant proposes a Site Plan Review and a five lot subdivision, with lots ranging from ± 0.50 acres to ± 8.24 acres in the Light Industrial Planned Unit Development (LI-PUD) zone. Lot 1 is reserved for future use and is not included in the concurrent Site Plan Review application. The remaining four lots will consist of the following: ± 92,899 square feet indoor entertainment and recreation fun center; ± 32,408 square feet of retail space across four buildings; and ± 392 square feet drive-through coffee kiosk.

I. BACKGROUND

A. Applicant/Owner: Langer Family, LLC
15555 SW Tualatin Sherwood Road
Sherwood, OR 97140

Owner's Representative: John Christiansen, PE
AKS Engineering and Forestry
503-563-6151

B. Assessor's Information: Tax Map 2S1 29DC, Tax Lot 100
Parcel 2 of Partition Plat 2017-019

C. Location: Southeast corner of SW Langer Farms Parkway and SW Century Drive

D. Parcel Size: The site is approximately 15.67 acres in size.

E. Existing Development and Site Characteristics: The site is currently vacant and gently slopes upwards from east to west. An existing stockpile of dirt, located on the northern portion of the site, was previously granted through a grading permit from the city's Building Department. The site is also adjacent to a regional stormwater quality facility to the southeast which was committed to serving this tax lot. There is an existing drainageway, and associated wetlands and vegetated corridor designation, located within an unbuildable tract to the southeast that was established as part of the Langer Farms subdivision plat. The site will take

access from SW Langer Farms Parkway and SW Century Drive, both designated as collector streets in the City of Sherwood Transportation System Plan (TSP).

F. **Site History:** The site has been owned and farmed by the Langer family since the late 1800's. This particular piece of property is within Phase 6 of the Sherwood Village PUD that was approved by the Sherwood City Council in 1995. All future development is subject to the conditions of the approved Planned Unit Development and SUB 12-02. Because of the approval of the subdivision in 2012, the use of the property is vested for a period of 10 years (ORS 92.040). In this instance, the PUD approval for all of phases 6, 7, and 8 of PUD 95-1 allowed for uses that were permitted within the General Commercial Zone in 1995. This was memorialized by the Council approval of Resolution 2007-081 in 2007. The City also approved a Similar Use Interpretation establishing that the proposed Fun Center is a permitted use on the subject property under the 1995 Sherwood Zoning and Community Development Code (SZCDC) in April 2017.

G. **Zoning Classification and Comprehensive Plan Designation**: The property is zoned Light Industrial Planned Unit Development (LI-PUD). A Fun Center is not currently permitted in this zone, but as stated above, this use was permitted when the original PUD was approved, and the use was vested for a period of 10 years once the subdivision was approved in 2012.

H. **Adjacent Zoning and Land Use:** The overall site is bound on the north by SW Century Drive, to the west by SW Langer Farms Parkway, to the east by a Light Industrial use development, to the southeast by a natural resource area and regional stormwater facility, and to the south by a self-storage facility. The property is surrounded by other properties located to the south and east by other light industrially zoned properties, to the north by an industrially zoned parcel that was developed with the Parkway Village Shopping Center, and to the west by properties that are zoned residential.

I. **Review Type**: According to Section 16.72.010.A.4.c, Site Plans greater than 40,000 square feet of floor area, parking or seating capacity requires a Type IV review; the hearing authority is the Planning Commission and the appeal authority is the City Council. This application is over the 40,000 square foot threshold requiring the Type IV review. Subdivision applications creating between 4-10 lots are considered a Type II staff level decision per Section 16.72.010.A.2.i and the appeal authority is the Planning Commission.

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 October 4, 2017 and on November 7, 2017 in accordance with § 16.72.020 of the SZCDC. The notice was published in the *Times* (a newspaper of general circulation) on October 5, 2017, October 19, 2017, November 9, 2017 and November 23, 2017 in accordance with §16.72.020 of the SZCDC.

K. **Review Criteria:** Sherwood Zoning and Community Development Code: §16.31 (Industrial Land Use Districts), §16.40 (Planned Unit Development), §16.70 (General Provisions), §16.58.010 (Clear Vision), §16.90 (Site Planning), §16.92 (Landscaping), §16.94 (Off-Street Parking and Loading), §16.96 (On-Site Circulation), §16.98 (On-site Storage), All of Division VI - §16.104-16.118 (Public Improvements), §16.120 (Subdivision), §16.128 (Land Division Design Standards), §16.142 (Parks, Trees, and Open Space), §16.146 (Noise), §16.48 (Vibrations), §16.150 (Air Quality), §16.52 (Odors), §16.154 (Heat and Glare), and §16.156 (Energy Conservation).

II. PUBLIC COMMENTS

Public notice was mailed, posted on the property, and posted in five locations throughout the City on October 4, 2017 and on November 7, 2017. Staff received one comment from the community expressing concerns on land use from industrial to commercial – decreasing the potential of bringing in new industrial high valued jobs. Concerns were also expressed on increase commuter traffic from other suburban areas. These concerns will be addressed as part of this report. Additional comments are welcome up to the close of the public hearing.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on September 6, 2017. 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 March 30, 2016 states that the proposed project will not significantly impact the existing or potentially sensitive area(s) found near the site. Jackie Humphries, CWS, provided comments dated September 28, 2017, that indicated a storm water connection permit authorization would be required prior to plat approval and recordation. This will be discussed and conditioned further within this report. Her comments are attached as **Exhibit C.**

Tualatin Valley Fire and Rescue (TVF&R): Tom Mooney, Deputy Fire Marshall, provided comments in a letter dated September 13, 2017 attached as **Exhibit D**.

Pride Disposal: Kristen Tabscott provided comments in a letter dated September 14, 2017. She states that the applicant's consultant has emailed her stating that some modifications to the enclosures are being made. This will be discussed and conditioned further in Section 16.98.020 Solid Waste and Recycling Storage. Her comments are attached as **Exhibit E.**

Oregon Department of Transportation (ODOT): Marah Danielson and Avi Tayar provided comments in a letter dated October 19, 2017. ODOT reviewed the traffic impact analysis prepared by Kittelson and Associates dated July 18, 2017 and the supplemental analysis prepared by Kittelson and Associates dated October 10, 2017. Based on their analysis the mitigation should be proposed at the intersection of OR 99W/Edy Rd and OR 99W/Tualatin Sherwood Rd. Alternatively, since Washington County has funded projects to improve both intersections in the near term, the applicant could be required to contribute towards the projects. ODOT comments are attached as **Exhibit F**. This is further discussed and conditioned in Section 16.106.080 Traffic Impact Analysis.

Washington County Land Use and Transportation: Formal comments were not submitted from the County on this proposal. However, the City Engineering Department and the County have coordinated and discussed this proposal. The County has agreed to allow for a fee-in-lieu of construction for transportation mitigation requirements pertaining to Tualatin Sherwood Road / Hwy 99W intersection and Edy Road / Hwy 99W intersection.

Kinder Morgan Energy, 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.

IV. SITE PLAN REVIEW REQUIRED FINDINGS (16.90 Site Planning)

D. Required Findings
No site plan approval shall be granted unless each of the following is found:

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

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

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

FINDING: As discussed in detail in the Public Infrastructure section, water, sanitary sewer, and storm sewer are either available or can be extended to serve the site. The subject site has access to SW Century Drive to the north and SW Langer Parkway to the west, both developed as collector status roads. The nearest park is Langer Park, off of SW Century Blvd. in a residential neighborhood. Solid waste services, communication and public safety are all available to this development. All new utilities for the site will be required to be underground. Sherwood Broadband utilities are required to be installed. This criterion can be met as discussed and conditioned in the Public Infrastructure Section below.

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

FINDING: Any required covenants or restrictions imposed by the City will be required to be satisfied as an ongoing condition of the original land use decision and subsequent land use approvals on this parcel of land. The City does not monitor or enforce private covenants and restrictions. As identified within the applicant's narrative, covenants, conditions and restrictions (CC&Rs) for the project, as well as shared access easements, will be recorded with the final plat, providing for ownership, management, and maintenance of on-site features, as necessary. On-going maintenance of the structures, landscaping, etc. will be provided by the property owner, lessee, or other appropriate party. This criterion is met.

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

FINDING: As documented in the CWS Pre-Screening Site Assessment (Exhibit F of the applicant's application submittal) the proposed project will not significantly impact the existing or potentially sensitive areas found near the site. As identified within the applicant's narrative, the site does not contain any identified significant natural features, sensitive lands, or protected scenic view. An existing drainageway, with associated wetlands and a vegetated corridor, runs east of the site. It is located off site and protected by an open space tract created with a previous phase

of the PUD. The preliminary plans show that trees are preserved to the maximum extent feasible and consistent with applicable city standards. The applicable criteria are met.

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

FINDING: This project is expected to generate more than 400 ADT. Kittelson & Associates have prepared a detailed traffic impact analysis that was submitted as part of the application packet. Engineering staff reviewed the TIA and determined revisions were necessary to the analysis - the appropriate category for trip generation need to be modified. Additionally, ODOT comments requested that the analysis be updated to include the OR 99W/Edy Rd intersection. A revised TIA has since been submitted addressing both concerns and will be further discussed in Section 16.106 Transportation Facilities. This criterion is met.

6. **The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards include the following:**
   a. **Primary, front entrances are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.**

STAFF ANALYSIS: As identified within the applicant's narrative, the site has been designed around the SW Langer Farms Parkway frontage to create an inviting and pedestrian-friendly orientation that draws people in from the street. The project frontage achieves this using several urban design principles. First, this project creates an attractive and inviting streetscape, achieved by locating pedestrian-scale buildings as close as possible to the sidewalk and pedestrian corridors. The project uses window glazing, building materials, and design to avoid presenting blank walls to pedestrians, bicyclist, and drivers. Active spaces work when site materials such as paving, walls, and plantings are strategically placed and cohesively designed to address the street and pedestrian. A dynamic streetscape is created through well-designed and thoughtful outdoor spaces utilizing storefronts, plazas, fountains, and professionally designed landscaping. Vehicle parking is separated from the sidewalk, and located behind the buildings. In addition to screening and separation provided by the buildings themselves, the parking areas are screened with landscaping.

The project also provides multiple direct and convenient pedestrian connections between the boundary streets and the buildings. An approximately 4,000-square-foot plaza and water feature – a shared design element with the commercial area to the north – is planned to be located at the corner of SW Langer Farms Parkway and SW Century Drive, a critical entry point and visual focal point for the project. The plaza will open to pedestrians entering though an attractive trellis from the 12-foot-wide multi-use pathway that runs along the east side of SW Langer Farms Parkway. The design feature reinforces the corner of the site, emphasizes the intersection of streets, articulates a gateway into the project, provides a means of wayfinding, and ultimately delivers a dynamic public space where pedestrians' paths intersect. This corner is designed to be a node

of social and economic activity, which is achieved through a distinctive yet familiar architectural treatment. Additional plaza areas are planned abutting the retail buildings. These areas will have pedestrian connections to the sidewalk, and will accommodate the outdoor seating that will generate the activity that draws in pedestrians walking by the site.

A breezeway is planned to connect from SW Century Drive south through the parking area to the main entrance of the Fun Center. The 10-foot-wide covered walkway is separated from the parking and vehicle use areas by curbs, trees on both sides, and the stone and timber frame of the structure. The Fun Center is a large building, and its main entrance provides the focal point once one is within the site. The building itself has been oriented so that its narrower, more pedestrian-scale side, faces the SW Langer Farms Parkway sidewalk. The pitched roof, building materials, and other design cues recall the smaller retail buildings that also front SW Langer Farms Parkway. This design, scales and focuses the entries to the pedestrian while making the development look cohesive.

Finding: The outdoor spaces, landscaping, pedestrian connections and building design provide a harmonious and inviting environment that is human in-scale. The site design facilitates wayfinding as site entrances, internal walkways, and building entries are well defined and oriented to pedestrians. Based on the above analysis, this criterion is met.

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

STAFF ANALYSIS: As sated above, the smaller retail buildings that are pedestrian in-scale are located along SW Langer Farms Parkway and SW Century Drive. A landscaped visual corridor is required along both SW Century Drive and SW Langer Farms Parkway per Section 16.142.040. Buildings are located as close to the street as possible, with at least one building flush to each right-of-way, outside of the Public Utility Easements and required view corridors.

Finding: This criterion is met.

c. The architecture of buildings are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding are prohibited. Street facing elevations have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.

STAFF ANALYSIS: As stated in the applicant's narrative in response to item "a" above, the site creates an interesting and enjoyable pedestrian experience along the boundary streets, SW Langer Farms Parkway and SW Century Drive. Large storefront windows are planned to face the street. Each street-facing elevation presents multiple bays created through fenestration and design including the use of multiple types of stone, brick, lap siding, shingles, columns, and wood canopy supports. Building design articulates a clear and distinct base, middle, and top to break up the vertical massing and develops a pedestrian scale. The use of ledgestone creates a solid base, and banding in addition to changes in color and/or material emphasize horizontal breaks and vertical coherence in the building plane. Additionally, street facing elevations have varying heights, dormers, upper floor windows, and roof-types. Awning and canopies provide shelter from weather. No aluminum vinyl, or T-111 siding will be utilized.

This type of classic, northwest design lends itself to multiple uses. The commercial buildings are designed as flex space so they are adaptable for use by various retail tenants. The robust northwest appropriate materials - including stone, timber, brick, hardiplank shingles and siding, and metal roofing – will weather well and last long-term in the Pacific Northwest climate.

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

d. As an alternative to the standards in Section 16.90.020.D.6.a—c, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.a—c. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

COMMERCIAL DESIGN REVIEW MATRIX

Design Criteria	Possible Points				
	0	1	2	3	4
Building Design (21 Total Points Possible; Minimum 12 Points Required) **These standards may be applied to individual buildings or developments with multiple buildings.**					
Materials [1]	Concrete, artificial materials (artificial or "spray" stucco, etc.)	Cultured stone, brick, stone, decorative patterned masonry, wood	A mixture of at least two (2) materials (i.e. to break up vertical facade)	A mixture of at least three (3) materials (i.e. to break up vertical facade)	A mixture of at least three (3) of the following materials: brick, stone, cultured stone, decorative patterned masonry, wood
Roof Form [2]	Flat (no cornice) or single-pitch (no variation)	Distinctive from existing adjacent structures (not applicable to expansion of same building) or either variation in pitch or flat roof with cornice treatment	Distinctive from existing adjacent structures (not applicable to expansion of same building) and either variation in pitch or flat roof with cornice treatment	—	—
Glazing [3]	0—20% glazing on street-facing side(s)	>20% glazing on at least one street-facing side (inactive, display or façade windows)	>20% glazing on all street-facing sides (inactive, display or façade windows)	>20% glazing on at least one street-facing side (active glazing—actual windows)	>20% glazing on all street-facing sides (active glazing—actual windows)
Fenestration on street-facing elevation(s)	One distinct "bay" with no vertical building elements	Multiple "bays" with one or more "bay" exceeding 30 feet in width	Vertical building elements with no "bay" exceeding 30 feet in width	Vertical building elements with no "bay" exceeding 20 feet in width	—
Entrance Articulation	No weather protection provided	Weather protection provided via awning, porch, etc.	—	Weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance but not covered	Weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance and covered

Structure Size [4] to discourage "big box" style development	Greater than 80,000 square feet	60,000—79,999 square feet	40,000—59,999 square feet	20,000—39,999 square feet	Less than 20,000 square feet

Staff Analysis for Building Design:
Materials - The buildings will incorporate a mix of several materials, including wood, brick, and cultured stone **= 4 pts**.
Roof Form – The buildings incorporate several roof forms, including gabled, shed, and flat roofs with a variety of pitches, heights, parapets, and cornice treatments **= 2 pts.**
Glazing – Street-facing sizes will have less than 20% glazing **= 0 pts.**
Fenestration – Street-facing facades utilize the arrangement of windows and/or doors to create multiple distinct bays, many with vertical elements. Certain bays exceed 30 feet in width **= 1 pt.**
Entrance Articulation – The buildings will provide weather protection using awnings and porches. Additionally, pedestrian amenities, such as benches, are provided throughout the site, and it's anticipated that tenants will provide outdoor seating and tables near their entrances **= 4 pts.**
Structural Size– When multiple buildings are planned, the average building size is used. The total building area, across all six buildings is ± 125,699 square feet. The average is ± 20,949 square feet **= 3 pts**

Total points for Building Design 14/21.

Building Location and Orientation (6 Total Points Possible; Minimum 3 Points Required)

Location [5]	Building(s) not flush to any right-of-way (including required PUE adjacent to ROW, setbacks or visual corridor) (i.e. parking or drive aisle intervening)	Building(s) located flush to right-of-way on at least one side (with the exception of required setbacks, easements or visual corridors)	Buildings flush to all possible right-of-way (with the exception of required setbacks, easements or visual corridors) (i.e. "built to the corner")	—	—
Orientation	Single-building site primary entrance oriented to parking lot	—	Single-building site primary entrance oriented to the pedestrian (i.e. entrance is adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk and does not cross a parking area)	—	—
	Multiple building site primary entrance to anchor tenant or primary entrance to development oriented to parking lot	—	Multiple building site primary entrance to anchor tenant or primary entrance to development oriented to the pedestrian	—	—
Secondary Public Entrance [6]			Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk		

Staff Analysis for Building Location and Orientation:
Location – The site fronts two separate rights-of-way. Both SW Century Drive and SW Langer Farms Parkway both require landscaped visual corridor per 16.142.040 **= 2 pts.**

Orientation – The site contains six buildings. The site provides five sidewalk connections to SW Langer Farms Parkway and four sidewalk connections to SW Century Drive. A breezeway – oriented entirely to pedestrians – provides a direct connection from the street to the Fun Center = **2 pts.**
Secondary Public Entrance – As stated above, the primary entrance is oriented to the pedestrian, so these points are automatic = **2 pts.**

Total points for Building Location and Orientation 6/6.

Parking and Loading Areas (13 Total Points Possible; Minimum 7 Points Required)					
Location of Parking	Greater than 50 percent of required parking is located between any building and a public street	25—50 percent of required parking is located between any building and a public street	Less than 25 percent of required parking is located between any building and a public street	**No parking is located between any building and a public street**	—
Loading Areas	Visible from public street and not screened	Visible from public street and screened	**Not visible from public street**	—	—
Vegetation	At least one "landscaped" island every 13—15 parking spaces in a row	At least one "landscaped" island every 10—12 parking spaces in a row	**At least one "landscaped" island every 8—9 parking spaces in a row**	At least one "landscaped" island every 6—7 parking spaces in a row	—
Number of Parking Spaces [7]	>120%	**101—120%**	100%	<100% (i.e. joint use or multiple reduction) (1 bonus)	—
Parking Surface	**Impervious**	Some pervious paving (10—25%)	Partially pervious paving (26—50%)	Mostly pervious paving (>50%)	—

Staff Analysis for Parking and Loading Areas
Location – All paring is separated from the street by the planned buildings. No parking is located between a building and the public street = **3 pts.**
Loading – The loading area is set back from the street ± 150 feet and will be screened by building and landscaping = **2 pts.**
Vegetation – The preliminary landscape plans show ± 37,502 square feet of parking lot landscaping (± 12.3% of the parking lot). The largest row of parking without a landscaped island is 10 spaces, and several rows contain only 6-7 spaces = **2 pts.**
Number of Parking spaces – The minimum required parking spaces is 406 and the site plan shows 487 parking spaces; which is ± 120% = **1 pt.**
Parking Surface – No pervious parking spaces are planned = **0 pts.**

Total points for Parking and Loading 8/13.

Landscaping (24 Total Point Possible, Minimum 14 Points Required)					
Tree Retention [8]	**Less than 50% of existing trees on-site retained**	51—60% of existing trees on-site retained	61—70% of existing trees on-site retained	71—80% of existing trees on-site retained	81—100% of existing trees on-site retained
Mitigation Trees [9]	Trees mitigated off-site or fee-in-lieu	25—50% of trees mitigated on-site	51—75% of trees mitigated on-site	**76—100% of trees mitigated on-site**	—
Landscaping Trees [10]	Less than one tree for every 500 square feet of landscaping	1 tree for every 500 square feet of landscaping	**2 trees for every 500 square feet of landscaping**	3 trees for every 500 square feet of landscaping	4 trees for every 500 square feet of landscaping

Landscaped Areas	Greater than 35% of landscaped areas are less than 100 square feet in size	Less than 25% of landscaped areas are less than 100 square feet in size	No landscaped areas are less than 100 square feet in size	—	—
Landscaping Trees greater than 3-inch Caliper	<25%	25—50%	>50%	—	—
Amount of Grass [11,12]	>75% of landscaped areas	50—75% of landscaped areas	25—49% of landscaped areas	<25% of 1andscaped areas	—
Total Amount of Site Landscaping [13]	<10% of gross site	10—15% of gross site	16—20% of gross site	21—25% of gross site	>25% of gross site
Automatic Irrigation	No	Partial	Yes	—	—

Staff Analysis for Landscaping
Tree Retention – The preliminary Tree Preservation and Removal Table shows 21 existing trees on site and 3 trees (±14%) to be preserved = **0 pts.**
Mitigation Trees – The Preliminary Tree Preservation and Removal Table show 18 existing trees are planned to be removed and 14 trees (±78%) will be mitigated on-site = **3 pts**.
Landscaping Trees – The Landscaping Plan shows 267 trees will be provided, minus 14 mitigation trees. The resulting 253 net trees and 83,338 square feet of landscaping establishes a ratio of ±1.52 trees per 500 square feet of landscaping = **2 pts.**
Landscaped Areas – All landscaped islands are at least 100 square feet in area = **2 pts.**
Landscaping Trees greater than 3-inch Caliper – Conifers such as Douglas Fir or Cedar are generally not measured by caliper inch until they reach 6-inces in width. 8-10-foot conifers are generally considered equivalent to a 3-inch caliper or larger tree. The Landscaping Plan shows 79 of 267 (±30%) site trees as 3-inch caliper or larger = **1 pt.**
Amount of Grass – The Landscaping Plan shows ±14,923 square feet (±18% of landscaped area) as lawn= **3 pt.**
Total Amount of Site Landscaping – The Landscaping Plan shows ±83,338 square feet of landscaped area, ±16% of the total site = **2 pts.**
Automatic Irrigation – Irrigation to be provided by a full automatic underground system = **2 pts.**

Total points for Landscaping 15/24.

Miscellaneous (10 Total Points Possible; Minimum 5 Points Required)

Equipment Screening (roof)	Equipment not screened	Equipment partially screened	Equipment fully screened	Equipment fully screened by materials matching building architecture/finish	—
Fences and Walls [14]	Standard fencing and wall materials (i.e. wood fences, CMU walls etc.)	—	Fencing and wall materials match building materials	—	—
On-Site Pedestrian Amenities Not Adjacent to Building Entrances	No	Yes; 1 per building	Yes; more than 1 per building	—	—

Open Space Provided for Public Use	No	Yes; <500 square feet	Yes; 500—1,000 square feet	Yes; >1,000 square feet	—
Green Building Certification				LEED, Earth Advantage, etc. (Bonus)	

Staff Analysis for Miscellaneous
Equipment Screening (roof) – All roof equipment will be fully screened by parapets matching the design and/or finish of the building = **3 pts.**
Fences and Walls – Walls and any fencing will match building materials. Walls for the bicycle gazebo and along the entry trellis at the plaza are planned to be cultured stone matching the cultured stone on the buildings. Trash enclosures are planned to be CMU, but will have gray natural finished concrete caps matching the gray natural finished concrete caps that top the cultured stone base of several building facades = **2 pts.**
On-Site Pedestrian Amenities – Pedestrian amenities including plazas, benches, outdoor seating areas, and a water feature are planned near all buildings = **2 pts.**
Open Space provided for public use – The site plan shows plazas larger than 1,000 square feet that will be open space for public use = **3 pts**.
Green Building Certification – LEED, Earth Advantage, etc. will not be utilized **= 0 bonus pts.**

Total points for Miscellaneous 10/10.

FINDING: Based on the analysis contained in the staff analysis to the Commercial Design Review Matrix, the project earned 53 (71%) of the available 74 points, as summarized below:

Total points for Building Design = 14/21 points
Total points for Building Location and Orientation = 6/6 points
Total points for Parking and Loading = 8/13 points
Total points for Landscaping 15/24
Total points for Miscellaneous = 10/10 points

This exceeds the minimum 45 points (60%) required for exemption from the standards in Section 16.90.020.D.6.a-c. These criteria are met.

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

FINDING: The applicant is proposing commercial development on a site zoned Light Industrial Planned Unit Development (LI-PUD). As stated before, commercial uses were permitted when the original PUD was approved, and the use was vested for a period of 10 years once the subdivision was approved in 2012. Consequently, these industrial design guidelines are not applicable.

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

FINDING: All four primary driveways for the development have driveway widths over 24-feet in width. The primary ingress and egress to SW Langer Farms Parkway is aligned with SW Whitestone Way. A secondary access to SW Langer Farms Parkway is considered a service entry access point. The planned primary driveways to SW Century Drive align with existing driveways on the north side of the street. This criterion is met.

V. SUBDIVISION REVIEW REQUIRED FINDINGS (16.120 Subdivisions and 16.128 Land Division Design Standards)

16.120.040- Approval Criteria: Preliminary Plat

No preliminary plat shall be approved unless:

A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.

FINDING: The proposed project abuts SW Langer Farms Parkway and SW Century Drive, both collector streets. These streets are fully improved except for the sidewalk along the south side of SW Century Drive. The preliminary plans show construction of a new 9.5-foot-wide curb tight sidewalk with tree wells along the SW Century Drive frontage matching the improvements on the north side of SW Century Drive. With these planned improvements, adequate pedestrian and bicycle facilities will be provided on both sides of SW Langer Farms Parkway and SW Century Drive. No new public streets are proposed nor necessary. This criterion is met.

B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.

FINDING: This criterion is not applicable as the applicant has not proposed any private roads or streets.

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

FINDING: Where applicable, this standard is met and discussed in Divisions IV (Planning Procedures), VI (Public Infrastructure) and VIII (Environmental Resources) of this report. Section IX (Historic Resources) is not addressed as it is not applicable.

D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.

FINDING: As discussed in Division VI (Public Infrastructure) of this report there are adequate services to support the proposed subdivision. The applicant's exhibits demonstrate that adequate water, sanitary sewer, and other public facilities capacities exist, and facilities will be installed to support the site; and that the proposed public improvements will adequately serve each proposed lot. This standard is met.

E. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.

FINDING: Per the applicant's narrative, Lot 1 is reserved for future use and is not included in the concurrent Site Plan Review application. Lot 1 has more than 300 feet of frontage along SW Century Drive, which contains necessary public facilities and could provide adequate access. This criterion is met.

F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.

FINDING: The site is bordered by SW Langer Farms Parkway to the west, SW Century Drive to the north, developed industrial land to the east, and developed industrial land to the south. The developable land contiguous to the subject property is already largely developed and this project does not prevent the future use of adjoining land. This criterion is met.

G. Tree and woodland inventories have been submitted and approved as per Section 16.142.060.

FINDING: The applicant provided a Preliminary Tree Preservation and Removal Plan (Sheet P05, Exhibit A) that provides an inventory of the existing trees on site. Based on the analysis identified in Section 16.142 Landscaping, these standards are met.

H. The plat clearly shows the proposed lot numbers, setbacks, dedications and easements.

FINDING: Proposed lot numbers, setbacks, dimensions, and easements are shown on Sheet P03 in Exhibit A. This standard is met.

I. A minimum of five percent (5%) open space has been provided per § 16.44.B.8 (Townhome- Standards) or §16.142.020 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.

FINDING: Neither of these sections applies to the proposed Light Industrial PUD zone subdivision. This standard does not apply.

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.

FINDING: The proposed development does not create new streets and blocks are neither planned nor necessary. The proposal does not affect the ability of surrounding areas to comply with block length requirements. These standards are met.

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

FINDING: Per the applicant's narrative, SW Langer Farms Parkway and SW Century Drive are collector streets that abut the subject property on two sides. Both streets are fully improved, except for the sidewalk along the south side of SW Century Drive. The preliminary plans show construction of a new 9.5-foot-wide curb tight sidewalk with tree wells along the SW Century Drive frontage matching the improvements on the north side of SW Century Drive. With these planned improvements, adequate pedestrian and bicycle facilities will be provided on both sides of SW Langer Farms Parkway and SW Century Drive. This criterion 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.

FINDING: Per the applicant's narrative, the required PUEs were previously dedicated on the original subdivision plat. Installation of the utilities necessary to serve the site will occur with construction of the project as shown on the Preliminary Composite Utility Plan. This criterion is met.

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: The required easements are shown on the Preliminary Plat. This criterion is met.

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.

FINDING: The site does not include a cul-de-sac nor an irregularly shaped block. An on-site private system of pedestrian walkways extends throughout the project and connects to buildings, outdoor spaces, parking, and the public boundary streets. No additional pedestrian or bicycle ways are necessary or required. This criterion is met.

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.

FINDING: The Preliminary Subdivision Plat, Sheet P03 of Exhibit A, shows five lots that will comply with the applicable requirements. All lots can be served by public sewer and water facilities within SW Langer Farms Parkway and SW Century Drive. This criterion is met.

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

STAFF ANALYSIS: Four of the proposed lots (Lots 1, 3-5) abut a public street. Lot 2 has access to a public street (SW Century Drive) through an access easement across Lot 3. Per the applicant's narrative, the easement is an interest in real property that will be recorded in the public records. The easement will be appurtenant to Lot 2 because it is accessory to Lot 2, and the use and enjoyment of Lot 2 is dependent upon the continued existence of the access rights provided by the easement. In this way, the easement is effectively part of Lot 2. Consequently, Lot 2 through its easement, effectively abuts a public street consistent with the standard.

Per SZCDC 16.10.020, a Lot is defined as *A parcel of land of at least sufficient size to meet the minimum zoning requirements of this Code, and with frontage on a public street, or easement approved by the City…* Additionally, the city approved a prior subdivision (Langer Farms Subdivision, SUB 12-02) under the same standards and establishes a precedence for allowing subdividing commercial/industrial lots to provide their frontage and access requirements through the provision of an easement over another lot.

FINDING: Based on the above analysis, this criterion 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: Double frontage lots are not proposed, therefore this 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.

FINDING: The preliminary plat shows that side lot lines run at right angles to the abutting street frontage as far as practicable. This 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.**

STAFF ANALYSIS: The preliminary grading, erosion and sediment control plan shows the project will comply with the applicable grading standards. Furthermore, at time of building permitting, grading of the building sites will be further reviewed and finalized by the city Building Official. The city Engineering Department requires a grading permit for all areas graded as part of the public improvements. The Engineering permit, for grading of the public improvements, is reviewed, approved and released as part of the public improvement plan. The proposed development will disturb in excess of 5 acres.

FINDING: These standards have not been met but can be met as conditioned below.

RECOMMENDED CONDITION: E6. Prior to Sherwood Engineering Department approval of any phase of the public improvement plans and issuance of a Compliance Agreement,
the developer shall obtain a DEQ NPDES 1200CN permit.

VI. APPLICABLE CODE PROVISIONS

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

16.31.010 - Purpose

****

B. Light Industrial (LI) - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission.

****

16.31.020- Uses

Applicant's Response: The PUD designation was assigned as part of the Langer Family Planned Unit Development application approved by the City of Sherwood on April 26, 1995. The subject property is included as part of Phase 8 of the PUD. The City approved an application, in January 2008 (PUD 07-01), covering the land uses that are permitted within the PUD. The 2008 City decision was memorialized in the 2010 Development Agreement, which was vested in the subject property when the City approved the Langer Farms subdivision.

The 2010 Development Agreement provided that the uses permitted in the 1995 SZCDC are permitted on the subject property, including, "Uses permitted outright in the GC zone Section 2.109.02…" Section 2.1099.02(B) of the 1995 SZCDC lists "General retail trade" as a permitted use. In April 2017, the City of Sherwood approved a Similar Use Interpretation establishing that the planned Fun Center is a permitted use on the subject property under the 1995 SZCDC. The planned uses are permitted in the zone.

STAFF ANALYSIS: Staff concurs with the applicant's history of the approvals including the assertion that a final development plan for the PUD was approved for the overall site in 1995. The applicant is in error where the narrative identified that the site is part of Phase 8; the site is actually part of Phase 6 of the PUD (the applicant has identified this as a typographical error). The purpose of this specific review is to ensure that the proposed development is consistent with the PUD approval, and the applicable review criteria for Site Plan, Subdivision, and all other applicable sections of the Sherwood Zoning and Community Development Code.

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

16.31.030 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 (Variances and Adjustments).

B. Development Standards

Except as otherwise provided, required minimum lot areas and dimensions and setbacks shall be:

Development Standards	Light Industrial
Lot area - Industrial Uses:	10,000 SF
Lot area – Commercial Uses (subject to Section 16.31.050):	10,000 SF
Lot width at front property line:	100 feet
Lot width at building line:	100 feet
Front yard setback [11]	20 feet
Side yard setback [10]	None
Rear yard setback [11]	None
Corner lot street side [11]	20 feet
Height [11]	50 feet

[10] When a yard is abutting a residential zone or public park, there shall be a minimum setback of forty (40) feet provided for properties zoned Employment Industrial and Light Industrial Zones, and a minimum setback of fifty (50) feet provided for properties zoned General Industrial.

[11] Structures located within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.

(Ord. No. 2016-008, § 2, 6-21-2016)

Applicant's Response: The Preliminary Plat shows that five planned lots will meet the dimensional standards for the LI zone listed in the table above. The subdivision will comply with the applicable dimensional standards for lots in the LI zone.

The project will establish commercial uses consistent with the 2010 Development Agreement and 1995 SZCDC. The standard setbacks for the LI zone conflict with provisions of the Design Standards for commercial projects, and generally require buildings to be flush with the right-of-way or as close to the front property line as practicable. In approving SP 12-05/CUP 12-02, the City established a precedent that the Design Standards should supersede because they contribute to a more visually-appealing and pedestrian-friendly built environment. The buildings along SW Langer Farms Parkway and SW Century Drive are planned to be set back from the right-of-way at least 10 feet to comply with the requirements for landscaped visual corridors.

The maximum height of structures in the LI zone is 50 feet, subject to footnote 11, which limits the portions of buildings within 100 feet of a residential zone to the height requirements of that residential zone. The land across SW Langer Farms Parkway is zoned High Density Residential with a maximum height of 40 feet (60 feet or more for certain chimneys, aerials, and towers). The Fun Center is the only building with a planned height of more than 40 feet. The plat of Langer Farms shows a Langer Farms Parkway half street width of 41 feet (west) and 39 feet (east) along the Fun Center frontage. The Site Plan shows the 39-foot half street and a ± 24-foot Fun Center building setback, which would put the building more than 100 feet from a residential zone. Therefore, the buildings meet the applicable dimensional standards.

STAFF ANALYSIS: Staff concurs with the applicant's response above. Based on established commercial uses consistent with the 2010 Development Agreement and 1995 SZCDC, along with the precedent established in SP 12-05 / CUP 12-02, proposed development can be built to commercial standards where typical buildings setbacks are at zero (flushed with the street – when not abutting residential zones). The proposed buildings are set 10 feet or more from the street meeting the visual corridor requirement for collector streets.

FINDING: Based on the applicant's response and staff analysis above, these standards are met.

16.40 PLANNED UNIT DEVELOPMENT (PUD)
16.40.030 - Final Development Plan
A. Generally

Upon approval of the PUD overlay zoning district and preliminary development plan by the Council, the applicant shall prepare a detailed Final Development Plan as per this Chapter, for review and approval of the Commission. The Final Development Plan shall comply with all conditions of approval as per Section 16.40.020. In addition, the applicant shall prepare and submit a detailed site plan for any non-single-family structure or use not addressed under Section 16.40.020(B)(6), for review and approval, pursuant to the provisions of Chapter 16.90. The site plan shall be processed concurrently with the Final Development Plan.

Applicant's Response: The subject property is a ± 15.67 acre parcel approved by the City of Sherwood in 2016 (MLP 16-02), and finalized by Partition Plat 2017-019 which was recorded in June 2017. Site Plan Review applies to planned Lots 2 through 5. Planned Lot 1 is reserved for future use and is not included in the Site Plan Review application. The subject property is zoned LI-PUD.

The PUD designation was initially assigned as part of the Langer Family PUD. Preliminary and Final Development Plans were approved by the City in 1995. The subject property is included as part of Phase 8 of the PUD. Phases 1, 2, 3, and 5 are located off site to the west and have already

been developed in accordance with the City approval. Phases 4, 6, and 7 are located to the north of this property and are not included in this application.

Consistent with the PUD approval and the 2010 Development Agreement (included as Exhibit I), this Site Plan Review application provides specific details for land uses, buildings, landscaping, site circulation, and access. The project complies with the PUD conditions and Development Agreement as stated below.

Finding: Staff concurs with the applicant's history of the approvals including the assertion that a final development plan for the PUD was approved for the overall site in 1995. The purpose of this specific review is to ensure that the proposed development is consistent with the PUD approval, and the applicable review criteria for Site Plan, Subdivision, and all other applicable sections of the Sherwood Zoning and Community Development Code. The applicant identified the site as Phase 8, this is a typographical error and the site is actually Phase 6. Phase 8 is located to the south of the site and is not included as part of this application.

The proposed development of Phase 6 complies with the applicable PUD conditions and Development Agreement as discussed below:

2010 Development Agreement

A. PUD USES

1. **Applicable Code. ZCDC 16.32.020.H, provides that "Approved PUDs may elect to establish uses which are permitted or conditionally permitted under the base zone text at the time of final approval of the PUD." The Langer PUD was approved and Phases 4, 6, 7 and 8 were assigned the Light Industrial ("LI") base zone designation on August 3, 1995.**

2. **Permitted and Conditional Uses. Accordingly, Langer elects to establish uses on the LI-designated phases of the PUD that were permitted or conditionally permitted under the LI base zone text applicable on August 3, 1995, including: "Uses permitted outright in the GC zone Section 2.109.02, except for adult entertainment businesses, which are prohibited." A copy of the uses permitted in the LI and GC zones on August 3, 1995 is set forth in Attachment A, attached hereto and incorporated herein by reference.**

3. **Election of Uses and Acceptance. The City acknowledges and accepts Langer's decision to elect to develop Phases 4, 6, 7 and 8 under ZCDC 16.32.020.H, including the ability to develop those phases for General Retail Trade under Section 2.109.02 of the 1995 ZCDC. Accordingly, the current provisions of ZCDC 16.32.030.K, which restrict retail uses in the LI zone to a maximum of 60,000 square feet, will not apply to site plan review of the PUD.**

Applicant's Response: This project includes improvements and uses permitted under the 2010 Development Agreement and applicable sections of the 1995 SZCDC, as described in the response to Section 16.31.020. Section 2.109.02(B) of the 1995 SZCDC lists "General retail trade" as a permitted use. The City of Sherwood approved a Similar Use Interpretation in April 2017 establishing that the planned Fun Center is a permitted use on the subject property under the 1995 SZCDC.

FINDING: The applicant's response is accurate and consistent with the PUD.

B. ADAMS DRIVE SOUTH EXTENSION

Applicant's Response: The southerly extension of SW Adams Drive, now SW Langer Farms Parkway, was completed in the fall of 2011.

FINDING: Staff concurs. This condition has been previously met.

C. ADAMS DRIVE NORTH EXTENSION

Applicant's Response: The northerly extension of SW Adams Drive, now SW Langer Farms Parkway, was completed in 2014.

FINDING: Staff concurs. This condition has been previously met.

D. RAIL CROSSING

Applicant's Response: The railroad crossing at the southerly end of SW Adams Drive, now SW Langer Farms Parkway, was completed in the fall of 2011/

FINDING: Staff concurs. This condition has been previously met.

E. CENTURY DRIVE

Applicant's Response: The SW Century Drive extension was completed in 2014.

FINDING: Staff concurs. This condition has been previously met.

F. STORMWATER FACILITY

1. **Langer Commitments. Prior to issuance of final occupancy permits for all structures located in Phase 6 or Phase 7, Langer will design and substantially construct a stormwater facility ("Stormwater Facility") on Phase 8 (including any necessary portions of Phase 6), to accommodate existing stormwater detention and treatment for the PUD, any additional detention and treatment associated with development of Phases 6, 7 and 8, and any detention and treatment associated with the South Extension and the Century Drive Connection. In conjunction with this construction, Langer retains the right to terminate use of the existing stormwater facilities currently located on Phase 7 and Phase 8 ("Existing Facilities"), provided the stormwater detention and treatment functions of the Existing Facilities are incorporated into the Stormwater Facility. Langer retains the right to expand the Stormwater Facility to serve other public rights-of-way and uses outside the PUD in Langer's sole discretion, provided such expansion otherwise complies with City standards, including without limitation, awarding credits for SDC's.**

2. **City Commitments. The City agrees to work with Langer, to the extent allowed by law, to issue any land use approvals related to termination of the Existing Facilities**

through an administrative process and to facilitate any related process for the vacation of any prior public dedications associated with the Existing Facilities.

Applicant's Response: The regional stormwater facility was completed in 2013.

FINDING: Staff concurs. This condition has been previously met.

1995 Design Guidelines

Applicant's Response: The approval established design guidelines for the PUD in 1995. Based on previous discussions with City staff and review of past decisions, the design standards entail a two page undated documents entitled "Sherwood Village Retail/Commercial Design Guidelines." The guidelines have four headings: 1. Retail Building Construction, 2. Landscaping, 3. Signage, and 4. Lighting. Only 1. Retain Building Construction and 2. Landscaping are applicable to this Site Plan Review.

1. RETAIL BUILDING CONSTRUCTION
A. Exterior materials and treatment (trim, etc.)
1) Predominantly wood exterior.
2) Exterior windows and doors will have minimum I inch x 3 inch surrounds painted white.
3) Paint: Light tone palettes (white, off-white, grey, beige, tan), or similar as per Design Review Committee's approval.
B. Shapes of openings
1) Arched openings and bays encouraged.
C. Storefronts
1) Storefronts should have trimmed openings similar to above A.2.).
D. Roofs
1) Pitched roof forms are encouraged
2) Large amounts of flat roof are discouraged.

Applicant's Response: The criteria listed above are "guidelines" and not mandatory "standards." Therefore, the Applicant only needs to show general conformance with the applicable guidelines rather than strict adherence to them. City approvals of pervious phases of the Langer PUD have provided wide latitude and flexibility in the application of these design guidelines. Specifically, City approval of the Target shopping center (Phase 5) in the early 2000s and the Parkway Village (Phase 7) in 2012 were evaluated against the intent of these guidelines.

Page 10 of the Staff Report for the Parkway Village approval (SP 12-05/CUP 12-02) includes the finding:

> *The applicant is correct in that the guidelines are not intended to be prescriptive, and to the extent that the other phases of the Langer PUD has been developed with these standards, it is clear that a lot of latitude and flexibility has been provided to prior approvals. Arguably, the presence of the gabled roofs, addition of exposed wood, stone, and glass will provide a development that is much closer to achieving the guidelines than prior decisions.*

Page 28 of the July 10, 2001 Revised Staff Report for the Target shopping center approval provides the following finding related to the guideline to provide a "predominantly wood exterior":

> *Does not comply in the strict sense. The applicant states that wood exteriors are not typically used for such large buildings due to difficulty of maintenance and concern for fire safety. Therefore, the exterior is proposed, instead, to consist primarily of smooth face*

block that is accented with trim of darker split face block. The only glass is on the entry doors and windows at the NW comer of the store. The door and window surrounds are an industry standard size and the applicant states that the trim will be natural aluminum, which will be light-toned similar to white to provide similar contrast. Exterior building colors are proposed as a light tone palette (white, off-white, gray, beige or tan in accordance with the Design Guidelines.

Color elevations submitted with this application show building exteriors that incorporate board and batten, lap siding, wood columns, wood decking and canopies, and shingles. Other materials used include brick veneer, stone veneer, split-face CMU, and metal roofing. While not all the materials are wood, they are natural materials which reflect that vernacular and style of the region and create a similar visual appeal. Robust Northwest appropriate materials will weather well, and last long-term in the damp Pacific Northwest climate.

Brick and ledgestone create a solid and timeless look, and the incorporation of siding with horizontal lap evokes a classic storefront look consistent with the guidelines. All windows will include trim of a color compatible with the external building materials. The second story pitched roofs contain board and batten sidling, shingles, wood eves and trimmed square windows with grids. The project provides building exteriors that incorporate wood, light window surrounds, light or natural earth-tone colors, bays, storefronts, and pitched roofs. The ultimate result is a welcoming residential or village feel that meets the intent of the guidelines.

FINDING: The applicant is correct in that the guidelines are not intended to be prescriptive, and to the extent that the other phases of the Langer PUD has been developed with these standards, it is clear that a lot of latitude and flexibility has been provided to prior approvals. Arguably, the presence of the gabled roofs, addition of exposed wood, stone, and glass will provide a development that is much closer to achieving the guidelines than prior decisions. Staff believes that the applicant has complied with the intent of the guidelines to the extent that it is practical.

2. LANDSCAPING

A. Barkdust is not to be substituted as grass in front yards.

B. All driveways and vehicular storage areas shall be paved with asphalt, gravel or other dust minimizing material.

C. Trash and service areas must be screened from public view.

Applicant's Response: Project landscaping includes a mixture of shrubs, trees and groundcover designed to complement the site, buildings and hardscapes. The preliminary Landscape Plan shows that barkdust is not planned, except perhaps in conjunction with plantings. Several types of vegetative groundcover are listed on the preliminary Landscape Plan in Exhibit B.

All driveways and vehicle use areas will be paved and dust will be minimized. Walls and plantings will be utilized to screen trash enclosures. The guidelines are met.

FINDING: The applicant's landscape plans support this statement, and staff is confident that the proposal satisfies the intent of the landscape design guidelines.

16.58.010 Clear Vision Areas

A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.

B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which

is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.

C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2½) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.
The following requirements shall govern clear vision areas:
1. **In all zones, the minimum distance shall be twenty (20) feet.**
2. **In all zones, the minimum distance from corner curb to any driveway shall be twenty-five (25) feet.**
3. **Where no setbacks are required, buildings may be constructed within the clear vision area.**

Applicant's Response: Two driveways provide ingress and egress to SW Century Drive and two driveways provide ingress and egress to SW Langer Farms Parkway. The preliminary plans show there will not be any obstructions within the 20-foot clear vision triangles abutting the four driveway/street intersections.

Per Section 16.142.040, a 10-foot-wide landscaped visual corridor is required along both SW Century Drive and SW Langer Farms Parkway. The preliminary Landscape Plan shows that landscaping within the clear vision triangles is planned to be low ground cover shrubs, and pedestrian hardscape. Landscaping in these areas can be maintained to prevent any conflicts with clear vision requirements. Therefore, the applicable clear vision requirements are met.

STAFF ANALYSIS: Staff concurs with the applicant's statement above.

FINDING: Based on the applicant's response and staff analysis above, these standards are met.

Chapter 16.70 General Provisions

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

STAFF ANALYSIS: Although not a requirement, the applicant requested and attended a pre-application conference (PAC 16-08) with City staff on January 4, 2017 to discuss developing the property with several retail buildings including a daycare, fitness and fun center on individual lots within the Langer PUD lot 4.

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.

STAFF ANALYSIS: The applicant held a neighborhood meeting on May 15, 2017 at Sherwood Middle School to discuss the overall development of the PUD site including a partition, a subdivision, and potential development of the site. Six attendees signed the attendance roster, and the applicant has provided a summary of the meeting and the items raised by the public. Concerns included the following:

- Need for activities for kids/families
- Parking
- Planned Landscaping
- Location of buildings, building height, setbacks
- Planned exterior lighting, problems with existing street lights
- Questions about the planned fun center
- Questions about potential retain uses / businesses
- Concerns about traffic and congestion
- Concerns about safety, crime, litter, drugs
- Concerns about headlights from buses and cars hitting nearby homes
- Concerns about increased noise from new buildings
- Concerns regarding vehicles currently speeding on SW Langer Farms Parkway
- Desire to have more stop signs installed in area
- Pedestrian improvements including crosswalks and sidewalks

To the extent that the development code addresses any of the concerns, staff has taken them into consideration in this decision.

FINDING: The applicant held a neighborhood meeting on May 15, 2017 and provided the materials along with this application that demonstrate that they complied with the requirements for neighborhood meetings. This criterion is met.

B. Division V. Community Design
16.92-LANDSCAPING
16.92.010-Landscaping Plan Required
All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan that meets the standards of this Chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan.

FINDING: The proposed landscaping plans show planting areas on the site in areas which are not paved. The proposal includes the submission of a very detailed landscape plan. This standard is met.

16.92.020 Landscaping Materials
A. Type of Landscaping
Required landscaped areas shall include an appropriate combination of native evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of this Chapter. Plants may be selected from the City's "Suggested Plant

Lists for Required Landscaping Manual" or suitable for the Pacific Northwest climate and verified by a landscape architect or certified landscape professional.

1. **Ground Cover Plants**
   a. **All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch is not a substitute for ground cover, but is allowed in addition to the ground cover plants.**
   b. **Ground cover plants other than grasses must be at least the four-inch pot size and spaced at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three (3) years from the time of planting.**
2. **Shrubs**
   a. **All shrubs must be of sufficient size and number to be at full growth within three (3) years of planting.**
   b. **Shrubs must be at least the one-gallon container size at the time of planting.**
3. **Trees**
   a. **Trees at the time of planting must be fully branched and must be a minimum of two (2) caliper inches and at least six (6) feet in height.**
   b. **Existing trees may be used to meet the standards of this chapter, as described in Section 16.92.020.C.2.**

STAFF ANALYSIS: The landscaping plans (Sheets L1- L5, Exhibit A) show that all areas not devoted to other uses are landscaped. The plans illustrate a diverse mix of ground cover, shrubs, and trees.

FINDING: These standards are met.

B. Plant Material Selection and Preparation

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

STAFF ANALYSIS: The proposed landscaping plan discusses plant spacing and calls out a fully automatic underground irrigation system. The plans have been prepared by Christopher Freshley, a licensed landscape architect in the state of Oregon. The plans demonstrate that it is feasible based on his prescribed spacing and irrigation method for the proposed landscape materials to be established and maintained in a healthy condition and sufficient size. It is typical that the specifications and details for top soil or subsoil preparation is completed with the construction documents for the project as this information is not needed to demonstrate that the plan can be feasibly implemented.

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

RECOMMENDED CONDITION: F4. Prior to Issuance of a Building Permit, the applicant shall submit construction documents that provide additional information on the proposed plantings and maintenance of the plants to ensure that the landscaping will be appropriately maintained. The construction plans shall include specifications for the adequate preparation of the soils.

C. Existing Vegetation

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

STAFF ANALYSIS: The applicant provided a Preliminary Tree Protection and Removal Plan and Table (Exhibit A, Sheets P05 and P06) that provides an inventory of the existing trees on site. A total of 21 trees exist onsite. Of the 21 trees, 3 will be retained and 18 will be removed. The applicant states that the trees planned for removal conflict with required parking, internal circulation, infrastructure, and future construction. The preliminary Landscape Plan reflects the applicable requirements in Section 16.142, which will be discussed later in this report.

FINDING: These criteria have been met.

D. Non-Vegetative Features

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

FINDING: The proposed plans show landscaped areas that include trees, shrubs, grasses, and low growing ground cover. It is likely that there is mulch or barkdust in addition to the proposed landscaping. The site includes a mix of landscaped areas, and hardscape plazas that are intended to include benches, fences, walls, and decorative paving. This criterion is satisfied.

16.92.030 Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

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

FINDING: The site is not directly adjacent to residential zones. The nearest residential zones are west of SW Langer Farms Road. Therefore, these criteria do not apply.

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

FINDING: The boundary streets (SW Langer Parkway and SW Century Drive) of the project site are both collector streets. As such, a 10-foot-wide landscaped visual corridor is required along both street frontages. The preliminary landscape Plans (L1-L5) shows eastern and southern boundaries of the site. This criterion is met.

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

FINDING: The boundary streets (SW Langer Parkway and SW Century Drive) of the project site are both collector street. As such, a 10-foot-wide landscaped visual corridor is required along both street frontages. The preliminary landscape Plans (L1-L5) shows eastern and southern boundaries of the site. This criterion is met.

16.92.030 Site Area Landscaping and Perimeter Screening Standards
B. Parking Area Landscaping

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

FINDING: The preliminary plans identify 487 parking spaces, which requires 21,915 square feet of landscaping. The preliminary plans show 35,782 square feet of interior landscaping and 1,720 square feet of perimeter landscaping. This criterion is met.

4. **Amount and Type of Required Parking Area Landscaping**
   a. **Number of Trees required based on Canopy Factor**
      Small trees have a canopy factor of less than forty (40), medium trees have a canopy factor from forty (40) to ninety (90), and large trees have a canopy factor greater than ninety (90);
      (1) Any combination of the following is required:
         (i) One (1) large tree is required per four (4) parking spaces;

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

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

b. Shrubs:
(1) Two (2) shrubs are required per each space.
(2) For spaces where the front two (2) feet of parking spaces have been landscaped instead of paved, the standard requires one (1) shrub per space. Shrubs may be evergreen or deciduous.

c. Ground cover plants:
(1) Any remainder in the parking area must be planted with ground cover plants.
(2) The plants selected must be spaced to cover the area within three (3) years. Mulch does not count as ground cover.

FINDING: With 487 parking spaces the following minimums are required: 122 large trees; 974 shrubs; and ground cover plants for the remainder in the parking area. The preliminary landscape plans identify 136 large trees, 2,309 shrubs, and ground cover for the remainder of the parking area landscaping. The criteria are met.

5. Individual Landscape Islands Requirements
a. Individual landscaped areas (islands) shall be at least ninety (90) square feet in area and a minimum width of five (5) feet and shall be curbed to protect the landscaping.
b. Each landscape island shall be planted with at least one (1) tree.
c. Landscape islands shall be evenly spaced throughout the parking area.
d. Landscape islands shall be distributed according to the following:
(1) Residential uses in a residential zone: one (1) island for every eight (8) contiguous parking spaces.
(2) Multi or mixed-uses, institutional and commercial uses: one (1) island for every ten (10) contiguous parking spaces.
(3) Industrial uses: one (1) island for every twelve (12) contiguous parking spaces.

Finding: The preliminary landscape plan shows individual landscaped areas (islands) being at least 90 square feet in area with a minimum width of five feet. Each island will contain at least one tree and will be curbed to protect the landscaping. The landscape islands are evenly spaced with no more than 6-10 parking spaces between them. The criteria are met.

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

FINDING: There are no bio-swales proposed. This criterion is not applicable.

f. Exception to Landscape Requirement

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

(1) Trees are spaced a maximum of thirty (30) feet on at least one (1) side of the sidewalk.

(2) The minimum unobstructed sidewalk width is at least six (6) feet wide.

(3) The sidewalk is separated from the parking areas by curbs, bollards, or other means on both sides.

FINDING: Per the applicant's narrative, a breezeway is planned to connect from SW Century Drive south through the parking area to the Fun Center. The preliminary landscape plan shows trees spaced less than 30 feet on both sides of the 10-foot-wide sidewalk. The sidewalk separated from the parking and vehicle use areas by curbs and the stone and timber frame of the breezeway structure. The criteria are met.

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

FINDING: The proposed plantings near the planned access points have been designed not to obstruct minimum sight distances. This criterion is met.

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

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

16.92.030 Site Area Landscaping and Perimeter Screening Standards
C. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas
All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and any adjacent residential zones. If unfeasible to fully screen due to policies and standards, the applicant shall make efforts to minimize the visual impact of the mechanical equipment.

FINDING: The preliminary landscape plans shows that all mechanical equipment, outdoor storage, and service and delivery areas will be sited and/or sufficiently screened to restrict their visibility from SW Century Drive and SW Langer Farms Parkway. This criterion is met.

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.

FINDING: Per Section 16.142.040. a landscaped visual corridor is required along SW Century Drive and SW Langer Farms Parkway (both collector streets). Per the applicant's narrative, the preliminary landscape plans show multiple layers of trees, combined with shrubs and groundcover, providing a continuous visual and/or acoustical buffer between the collector street and the planned buildings and vehicle use area. Section 16.142.040 is further discussed in this report. This criterion is met.

16.92.040 Installation and Maintenance Standards

A. Installation

All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Clean Water Services storm water management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.

B. Maintenance and Mitigation of Landscaped Areas

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

C. Irrigation

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

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

FINDING: The preliminary landscape plans noted that irrigation will be provided by a fully automatic underground system and plans will be submitted at time of building permit. These standards have not been met but can be met as conditioned below.

RECOMMENDED CONDITION: B1. Prior to Final Site Plan approval, submit a final landscape plan that addresses the installation and maintenance standards of Section 16.92.040 to the Planning Department for review and approval.

16.94 Off-Street Parking and Loading

16.94.010 General Requirements

A. Off-Street Parking Required

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

FINDING: The applicant has submitted a Site Plan (Exhibit A, Sheet SPL 1.1) that accommodate off-street parking as required by the Zoning and Community Development Code. This standard is met.

16.94.010 General Requirements

B. Deferral of Improvements

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

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

16.94.010 General Requirements

C. Options for Reducing the Required Parking Spaces

1. Two (2) or more uses or, structures on multiple parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap, provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.

a. Within commercial, institutional and public, or industrial zones, shared parking may be provided on lots that are within five hundred (500) feet of the property line of the use to be served.

b. Shared parking is allowed if the application can show that the combined peak use is available by a parking study that demonstrates:

(1) There is a sufficient number of parking spaces to accommodate the requirements of the individual businesses; or

(2) That the peak hours of operation of such establishments do not overlap, and

(3) That an exclusive permanent easement over a delineated area has been granted for parking space use.

2. Mixed use projects are developments where a variety of uses occupies a development project or complex. For example, an eating establishment, professional office building and movie theater are all components of a mixed use site. It does not include a secondary use within a primary use such as an administrative office associated with a retail establishment. In mixed-use projects, the required minimum vehicle parking shall be determined using the following formula:

a. **Primary use: i.e. that with the largest proportion of total floor area within the development at one hundred (100) percent of the minimum vehicle parking required for that use.**
b. **Secondary Use: i.e. that with the second largest percentage of total floor area within the development, at ninety (90) percent of the vehicle parking required for that use.**
c. **Subsequent use or uses, at eighty (80) percent of the vehicle parking required for that use.**

FINDING: The Site Plan, Sheet SP 1.1 of Exhibit A, shows that required off-street parking for the planned commercial project can be accommodated entirely on site. The applicant is not seeking reducing required parking space requirements. Therefore, this standard is not applicable.

16.94.010 General Requirements

D. Prohibited Uses

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

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

16.94.010 General Requirements

E. Location

1. Residential off-street parking spaces:
a. Shall be located on the same lot or development as the residential use.
b. Shall not include garages or enclosed buildings with the exception of a parking structure in multifamily developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).

2. For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within five hundred (500) feet of the use. The distance from the parking, area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.

3. Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible.
a. All new development with forty (40) employees or more shall include preferential spaces for carpool/vanpool designation. Carpool and vanpool parking spaces shall be located closer to the main employee entrance than all other parking spaces with the exception of ADA parking spaces. Carpool/vanpool spaces shall be clearly marked as reserved for carpool/vanpool only.
b. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.

FINDING: The Site Plan, Sheet SP 1.1 of Exhibit A, shows that required off-street parking for the planned commercial project can be accommodated entirely on site. Per the applicant's narrative, there is area available for future businesses with 40 or more employees to provide carpool/vanpool parking. Therefore, the applicable criterion can be met.

16.94.010 General Requirements

F. Marking

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

Findings: The Site Plan, Sheet SP 1.1 of Exhibit A, identifies clearly marked and painted areas consisting of parking, loading, and maneuvering spaces. The planned markings clearly show the direction of flow, and maintain safety for vehicles and pedestrians. This criterion is met.

16.94.010 General Requirements

G. Surface and Drainage

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

STAFF ANALYSIS: The parking lot will be improved with an asphalt surface. As discussed in the Public Infrastructure section below, the City Engineering Department has stated that the nearest public storm water systems available to the site area is an 18-inch line within Century Drive and a 36-inch main line running north to south along the eastern edge of the site. The existing regional storm water treatment facility was designed and constructed to incorporate the impervious surface area runoff from the proposed site development. For the purposes of this site development, the existing regional storm water treatment facility will provide the treatment capacity and, if necessary, detention capacity for the site's storm water discharge.

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

16.94.010 General Requirements

H. Repairs

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

FINDING: The property owner will be responsible for proper maintenance of the parking and loading areas. Violations are subject to Code Enforcement action. This standard is met.

16.94.010 General Requirements

I. Parking and Loading Plan

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

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

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

16.94.010 General Requirements

J. Parking Districts

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

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

FINDING: No parking districts or structured parking are proposed. This standard is not applicable.

16.94.020 Off-Street Parking Standards

A. Generally

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

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

	Minimum Parking Standard	Maximum Permitted Parking Zone A [1]	Maximum Permitted Parking Zone B [2]
General retail or personal service	4.1 (244 sf)	5.1	6.2
Sports club/recreation facility	4.3 (233 sf)	5.4	6.5

[1] Parking Zone A reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone A areas include those parcels that are located within one-

quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both, or that have a greater than twenty-minute peak hour transit service.

[2] Parking Zone B reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone B areas include those parcels that are located at a distance greater than one-quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both.

Applicant's Response: The table on the Site Plan shows that a minimum of 406 parking spaces are required based on the gross floor area of the buildings, the planned uses, and the ratios listed above. Due to the operational characteristics of the sub-use and the large area required to serve relatively few users at one time, the Applicant anticipates that the ± 40,035 gross square feet of racing within the Fun Center can be adequately served by 40 parking spaces. The Site Plan shows 487 parking spaces are planned. This is less than the maximum 497 parking spaces permitted for Zone A. The criteria are met.

STAFF ANALYSIS: The table on the Site Plan, Sheet SP 1.1 of Exhibit A, show below identifies the above calculations. Staff concurs with the applicant's response.

SITE DATA

SEE: CITY OF SHERWOOD MUNICIPAL CODE - SECTION 16.94.020, FOR PARKING RATIOS.

BUILDING	AREA	PARKING RATIO (PER 1,000 S.F.) MIN	MAX	PARKING STALLS MIN	5 PER	MAX	BICYCLE PARKING (TABLE 4)
FUN CENTER:	52,864 S.F.	4.3	5.4	228	265	286	16
FIRST FLOOR: 43,929 S.F.							
SECOND FLOOR: 8,935 S.F.							
RACING:	40,035 S.F.	ASSUMED 40		40	40	40	2
COMBINED FUN CENTER AND RACING:	92,899 S.F.	4.3	5.4	268	305	326	18
BUILDING A - RETAIL:	6,086 S.F.	4.1	5.1	25	31	32	2
BUILDING B - RETAIL:	10,445 S.F.	4.1	5.1	43	53	54	3
BUILDING C - RETAIL:	5,877 S.F.	4.1	5.1	25	30	30	2
PAD A:	10,000 S.F.	4.1	5.1	41	50	51	3
COFFEE KIOSK:	392 S.F.	1 PER 101 S.F.	4	4	4	1	1
TOTAL BUILDING AREA:	125,699 S.F.	PARKING TOTALS:		406	473	497	TOTAL: 29
BUILDING COVERAGE, OVERALL (116,764 S.F.):	22.32%	OVERALL RATIO:		3.23	3.76	3.95	PROVIDED: 56

PARKING, FUN CENTER:	352 STALLS	3.8	PER 1,000 S.F.	(92,899 S.F.) - GROSS
PARKING, RETAIL:	135 STALLS	4.1	PER 1,000 S.F.	(32,800 S.F.)
PARKING, TOTAL:	487 STALLS	3.9	PER 1,000 S.F.	(125,699 S.F.)

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

16.94.020 Off-Street Parking Standards

B. Dimensional and General Configuration Standards

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

STAFF ANALYSIS: The applicant's narrative states that all parking spaces planned are 20-feet long and 9-feet wide. However, reviewing the proposed plans identified some parking spaces to

be 8-feet in width and 18-feet in length. A revised site plan must be submitted identifying the compact car stalls and calculations meeting the maximum 25 percent requirement for compact car stalls.

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

RECOMMENDED CONDITION: B2. Prior to Site Plan approval, a revised site plan must be submitted identifying the compact car stalls and calculations meeting the maximum 25 percent compact car stall requirement.

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

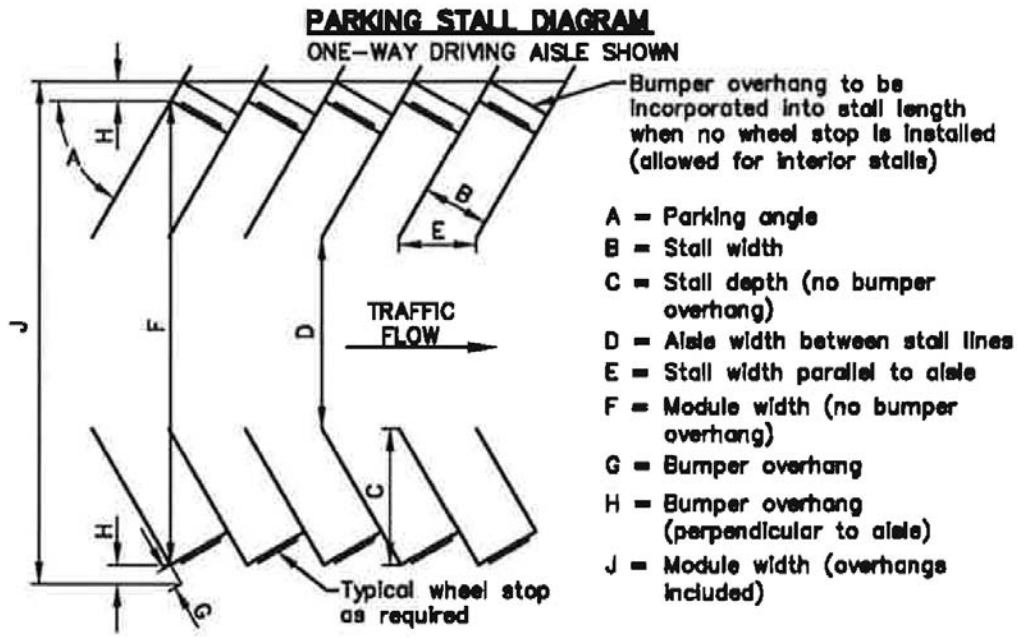

Table 3: Two-Way Driving Aisle
(Dimensions in Feet)

A	B	C	D	E	F	G	H	J
45°	8.0	16.5	24.0	11.3	57.0	3.0	2.5	62.0
	9.0	18.5	24.0	12.7	61.0	3.0	2.5	66.0
60°	8.0	17.0	24.0	9.2	58.0	3.0	2.5	63.0
	9.0	19.5	24.0	10.4	63.0	3.0	2.5	68.0
75°	8.0	16.5	26.0	8.3	59.0	3.0	3.0	65.0
	9.0	19.0	24.0	9.3	62.0	3.0	3.0	68.0
90°	8.0	15.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	17.0	24.0	9.0	58.0	3.0	3.0	64.0

FINDING: As proposed, all spaces meet the minimum standards identified above and will be accessed internally and served by on-site drive aisles. This standard is met.

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

Applicant's Response: Wheel stops are not planned. Parking stalls are planned to have limited overhang onto sidewalks and landscaped areas, which have been widened sufficiently to accommodate any necessary overhang. The applicable criteria are met.

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

FINDING: Based on the applicant's response and staff analysis, the applicable standards are met.

16.94.020 Off-Street Parking Standards

C. Bicycle Parking Facilities

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

Table 4: Minimum Required Bicycle Parking Spaces	
Commercial Use Categories	**Minimum Required Spaces**
Retail sales/service office	2 or 1 per 20 auto spaces, whichever is greater
Commercial parking facilities, commercial, outdoor recreation, major event entertainment	4 or 1 per 20 auto spaces, whichever is greater

Applicant's Response: The table on the Site Plan in Exhibit B shows that a minimum of 29 bicycle parking spaces are required, per Table 4, including 8 long-term spaces. The Site Plan shows 56 bicycle spaces are planned. The applicable criteria are met.

STAFF ANALYSIS: Staff concurs with the applicant's response and as shown below and on the preliminary site plan, Sheet SP 1.1 of Exhibit A.

FINDING: Based on the applicant's response and staff analysis, the applicable criteria are met.

SITE DATA

SEE: CITY OF SHERWOOD MUNICIPAL CODE - SECTION 16.94.020, FOR PARKING RATIOS.

BUILDING	AREA	PARKING RATIO (PER 1,000 S.F.) MIN	MAX	PARKING STALLS MIN	5 PER	MAX	BICYCLE PARKING (TABLE 4)
FUN CENTER:	52,864 S.F.	4.3	5.4	228	265	286	16
FIRST FLOOR: 43,929 S.F.							
SECOND FLOOR: 8,935 S.F.							
RACING:	40,035 S.F.	ASSUMED 40		40	40	40	2
COMBINED FUN CENTER AND RACING:	92,899 S.F.	4.3	5.4	268	305	326	18
BUILDING A - RETAIL:	6,086 S.F.	4.1	5.1	25	31	32	2
BUILDING B - RETAIL:	10,445 S.F.	4.1	5.1	43	53	54	3
BUILDING C - RETAIL:	5,877 S.F.	4.1	5.1	25	30	30	2
PAD A:	10,000 S.F.	4.1	5.1	41	50	51	3
COFFEE KIOSK:	392 S.F.	1 PER 101 S.F.	4	4	4	1	1
TOTAL BUILDING AREA:	125,699 S.F.	PARKING TOTALS:		406	473	497	TOTAL: 29
BUILDING COVERAGE, OVERALL (116,764 S.F.):	22.32%	OVERALL RATIO:		3.23	3.76	3.95	PROVIDED: 56

PARKING, FUN CENTER:	352 STALLS	3.8	PER 1,000 S.F. (92,899 S.F.) - GROSS
PARKING, RETAIL:	135 STALLS	4.1	PER 1,000 S.F. (32,800 S.F.)
PARKING, TOTAL:	487 STALLS	3.9	PER 1,000 S.F. (125,699 S.F.)

16.94.020 Off-Street Parking Standards

C. Bicycle Parking Facilities

2. Location and Design.

a. General Provisions

(1) Each space must be at least two (2) feet by six (6) feet in area, be accessible without moving another bicycle, and provide enough space between the rack and any obstructions to use the space properly.

(2) There must be an aisle at least five (5) feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.

(3) Lighting. Bicycle parking shall be at least as well lit as vehicle parking for security.

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

FINDING: The proposed bicycle parking spaces are located and designed to accommodate the design standards listed above. Sheet SA1.1 of Exhibit A identifies a conceptual design for the proposed bicycle racks. The applicable criteria are met.

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

FINDING: The proposed bicycle parking spaces are reflected on Sheet SP 1.1 of Exhibit A and meet the distance/location standards. Sheet SA1.1 of Exhibit A identifies a conceptual design for the proposed bicycle racks. The applicable criteria are met.

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

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

FINDING: The proposed bike gazebo (long–term bicycle parking area) is reflected on Sheet SP 1.1 of Exhibit A, along with elevations on Sheet BR 1.2 of Exhibit A. Sheet SA1.1 of Exhibit A identifies a conceptual design for the proposed bicycle racks. Per the applicant's narrative, at least 8 long-term spaces can be provided. The covered bicycle parking standards are met.

16.94.030 - Off-Street Loading Standards
A. Minimum Standards
1. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any

school, or other public meeting place, which is designed to accommodate more than twenty five (25) persons at one time.

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

FINDING: The preliminary site plan, Sheet SP 1.1 of Exhibit A, shows a large loading zone area behind the Fun Center building. In this location, adequate space is provided to meet the minimum 10-feet-wide by 25-feet-long loading zone, plus the additional 750 square feet of area required for buildings in excess of 50,000 square feet. The applicant's narrative states that deliveries to the retail spaces are planned to be accommodated within the parking area, consistent with both standard practices in the retail industry and past City approval. The applicable criteria are met.

B. Separation of Areas

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

FINDING: The preliminary site plan, Sheet SP 1.1 of Exhibit A, shows a large loading zone area behind the Fun Center building. This area is separated from designated off-street parking spaces and deliveries to the retail spaces are planned to be accommodated within the parking area. The proposed parking area provides 81 additional parking spaces more than the minimum required - adequate surplus to accommodate loading for the small retail buildings. This criterion is met.

16.96 ONSITE CIRCULATION

16.92.010 – On-Site Pedestrian and Bicycle Circulation

A. Purpose

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

FINDING: The Site Plan (Exhibit A, Sheet SP 1.1) shows two existing pedestrian connections (one on SW Century Drive and another on SW Langer Farms Parkway) to the interior of the site. City of Sherwood Engineering Department also requires an additional pedestrian crossing on the south side of the intersection of SW Langer Farms Parkway and Whetstone Way. These three

pedestrian connections will ensure safe and convenient access between the proposed commercial uses and residences. This standard is met.

***

C. Joint Access

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

Applicant's Response: The Preliminary Plat shows the configuration of the five planned lots. Lots range in size from ± 0.50 acres (Lot5) to ± 8.24 acres (Lot3). Lot 1 at ± 3.60 acres is reserved for future use, and is not included in the concurrent Site Plan Review application. Consequently, four of the planned lots will contain buildings and share access to the abutting public streets. The Applicant will prepare covenants, conditions and restrictions (CC&Rs) for the project as well as shared access easements. These agreements will be provided to the City following land use approval and will allow for shared parking and access across the project site. The criteria can be met.

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

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

RECOMMENDED CONDITION: B3. Prior to Final Plat approval, submit a copy of the covenants, conditions and restrictions (CC&Rs) for the project including shared access easements.

16.96 ONSITE CIRCULATION

D. Connection to Streets

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

FINDING: Joint Access is address above and vehicular and pedestrian access will be provided to SW Langer Farms Parkway and SW Century Drive. Internal walkways will connect all buildings to the public sidewalk. This standard is met.

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F. Access to Major Roadways

Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Appendix C of the Community Development Plan, Part II, shall be limited as follows:

1. **Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W and arterial roadways. If alternative public access is not available at the time of development,**

provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.

2. **Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress.**
3. **All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.**

FINDING: Access will be provided via SW Langer Farms Parkway and SW Century Drive, both collector streets. Nearby arterial roadways are not accessible from the site. These standards are not applicable.

G. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

FINDING: Section 16.94.030 is addressed above. This criterion is met.

16.96.030 - Minimum Non-Residential Standards

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

A. Driveways

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

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

***

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

FINDING: The Site Plan, Sheet SP1.1 of Exhibit A, shows commercial driveways meeting or exceeding the minimum 24-foot width requirement. Per the applicant's narrative, based on anticipated vehicle usage and soil conditions, there are no plans to utilize pervious surfaces. This standard is met.

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.**
2. **Curbs shall also be required at a standard approved by the Hearing Authority. Private pathways/sidewalks shall be connected to public rights-of-way along driveways but may be allowed other than along driveways if approved by the Hearing Authority.**

3. **Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other pervious durable surface. Primary pathways connecting front entrances to the right of way shall be at least 6 feet wide and conform to ADA standards. Secondary pathways between buildings and within parking areas shall be a minimum of four (4) feet wide and/or conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). At a minimum all crosswalks shall include painted striping.**
4. **Exceptions. Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.**

STAFF ANALYSIS: As proposed, the proposal includes a system of private sidewalks that connect to public sidewalks, outdoor spaces, to each of the buildings, between building entrances, and public boundary streets. The sidewalks are to be constructed of concrete, exceed four feet in width and are required to be ADA compliant. ADA compliant routes are provided to each building entrance and the public sidewalk. Driveway crossings are marked on the plans, and the site is provided with curbs in all required locations.

FINDING: The applicant is providing clearly marked and identified pedestrian amenities that are protected by curbs, or in the case of drive aisle crossings, clearly marked crossings. As discussed above, this criterion is satisfied.

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

STAFF ANALYSIS: Five solid waste and recycling storage receptacles have been identified throughout the parking area of the project site. The enclosures will be screened with 6-foot tall masonry walls and surrounding landscaping. Kristen Tabscott, Pride Disposal comments (**Exhibit E**), states that these five enclosures meet the required 10-foot deep by 20-foot wide standard, allowing straight on access. She also stated that the applicant's engineer, John Christiansen via email, will be modifying the gates to be two 10-foot swinging gates on all enclosures and all enclosures will have the required 20-foot enclosure opening and 75-foot of straight on access. The following details were not identified on the site plan and will need to be met prior to Final Site Plan approval:

- The gates need to be hinged in front of the enclosure walls to allow for the full 20-foot width. This will also allow for the 120 degree opening angle that is required.
- No center post at the gate access point.
- The gates need cane bolts and holes put in place for the gates to be locked in the open and closed position. The holes for the gates to be held open need to be at the full 120 degree opening angle.
- There must be 25-feet of overhead clearance.

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

RECOMMENDED CONDITION: B4. Prior to Final Plat and Site Plan approval, provide a revised solid waste and recycling storage receptacles plan meeting Pride Disposal requirement.

RECOMMENDED CONDTION: H3. Prior to Final Occupancy, solid waste and recycling storage receptacles must be constructed to Pride Disposal standard.

16.98.040 - Outdoor Sales and Merchandise Display

A. Sales Permitted

Outdoor sales and merchandise display activities, including sales and merchandise display that is located inside when the business is closed but otherwise located outside, shall be permitted when such activities are deemed by the Commission to be a customary and integral part of a permitted commercial or industrial use.

1. Permanent outdoor sales and merchandise display are in use year round or in excess of four (4) months per year and require the location to be reviewed through a site plan review. They will be reviewed as conditional uses in accordance with Chapter 16.82. Permanent outdoor and merchandise display are subject to the standards outlined in subsection B, below.

2. Temporary outdoor sales and merchandise display are seasonal and are not displayed year round and must meet the requirements of Chapter 16.86 (temporary uses). When the temporary use is not occurring the site shall return to its original state.

3. Food vendors including food carts, ice cream trucks, hotdog stands or similar uses are only permitted as a permanent outdoor sale use as described in A.1 above.

B. Standards

1. Outdoor sales and merchandise display areas shall be kept free of debris. Merchandise shall be stacked or arranged, or within a display structure. Display structures shall be secured and stable.

2. Outdoor sales and merchandise display shall not be located within required yard, building, or landscape setbacks, except where there is intervening right-of-way of a width equal to or greater than the required setback; and shall not interfere with on-site or off-site pedestrian or vehicular circulation.

3. Outdoor retail sales and merchandise display areas for vehicles, boats, manufactured homes, farm equipment, and other similar uses shall be improved with asphalt surfacing, crushed rock, or other dust-free materials.

4. Additional standards may apply to outdoor sales and merchandise display dependent on specific restrictions in the zone.

FINIDINGS: Per the applicant's narrative, outdoor sales and merchandise displays are not planned. Any future external material storage will comply with the applicable requirements. These conditions are not applicable.

C. Division VI – PUBLIC IMPROVEMENTS
Chapter 16.106 TRANSPORTATION FACILITIES
16.106.020 Required Improvements

A. Generally

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

occupancy permits. The following figure provides the depiction of the functional classification of the street network as found in the Transportation System Plan, Figure 8-1.

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.

STAFF ANALYSIS: The subject property has street frontages along SW Langer Farms Parkway (to the west) and SW Century Drive (to the north) both classified as Collector streets. Both streets are fully improved except for the sidewalk along the south side of SW Century Drive. The preliminary plans show construction of a new 9.5-foot-wide curb tight sidewalk with tree wells along the SW Century Drive frontage matching the improvements on the north side of SW Century Drive. With these planned improvements adequate pedestrian and bicycle facilities will be provided on both sides of SW Langer Farms Parkway and SW Century Drive.

The preliminary plans indicate several types widths and extents of public and private utility easements necessary for site development with separate lots. Engineering Department proposes conditions that clearly identify these easements and the plat and all public and private easements necessary for site development shall be recorded with Washington County Recorder.

All street infrastructures shall be designed to meet the approval of the City of Sherwood Engineering Department prior to issuance of an Engineering Compliance Agreement.

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

RECOMMENDED CONDITION: B5. Prior to Final Plat Approval, the plat and site development drawings shall show and identify the type, width and extent of each public and private utility easement necessary for site development meeting Sherwood Engineering Department standards.

RECOMMENDED CONDITION: H11. Prior to a Grant of Occupancy for any building constructed on site, the plat and all public and private easements necessary for site development shall be recorded with the Washington County Recorder with copies of the recorded documents provided to the City of Sherwood.

RECOMMENDED CONDITION: E1. Prior to Sherwood Engineering Department approval of the public improvement plans, all public transportation infrastructure shall meet City of Sherwood standards and be approved by the Sherwood Engineering Department.

Chapter 16.106 TRANSPORTATION FACILITIES
16.106.040 - Design

Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood's Engineering Design Manual.

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H. Buffering of Major Streets

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties must be provided, through and local traffic be separated, and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.040, and all applicable access provisions of Chapter 16.96, are to be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.

FINDING: The subject property has street frontages along SW Langer Farms Parkway (to the west) and SW Century Drive (to the north) both classified as Collector streets. Both streets are fully improved except for the sidewalk along the south side of SW Century Drive. The preliminary plans show construction of a new 9.5-foot-wide curb tight sidewalk with tree wells along the SW Century Drive frontage matching the improvements on the north side of SW Century Drive. The preliminary plans also show a 10-foot-wide landscaped visual corridor pursuant to Section 16.142.040. Applicable access provisions are addressed in the responses to Chapter 16.96. The applicable standards are net.

Chapter 16.106 TRANSPORTATION FACILITIES
16.106.040 - Design

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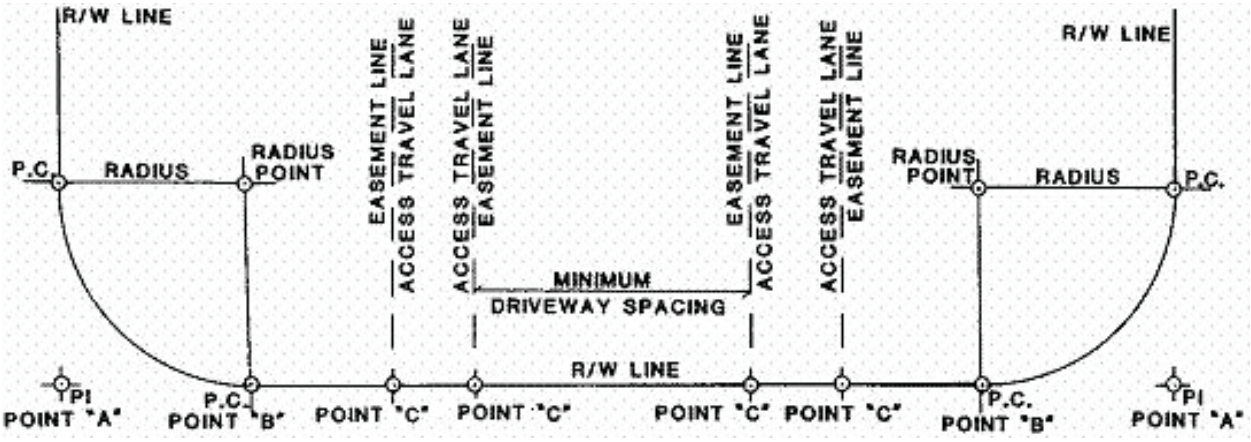
M. Vehicular Access Management

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

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



FINDING: The preliminary plans show driveways that conform to all applicable geometric requirements. The applicable standards are met.

2. Roadway Access

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

c. Collectors:

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

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

FINDING: The site has more than 150 feet of street frontage on two collector streets. Joint accesses are planned, as discussed in the response to Section 16.96.040. The three driveways are shown on the preliminary plans and comply with the applicable spacing requirement. The applicable standards are met.

Chapter 16.106 TRANSPORTATION FACILITIES
16.106.060 - Sidewalks
A. Required Improvements

1. **Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.**
2. **For Highway 99W, arterials, or in special industrial districts, the City Manager or designee may approve a development without sidewalks if alternative pedestrian routes are available.**

3. In the case of approved cul-de-sacs serving less than fifteen (15) dwelling units, sidewalks on one side only may be approved by the City Manager or designee.

B. Design Standards

1. Arterial and Collector Streets

Arterial and collector streets shall have minimum eight (8) foot wide sidewalks/multi- use path, located as required by this Code.

2. Local Streets

Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.

3. Handicapped Ramps

Sidewalk handicapped ramps shall be provided at all intersections.

C. Pedestrian and Bicycle Paths

Provide bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 330 feet except where prevented by topography, barriers such as railroads or highways, or environmental constraints such as rivers and streams.

FINDING: The subject property has street frontages along SW Langer Farms Parkway (to the west) and SW Century Drive (to the north) both classified as Collector streets. Both streets are fully improved except for the sidewalk along the south side of SW Century Drive. The preliminary plans show construction of a new 9.5-foot-wide curb tight sidewalk with tree wells along the SW Century Drive frontage matching the improvements on the north side of SW Century Drive. With these planned improvements adequate pedestrian and bicycle facilities will be provided on both sides of SW Langer Farms Parkway and SW Century Drive.

Chapter 16.106 TRANSPORTATION FACILITIES

16.106.080 Traffic Impact Analysis (TIA)

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.

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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.**

FINDING: Kittelson & Associates prepared a detailed traffic impact analysis that was included as part of the applicant's submittal (Exhibit A). Per the applicant's narrative, the scope of the traffic analysis was developed in consultation with the City of Sherwood and based on the estimated trip generation and assignment patterns specific intersections and the site accesses were analyzed. This standard is met.

Chapter 16.106 TRANSPORTATION FACILITIES
16.106.080 Traffic Impact Analysis (TIA)

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.

STAFF ANALYSIS: Per City Engineering Department Comments dated November 14, 2017, Kittelson & Associates prepared a TIS dated July 18, 2017. As described in the TIS and plans, the proposed site development includes public street frontage improvements along Century Drive, excluding Lot 1. These public improvements consist of sidewalks, streetlights, planter strip and street trees, and site driveway accesses. A third site driveway access is proposed on Langer Farms Parkway.

The proposed driveway accesses spacing distance on Langer Farms Parkway measures out to approximately 290-feet, which exceeds the City Municipal Code standard for a collector street of 100-feet. However, since the main access drive also corresponds to with the intersection of Whetstone Way, the service entry access drive will need to meet the spacing standards based on queuing distance in accordance with AASHTO for a collector road with a speed limit of 25 mph. The TIS indicates an available queue length of 100-feet for a required queue length of 75-feet.

The TIS presented ITE Code 495 (Recreational Community Center) for the proposed development activities. Upon request, the applicant provided data from three facilities currently under operation within the region that are similar in services provided, size, and operation. These sites included: 1) John's Incredible Pizza Company; 2) Family Fun Center & Bullwinkles Restaurant; and 3) Park Lanes Family Entertainment Center.

The resulting analysis confirmed that the application of Recreational Community Center use listing was conservative and acceptable for the TIS analysis.

There was discussion of the applicable v/c ratio assigned to Hwy 99W intersections located within the Sherwood Town Center. The City Engineer has made a determination that the v/c ratio of 1.10 being applied based on Metro designations of developments within the Town Center impacting Hwy 99W intersections that also reside within the Town Center designation limits, does not apply to developments located outside the Town Center limits which impact intersections within the Town Center limits. The v/c ratio in this case will be v/c = 0.99.

The impacts of this determination can be mitigated through proportionate share cost payment to Washington County for the Tualatin-Sherwood Road project improvements.

Within the TIS analysis findings, mitigation recommendations included:

1) Maintaining sight distance standards as part of the landscaping requirements
2) Providing pedestrian connectivity between the proposed site development and existing commercial and residential developments.

Since the main site access driveway off Langer Farms Parkway is located at the existing intersection of Langer Farms Parkway and Whetstone Way, for the purposes of pedestrian crossing safety, a Rectangular Rapid Flashing Beacon (RRFB) will be installed on the south side of this intersection on Langer Farms Parkway.

In a letter dated October 19th, 2017, ODOT requested inclusion of the Sherwood Boulevard (Edy Road) / Highway 99W intersection in the TIA analysis. The original scoping for intersection analysis did not extend this far to include this intersection, and hence impacts to the intersection were not included in the TIA analysis. However, in the trip assessment analysis (Figure 6 of the TIA analysis), it is shown that 56 AM and 69 PM peak hour additional trips would proceed west along Century Drive. In an email dated October 10, 2017 from Brian Dunn (Kittelson) discussing this item, he states that the assumption is made that most of those trips would end within local residential and shopping sites along Century Drive. Dunn concludes that since the number of end trips along Century Drive is so small, impacts to the Sherwood Boulevard (Edy Road) / Highway 99W intersection does not warrant further analysis as no impacts would be realized.

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

RECOMMENDED CONDITION: C1. Prior to issuance of a Compliance Agreement the Applicant shall be held responsible for the following:

a) The Applicant's fee in-lieu-of construction financial contribution shall be based on the ratio of the development's trip generation increase to the Tualatin-Sherwood Road / Hwy 99W intersection and the Sherwood Boulevard (Edy Road) / Highway 99W compared to the non-developed level.

b) The Applicant's financial contribution shall be limited to proportionate share funding of the physical capacity improvement needs for the Tualatin-Sherwood Road/Hwy 99W intersection, as defined by the Washington County MSTIP project scope.

c) The Applicant shall not be responsible for financial contributions related to the remaining roadway improvements along the Tualatin-Sherwood Road corridor, or the infrastructure improvements related to the Willamette River Water Supply project, which is being made part of the Washington County MSTIP project.
d) The Applicant shall be entitled to receive TDT credits for any required roadway improvements along Tualatin-Sherwood Road that are above their proportionate share mitigation costs.

RECOMMENDED CONDITION: H4. Prior to a Grant of Occupancy for any buildings constructed under this site development plan, a Rectangular Rapid Flashing Beacon (RRFB) pedestrian crossing system shall be installed on Langer Farms Parkway on the south side of the Langer Farms Parkway and Whetstone Way intersection, and be fully operational.

RECOMMENDED CONDITION: C2. Prior to issuance of a Compliance Agreement the Sherwood Engineering Department shall provide review and approval of the related public transportation improvement plans. The public transportation infrastructure plans shall meet City of Sherwood standards.

RECOMMENDED CONDITION: H5. Prior to a Grant of Occupancy for any building(s) constructed under this site development plan, frontage improvements along the entirety of Century Drive shall be installed. This includes the undeveloped Lot 1.

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: Per City Engineering Department Comments dated November 14, 2017, there are currently two public mainlines which border the project site. An 8-inch public main located within Langer Farms Parkway, and an 8-inch public main located within Century Drive. Both of these public mains have the capacity to provide service to the proposed site development.

The plans indicate that proposed Lots 1, 2 and 3 take sanitary sewer service off the conversion of a 6-inch private sanitary line which currently serves the Sentinel Self Storage Annex site into a public main. The plans indicate that this lateral will be reconstructed to an 8-inch sanitary main meeting City standards and dedicated to the City. The proposed sanitary line will reside within an existing 20-foot wide sanitary sewer and storm drainage easement, which is dedicated to the City of Sherwood per the “Langer Farms” plat.

Lot 4 which includes buildings “Retail A”, “Retail B” and “Retail C”, takes sanitary sewer service off an existing 8-inch sanitary service lateral from the Langer Farms Parkway public sanitary main. The on-site extension of this lateral is considered private utilities.

Lot 5 is dedicated to the Coffee Kiosk, and will take sanitary service off an existing 8-inch lateral from the Century Drive public sanitary main. The on-site extension of this lateral is considered private utilities.

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

RECOMMENDED CONDITION: A8. Only the portion of a sanitary line that conveys sanitary flow from multiple lots will be accepted as a public line. Sanitary lines that only serve one lot shall remain as private sanitary sewer laterals.

RECOMMENDED CONDITION: A9. Extension of private sanitary sewer lines within the site shall provide service to all facilities constructed on-site.

RECOMMENDED CONDITION: A10. The proposed development shall supply public sanitary service to all parcels of the development meeting Sherwood Engineering standards.

RECOMMENDED CONDITION: A11. Private sanitary sewer laterals shall be installed in compliance with the current Oregon Plumbing Specialty Code.

RECOMMENDED CONDITION: C3. Prior to issuance of a Compliance Agreement, the Sherwood Engineering Department shall provide review and approval of the related public sanitary sewer improvements plans. The public sanitary sewer infrastructure plans shall meet City of Sherwood standards.

RECOMMENDED CONDITION: G1. Prior to Sherwood Engineering Department final acceptance of the constructed public improvements, any public sanitary sewer to be located on private property shall have a recorded public sanitary sewer easement encompassing the related public sanitary sewer improvements meeting Sherwood Engineering standards.

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.

STAFF ANALYSIS: Per City Engineering Department Comments dated November 14, 2017, Public water mains exist within Langer Farms Parkway and Century Drive. The Langer Farms Parkway system is a 16-inch diameter water main, and the Century Drive system is a 12-inch diameter water main.

There is an existing 8-inch diameter service line off the Langer Farms Parkway system located at the intersection of Whetstone Way. The plans indicate that Lots 3 and 4 will take water service from this line, with separate 2-inch meter and 8-inch double check detector valve assemblies for each lot.

Lot 2 will take service off the Century Drive system with a 2-inch meter and 6-inch double check detector valve assembly.

Lot 5 will take service off the Century Drive system with a ¾-inch meter and backflow assembly. Private fire mains are shown looped within the proposed site development (Lots 2 through 5). Fire protection for the individual buildings on site shall meet requirements specified by Tualatin Valley Fire & Rescue.

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

RECOMMENDED CONDITION: H6. Prior to a Grant of Occupancy for any buildings, the proposed development shall supply domestic, irrigation and fire water to each parcel of the development as needed meeting Sherwood Engineering standards.

RECOMMENDED CONDITION: H7. Prior to a Grant of Occupancy for each building, domestic water service for each building shall have a backflow device or reduced pressure backflow assembly installed meeting the approval of the Sherwood Public Works Department.

RECOMMENDED CONDITION: F3. Prior to issuance of a Building Permit for each building, water flows calculations (domestic, irrigation and fire) for the building seeking a permit shall be provided by the developer to the Building Department. Approval of the water flows calculations by Sherwood Public Works is required prior to issuance of a Building Permit.

RECOMMENDED CONDITION: H8. Prior to a Grant of Occupancy for each building, if on-site fire protection is required, backflow protection meeting Sherwood Engineering Department standards shall be installed by developer, and inspected and approved by Public Works

RECOMMENDED CONDITION: H12. Private water service laterals shall be installed in compliance with the current Oregon Plumbing Specialty Code.

RECOMMENDED CONDITION: C5. Prior to issuance of a Compliance Agreement for any phase of development, the Sherwood Engineering Department shall provide review and approval of the related public water improvement plans. The public water infrastructure plans shall meet City of Sherwood standards.

RECOMMENDED CONDITION: D2. Prior to Sherwood Engineering Department final acceptance of the constructed public improvements, any public water line to be located on private property shall have a recorded public water line easement encompassing the related public water improvements meeting Sherwood Engineering standards.

16.114 – STORM WATER

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

STAFF ANALYSIS: Per City Engineering Department Comments dated November 14, 2017, the nearest public storm water systems available to the site are an 18-inch main line within Century Drive, and a 36-inch main line running north to south along the eastern edge of the site. The existing regional storm water treatment facility was designed and constructed to incorporate the impervious surface area runoff from the proposed site develop. Conditions for the regional storm water treatment facility were specified under Langer Farms Planned Unit Development improvements (Case File No. MLP 16-02). For the purposes of this site development, the regional storm water treatment facility will provide the treatment capacity and, if necessary, detention capacity for the site's storm water discharge.

Clean Water Services comments dated September 28, 2017 requires a CWS Storm Water Connection Permit Authorization 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. 17-5, (or current R&O in effect at time of Engineering plan submittal), and specific standards are identified within the September 28, 2017 CWS Comments.

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

RECOMMENDED CONDITION: H9. Prior to a Grant of Occupancy for any building(s), the developer shall provide water quality treatment for all new/redeveloped impervious area constructed unless otherwise approved by the City Engineer and Clean Water Services.

RECOMMENDED CONDITION: H10. Prior to a Grant of Occupancy, any private storm sewer services shall be installed in compliance with the current Oregon Plumbing Specialty Code.

RECOMMENDED CONDITION: C4. Prior to issuance of a Compliance Agreement for any phase of development, the Sherwood Engineering Department shall provide review and approval of the related public storm sewer improvement plans. The public storm sewer infrastructure plans shall meet City of Sherwood standards.

RECOMMENDED CONDITION: G3. Prior to Sherwood Engineering Department final acceptance of the constructed public improvements, any public storm sewer to be located on private property shall have a recorded public storm sewer easement encompassing the related public storm sewer improvements meeting Sherwood Engineering standards.

RECOMMENDED CONDITION: B8. Prior to final plat approval and recordation, a Clean Water Services Storm Water Connection Permit Authorization must be obtained.

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.

STAFF ANALYSIS: Tom Mooney, Deputy Fire Marshall, provided a review letter dated September 13, 2017 (Exhibit D). A condition is proposed requiring compliance with the Fire Marshall's letter.

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

RECOMMENDED CONDITION: B6. Prior to Site Plan approval, submit revised plans demonstrating compliance with the Fire Marshall's letter dated September 13, 2017.

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.

Applicant's Response: The required 8-foot PUE was previously dedicated on the original subdivision plat. Installation of the utilities necessary to serve this project will occur with construction of this project, as shown on the Preliminary Composite Utility Plan. No deficiencies have been identified. This standard is met.

STAFF ANALYSIS: Per City Engineering Department, the proposed plans identify several types, widths and extents of public and private utility easements necessary for site development with separate lots.

FINDING: These standards are not met but can be met as conditioned below.

RECOMMENDED CONDITION: B7. The plat and site development drawings shall show and identify the type, width and extent of each public and private utility easement necessary for site development.

RECOMMENDED CONDITION: H2. Prior to a Grant of Occupancy for any building constructed on site, that the plat and all public and private easements necessary for site development shall be recorded with the Washington County Recorder, with copies of the recorded documents provided to the City of Sherwood.

RECOMMENDED CONDITION: G4. Prior to Sherwood Engineering final acceptance of the constructed public improvements the developer shall dedicate and record a minimum 8-foot wide PUE for areas along all street frontages where the existing PUE is less than 8-feet unless otherwise approved by the City Engineer.

RECOMMENDED CONDITION: H13. Prior to a Grant of Occupancy for any buildings, Sherwood Boardband utilities (vaults and conduits) shall be installed along the subject property's frontage per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074.

Division VIII. Environmental Resources
16.142 Parks, Trees and Open Space

16.142.040 - Visual Corridors

A. Corridors Required

New developments located outside of the Old Town Overlay with frontage on Highway 99W, or arterial or collector streets designated on Figure 8-1 of the Transportation System Plan shall be required to establish a landscaped visual corridor according to the following standards:

	Category	Width
1.	Highway 99W	25 feet
2.	Arterial	15 feet
3.	Collector	10 feet

In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk. In all other developments, the visual corridor shall be on private property adjacent to the right-of-way.

FINDING: SW Langer Farms Parkway and SW Century Drive are both collector streets requiring 10-foot-wide landscaped visual corridor along their frontages**.** The preliminary landscape plans show 10-foot-wide landscaped visual corridor abutting both roadways. This standard is met.

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.

C. 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.

D. 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).

FINDING: The preliminary landscape plans (Sheets L1-L5 of Exhibit A) identify multiple layers of trees, combined with shrubs and groundcover, providing a continuous visual and/or acoustical buffer between the collector streets and the planning buildings and vehicle use area. A10-foot-wide landscaped visual corridor is proposed abutting SW Langer Farms Parkway and SW Century Drive. The applicable standards are met.

16.142 Parks, Trees and Open Space
16.142.060: STREET TREES

A. Installation of Street Trees on New or Redeveloped Property.
Trees are required to be planted to the following specifications along public streets abutting or within any new development or re-development. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.

1. **Location: Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.**

2. **Size: Trees shall have a minimum trunk diameter of two (2) caliper inches, which is measured six inches above the soil line, and a minimum height of six (6) feet when planted.**
3. **Types: Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.**
4. **Required Street Trees and Spacing:**
   a. **The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in section 16.142.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.**
   b. **All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.**
   c. **A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:**
      (1) Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or
      (2) There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and
      (3) The street trees are spaced as close as possible given the site limitations in (1) and (2) above.
      (4) The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.
      (5) For arterial and collector streets, the City may require planted medians in lieu of paved twelve-foot wide center turning lanes, planted with trees to the specifications of this subsection.

STAFF ANALYSIS: The site has frontages along SW Langer Farms Parkway and SW Century Drive. Both streets are fully improved except for the sidewalk and street trees along the south side of SW Century Drive. Street trees are absent along these areas; however, the preliminary plans (Sheets L1-L5) identify installation of new street trees in these areas.

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

RECOMMENDED CONDITION: E5. Prior to Sherwood Engineering Department approval of the public improvement plans, provide street trees in graded tree wells in the public sidewalk consistent with the requirements of Section 16.142.060.

B. Removal and Replacement of Street Trees.
The removal of a street tree shall be limited and in most cases, necessitated by the tree. A person may remove a street tree as provided in this section. The person removing the tree is responsible for all costs of removal and replacement. Street trees less than five (5) inches DBH can be removed by right by the property owner or his or her

assigns, provided that they are replaced. A street tree that is removed must be replaced within six (6) months of the removal date.

1. **Criteria for All Street Tree Removal for trees over five (5) inches DBH. No street tree shall be removed unless it can be found that the tree is:**
   a. **Dying, becoming severely diseased, or infested or diseased so as to threaten the health of other trees, or**
   b. **Obstructing public ways or sight distance so as to cause a safety hazard, or**
   c. **Interfering with or damaging public or private utilities, or**
   d. **Defined as a nuisance per City nuisance abatement ordinances.**
2. **Street trees between five (5) and ten (10) inches DBH may be removed if any of the criteria in 1. above are met and a tree removal permit is obtained.**
   a. **The Tree Removal Permit Process is a Type I land use decision and shall be approved subject to the following criteria:**
      (1) **The person requesting removal shall submit a Tree Removal Permit application that identifies the location of the tree, the type of tree to be removed, the proposed replacement and how it qualifies for removal per Section 1. above.**
      (2) **The person shall post a sign, provided by the City, adjacent to the tree for ten (10) calendar days prior to removal that provides notice of the removal application and the process to comment on the application.**
      (3) **If an objection to the removal is submitted by the City or to the City during the ten (10) calendar day period, an additional evaluation of the tree will be conducted by an arborist to determine whether the tree meets the criteria for street tree removal in Section 1. above. The person requesting the Tree Removal Permit shall be responsible for providing the arborist report and associated costs.**
      (4) **Upon completion of the additional evaluation substantiating that the tree warrants removal per Section 1. above or if no objections are received within the ten-day period, the tree removal permit shall be approved.**
      (5) **If additional evaluation indicates the tree does not warrant removal, the Tree Removal Permit will be denied.**
3. **Street trees over ten (10) inches DBH may be removed through a Type I review process subject to the following criteria.**
   a. **The applicant shall provide a letter from a certified arborist identifying:**
      (1) **The tree's condition,**
      (2) **How it warrants removal using the criteria listed in Section 1. above, and identifying any reasonable actions that could be taken to allow the retention of the tree.**
   b. **The applicant shall provide a statement that describes whether and how the applicant sought assistance from the City, HOA or neighbors to address any issues or actions that would enable the tree to be retained.**
   c. **The person shall post a sign, provided by the City, adjacent to the tree for ten (10) calendar days prior to removal that provides notice of the removal application and the process to comment on the application.**
   d. **Review of the materials and comments from the public confirm that the tree meets the criteria for removal in Section 1. above.**

STAFF ANALYSIS: The site has frontages along SW Langer Farms Parkway and SW Century Drive. The proposed development requires the creation of a southern driveway on Langer Farms Parkway. This will eliminate two existing street trees due to the proposed commercial driveway. To fully develop the site, the elimination of the two existing trees is necessary.

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

16.142 Parks, Trees and Open Space
16.142.070 Trees on Property Subject to Certain Land Use Applications

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C. Inventory

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

a. Tree size (in DBH and canopy area)
b. Tree species
c. The condition of the tree with notes as applicable explaining the assessment
d. The location of the tree on the site
e. The location of the tree relative to the planned improvements
f. Assessment of whether the tree must be removed to accommodate the development
g. Recommendations on measures that must be taken to preserve trees during the construction that are not proposed to be removed.

STAFF ANALYSIS: The applicant provided a Preliminary Tree Protection and Removal Table (Sheet P06, Exhibit A) that provides an inventory of the existing trees on site. There are 21 onsite trees and 18 are proposed to be removed for development. Three on-site trees will be retained and preserved.

FINDING: These standards are met.

16.142.070 Trees on Property Subject to Certain Land Use Applications

D. Retention requirements

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

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

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

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

	Residential (single family & two family developments)	Old Town & Infill developments	Commercial, Industrial, Institutional Public and Multi-family
Canopy Requirement	**40%**	**N/A**	**30%**
Counted Toward the Canopy Requirement			
Street trees included in canopy requirement	**Yes**	**N/A**	**No**
Landscaping requirements included in canopy requirement	**N/A**	**N/A**	**Yes**
Existing trees onsite	**Yes x2**	**N/A**	**Yes x2**
Planting new trees onsite	**Yes**	**N/A**	**Yes**
Mature Canopy in Square Feet Equation πr^2 or (3.14159*radius^2) (This is the calculation to measure the square footage of a circle. The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half.			
Canopy Calculation Example: Pin Oak Mature canopy = 35' (3.14159* 17.5^2) = 962 square feet			

FINDINGS: The applicant provided an Overall Landscape Plan (Sheet L1, Exhibit A) that shows expected tree canopy coverage of 191,110 square feet or 36.5% of the total site area. The standards applicable for this commercial project are met.

16.142.070 Trees on Property Subject to Certain Land Use Applications

G. Tree Protection During Development

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

FINDING: The Preliminary Tree Protection and Removal Table (Sheet P06, Exhibit A) provides an inventory of the existing trees on site. As previously discussed, there are 21 onsite trees and 18 are proposed to be removed for development. Three on-site trees will be retained and preserved. Prior to construction, the applicant will submit a final tree preservation plan consistent with this section.

FINDING: These standards are not met but can be met as conditioned below.

RECOMMENDED CONDITION: D1. Prior to issuance of a grading permit, a final tree preservation plan consistent with the requirements of Section 16.142.070.G. will be submitted.

16.146. Noise

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.

FINDING: The site adjoins land with commercial and industrial uses. Noise levels would be expected similar to the commercial area to the north. Commercial uses do not typically generate noise beyond that associated with traffic entering and leaving the site, along with other activities typical of what could be expected to occur in an urban rea. The proposed use will be within required standards and there will be no adverse impact. This standard is met.

16.148 Vibrations

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.

FINDING: The site does include commercial uses and vibration levels would be expected similar to the commercial area to the north. Elevated levels of vibration, beyond what is expected in an urban area, are not anticipated. The proposed use will be within the required standards and there will be no adverse impact. This standard is met.

16.150 Air Quality

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.

FINDING: Per the applicant's narrative, air quality impacts would be expected similar to the commercial area to the north. Levels of emissions, beyond what is expected in an urban area, are not anticipated. The proposed use will be within required standards and there will be no adverse impacts. This standard is met.

16.152 Odors
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.

FINDING: Per the applicant's narrative, odor impacts would be expected similar to the commercial area to the north. Odorous or unusual emissions, beyond what is expected in an urban area, are not anticipated. The proposed use will be within required standards and there will be no adverse impact. This standard is met.

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

FINDING: The site does include commercial uses and the western boundary of SW Langer Farms Parkway is zoned for residential uses. A Photometric Plan (Exhibit A, Sheet ELC 1.0) has been submitted showing compliance with this standard. This standard is met.

Chapter 16.156 Energy Conservation
16.156.020 Standards
A. Building Orientation - The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.
B. Wind - The cooling effects of prevailing summer breezes and shading vegetation shall be accounted for in site design. The extent solar access to adjacent sites is not impaired vegetation shall be used to moderate prevailing winter wind on the site.

Applicant's Response: The planned buildings will be oriented in several different directions in order to meet Community Design standards referenced above in the responses to Division V. Buildings B and C are oriented on a generally north-south axis parallel and flush to SW Langer Farms Parkway. Building C is located south of Building B, but they are separated by ±60 feet and the northern portion of Building C is a single story, which will allow solar access to the southern wall of Building B. The planned Fun Center, Building A, and the coffee kiosk are generally oriented along an east west axis which maximizes southern solar exposure. Buildings are generally positioned to allow unobstructed sunlight access to their southern wall.

Historically, the subject property was used for agricultural purposes, so few trees currently exist for shading future buildings or moderating winter winds. The majority of existing trees on the subject property are in poor health and/or have poor structure, per the Detailed Tree Inventory in the preliminary plans, and are designated for removal. However, the Landscape Plan shows 267 trees will be planted and, at maturity, will provide shade and a buffer to winter winds on the site. The criteria are met.

STAFF ANALYSIS: Staff concurs with the applicant's statement above.

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

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's submittal, staff finds that the proposed site plan does not fully comply with the standards but can be conditioned to comply. Therefore, staff recommends Approval of the **Parkway Village South (SP 17-01 / SUB 17-03)** with the following conditions of approval:

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 and narrative dated July 17, 2017 and prepared by AKS Engineering and Forestry, except as indicated in the following conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.
3. The developer/owner/applicant is responsible for all costs associated with private/public facility improvements.
4. This approval is valid for a period of two (2) years from the date of the decision notice. Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
6. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.
7. Prior to commencement of the design, the developer shall attend a predesign meeting with the Sherwood Engineering Department.
8. Only the portion of a sanitary line that conveys sanitary flow from multiple lots will be accepted as a public line. Sanitary lines that only serve one lot shall remain as private sanitary sewer laterals.
9. Extension of private sanitary sewer lines within the site shall provide service to all facilities constructed on-site.
10. The proposed development shall supply public sanitary service to all parcels of the development meeting Sherwood Engineering standards.
11. Private sanitary sewer laterals shall be installed in compliance with the current Oregon Plumbing Specialty Code.
12. Private water service laterals shall be installed in compliance with the current Oregon Plumbing Specialty Code.
13. The developer shall adhere to the conditions of the Clean Water Services Provider Letter (CWS File Number 16-001228) dated March 30, 2016.
14. The proposed development shall supply domestic, irrigation and fire water to the development as needed meeting Sherwood Engineering standards.

15. Water meters located on site shall have a public water line easement meeting the approval of the Sherwood Public Works Department.
16. Water flows calculations (domestic, irrigation and fire) shall be provided by the developer.
17. If on-site fire protection is connected to the public water system, backflow protection meeting Sherwood Engineering Department standards shall be installed with a public water line easement as necessary.
18. All new utilities to be installed for the development of the subject property shall be underground.
19. The proposed development shall provide storm sewer improvements and service to the development as needed meeting Sherwood Engineering standards.

B. Prior to Final Plat or Final Site Plan Approval:

1. Prior to Final Site Plan approval, submit a final landscape plan that addresses the installation and maintenance standards of Section 16.92.040 to the Planning Department for review and approval.
2. Prior to Final Site Plan approval, a revised site plan must be submitted identifying the compact car stalls and calculations meeting the maximum 25 percent compact car stall requirement.
3. Prior to Final Plat approval, submit a copy of the covenants, conditions and restrictions (CC&Rs) for the project including shared access easements.
4. Prior to Final Site Plan approval, provide a revised solid waste and recycling storage receptacles plan meeting Pride Disposal requirement.
5. Prior to Final Plat Approval, the plat and site development drawings shall show and identify the type, width and extent of each public and private utility easement necessary for site development meeting Sherwood Engineering Department standards.
6. Prior to Final Site Plan approval, submit revised plans demonstrating compliance with the Fire Marshall's letter dated September 13, 2017.
7. Prior to Final Plat approval, the plat and site development drawings shall show and identify the type, width and extent of each public and private utility easement necessary for site development.
8. Prior to Final Plat approval and recordation, a Clean Water Services Storm Water Connection Permit Authorization must be obtained.

C. Prior to Issuance of City of Sherwood Engineering Compliance Agreement

1. Prior to issuance of a Compliance Agreement the Applicant shall be held responsible for the following:
   a. The Applicant's fee in-lieu-of construction financial contribution shall be based on the ratio of the development's trip generation increase to the Tualatin-Sherwood Road / Hwy 99W intersection and the Sherwood Boulevard (Edy Road) / Highway 99W compared to the non-developed level.
   b. The Applicant's financial contribution shall be limited to proportionate share funding of the physical capacity improvement needs for the Tualatin-Sherwood Road/Hwy 99W intersection, as defined by the Washington County MSTIP project scope.

c. The Applicant shall not be responsible for financial contributions related to the remaining roadway improvements along the Tualatin-Sherwood Road corridor, or the infrastructure improvements related to the Willamette River Water Supply project, which is being made part of the Washington County MSTIP project.
d. The Applicant shall be entitled to receive TDT credits for any required roadway improvements along Tualatin-Sherwood Road that are above their proportionate share mitigation costs.

2. Prior to issuance of a Compliance Agreement the Sherwood Engineering Department shall provide review and approval of the related public transportation improvement plans. The public transportation infrastructure plans shall meet City of Sherwood standards.
3. Prior to issuance of a Compliance Agreement, the Sherwood Engineering Department shall provide review and approval of the related public sanitary sewer improvements plans. The public sanitary sewer infrastructure plans shall meet City of Sherwood standards.
4. Prior to issuance of a Compliance Agreement for any phase of development, the Sherwood Engineering Department shall provide review and approval of the related public storm sewer improvement plans. The public storm sewer infrastructure plans shall meet City of Sherwood standards.
5. Prior to issuance of a Compliance Agreement for any phase of development, the Sherwood Engineering Department shall provide review and approval of the related public water improvement plans. The public water infrastructure plans shall meet City of Sherwood standards.

D. Prior to Issuance of a Grading Permit:

1. Prior to issuance of a grading permit, a final tree preservation plan consistent with the requirements of Section 16.142.070.G. will be submitted.

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

1. Prior to Sherwood Engineering Department approval of the public improvement plans, all public transportation infrastructure shall meet City of Sherwood standards and be approved by the Sherwood Engineering Department.
2. Prior to Sherwood Engineering Department approval of the public improvement plans, all public sanitary sewer infrastructure shall meet City of Sherwood standards and be approved by the Sherwood Engineering Department.
3. Prior to Sherwood Engineering Department approval of the public improvement plans, all public water infrastructure shall meet City of Sherwood standards and be approved by the Sherwood Engineering Department.
4. Prior to Sherwood Engineering Department approval of the public improvement plans, a Clean Water Services Storm Water Connection Permit Authorization must be obtained in accordance with the comments submitted by Clean Water Services dated September 28, 2017.
5. Prior to Sherwood Engineering Department approval of the public improvement plans, provide street trees in graded tree wells in the public sidewalk consistent with the requirements of Section 16.142.060.
6. Prior to Sherwood Engineering Department approval of any phase of the public improvement plans and issuance of a Compliance Agreement, the developer shall obtain a DEQ NPDES 1200CN permit.

F. Prior to Issuance of Building Permits:

1. Obtain Final Site Plan approval prior to issuance of any building permits in any phase of development.

2. Obtain Final Plat approval, prior to issuance of any building permits in any phase of development.

3. Prior to issuance of a Building Permit for each building, water flows calculations (domestic, irrigation and fire) for the building seeking a permit shall be provided by the developer to the Building Department. Approval of the water flows calculations by Sherwood Public Works is required prior to issuance of a Building Permit.

4. Prior to Issuance of a Building Permit, the applicant shall submit construction documents that provide additional information on the proposed plantings and maintenance of the plants to ensure that the landscaping will be appropriately maintained. The construction plans shall include specifications for the adequate preparation of the soils.

5. Prior to issuing any Building Permit, the developer shall execute an Engineering Compliance Agreement for the construction of the public improvements, unless otherwise approved by the City Engineer.

G. Prior to Acceptance of Public Improvements:

1. Prior to Sherwood Engineering Department final acceptance of the constructed public improvements, any public sanitary sewer to be located on private property shall have a recorded public sanitary sewer easement encompassing the related public sanitary sewer improvements meeting Sherwood Engineering standards.

2. Prior to Sherwood Engineering Department final acceptance of the constructed public improvements, any public water line to be located on private property shall have a recorded public water line easement encompassing the related public water improvements meeting Sherwood Engineering standards.

3. Prior to Sherwood Engineering Department final acceptance of the constructed public improvements, any public storm sewer to be located on private property shall have a recorded public storm sewer easement encompassing the related public storm sewer improvements meeting Sherwood Engineering standards.

4. Prior to Sherwood Engineering final acceptance of the constructed public improvements the developer shall dedicate and record a minimum 8-foot wide PUE for areas along all street frontages where the existing PUE is less than 8-feet unless otherwise approved by the City Engineer.

H. Prior to Receiving Occupancy

1. Prior to Occupancy, 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.

2. Prior to Final of Occupancy for any building constructed on site, the plat and all public and private easements necessary for site development shall be recorded with the Washington County Recorder with copies of the recorded documents provided to the City of Sherwood.

3. Prior to Final Occupancy, solid waste and recycling storage receptacles must be constructed to Pride Disposal standard.

4. Prior to Final Occupancy for any buildings constructed under this site development plan, a Rectangular Rapid Flashing Beacon (RRFB) pedestrian crossing system shall be installed on Langer Farms Parkway on the south side of the Langer Farms Parkway and Whetstone Way intersection, and be fully operational.
5. Prior to Final Occupancy for any building(s) constructed under this site development plan, frontage improvements along the entirety of Century Drive shall be installed. This includes the undeveloped Lot 1.
6. Prior to Final Occupancy for any buildings, the proposed development shall supply domestic, irrigation and fire water to each parcel of the development as needed meeting Sherwood Engineering standards.
7. Prior to Final Occupancy for each building, domestic water service for each building shall have a backflow device or reduced pressure backflow assembly installed meeting the approval of the Sherwood Public Works Department.
8. Prior to Final Occupancy for each building, if on-site fire protection is required, backflow protection meeting Sherwood Engineering Department standards shall be installed by developer, and inspected and approved by Public Works.
9. Prior to Final Occupancy for any building(s), the developer shall provide water quality treatment for all new/redeveloped impervious area constructed unless otherwise approved by the City Engineer and Clean Water Services.
10. Prior to Final Occupancy, any private storm sewer services shall be installed in compliance with the current Oregon Plumbing Specialty Code.
11. Prior to Final Occupancy for any building constructed on site, the plat and all public and private easements necessary for site development shall be recorded with the Washington County Recorder, with copies of the recorded documents provided to the City of Sherwood.
12. Prior to Final Occupancy for any building(s), final acceptance of the constructed public improvements shall be obtained from the City of Sherwood Engineering Department.
13. Prior to Final Occupancy for any buildings, Sherwood Broadband utilities (vaults and conduits) shall be installed along the subject property's frontage per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074.

VII. Exhibits

A. Applicant's submittal with narrative and supporting documents dated July 17, 2017
B. Engineering comments dated November 21, 2017
C. Clean Water Services comments dated September 28, 2017
D. Tualatin Valley Fire & Rescue comments dated September 13, 2017
E. Pride Disposal comments dated September 14, 2017
F. ODOT comments dated October 19, 2017
G. Written Comments from Leann Bennett dated November 13, 2017

The site plan approval is valid for a period of two (2) years from the date of the decision, per Section 16.90.020.

Exhibit A

Exhibit A, the application materials can be reviewed electronically at the web address below or at City Hall located at 22560 SW Pine Street.

http://www.sherwoodoregon.gov/planning/project/parkway-village-south

Engineering Land Use Application Comments

To:	Joy Chang, Associate Planner
From:	Bob Galati, P.E., Engineering Department
Project:	Parkway Village South (SP17-01, SUB17-03)
Date:	November 21, 2017

General

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:

Site Plan Review and Subdivision Land Use Action

The proposed site development land use action includes a Site Plan Review and Subdivision Review. The existing site (2S129DC TL100) is to be subdivided into five separate lots, with development occurring over lots 2 through 5.

Lot 1 is to remain undeveloped and undefined at this time. Lot 2 is listed as Pad A, Lot 3 is listed as the Fun Center, Lot 4 is listed as Retail Buildings A, B, and C, with Lot 5 listed as the Coffee Kiosk.

The plans indicate several types, widths and extents of public and private utility easements necessary for site development with separate lots.

Condition: That the plat and site development drawings shall show and identify the type, width and extent of each public and private utility easement necessary for site development.

Condition: Prior to Grant of Occupancy for any building constructed on site, that the plat and all public and private easements necessary for site development shall be recorded with the Washington County Recorder, with copies of the recorded documents provided to the City of Sherwood.

Sanitary Sewer System Plan Analysis

There are currently two public mainlines which border the project site. An 8-inch public main located within Langer Farms Parkway, and an 8-inch public main located within Century Drive. Both of these public mains have the capacity to provide service to the proposed site development.

Exhibit B

The plans indicate that proposed Lots 1, 2 and 3 take sanitary sewer service off the conversion of a 6-inch private sanitary line which currently serves the Sentinel Self Storage Annex site into a public main. The plans indicate that this lateral will be reconstructed to an 8-inch sanitary main meeting City standards and dedicated to the City. The proposed sanitary line will reside within an existing 20-foot wide sanitary sewer and storm drainage easement, which is dedicated to the City of Sherwood per the "Langer Farms" plat.

Lot 4 which includes buildings "Retail A", "Retail B" and "Retail C", takes sanitary sewer service off an existing 8-inch sanitary service lateral from the Langer Farms Parkway public sanitary main. The on-site extension of this lateral is considered private utilities.

Lot 5 is dedicated to the Coffee Kiosk, and will take sanitary service off an existing 8-inch lateral from the Century Drive public sanitary main. The on-site extension of this lateral is considered private utilities.

Condition: Only the portion of a sanitary line which conveys sanitary flow from multiple lots will be accepted as a public line. Sanitary lines which only serve one lot shall remain as private sanitary sewer laterals.

Condition: Extension of private sanitary sewer lines within the site shall provide service to all facilities constructed on-site.

Condition: The proposed development shall supply public sanitary service to all parcels of the development meeting Sherwood Engineering standards.

Condition: Private sanitary sewer laterals shall be installed in compliance with the current Oregon Plumbing Specialty Code.

Condition: Prior to issuance of a Compliance Agreement, the Sherwood Engineering Department shall provide review and approval of the related public sanitary sewer improvements plans. The public sanitary sewer infrastructure plans shall meet City of Sherwood standards.

Condition: Prior to Sherwood Engineering Department final acceptance of the constructed public improvements, any public sanitary sewer to be located on private property shall have a recorded public sanitary sewer easement encompassing the related public sanitary sewer improvements meeting Sherwood Engineering standards.

Water System Plan Analysis

Public water mains exist within Langer Farms Parkway and Century Drive. The Langer Farms Parkway system is a 16-inch diameter water main, and the Century Drive system is a 12-inch diameter water main.

There is an existing 8-inch diameter service line off the Langer Farms Parkway system located at the intersection of Whetstone Way. The plans indicate that Lots 3 and 4 will take water service from this line, with separate 2-inch meter and 8-inch double check detector valve assemblies for each lot.

Lot 2 will take service off the Century Drive system with a 2-inch meter and 6-inch double check detector valve assembly.

Lot 5 will take service off the Century Drive system with a □-inch meter and backflow assembly.

Private fire mains are shown looped within the proposed site development (Lots 2 through 5). Fire protection for the individual buildings on site shall meet re□uirements specified by Tualatin □alley Fire □ □escue.

Condition: Prior to □rant of Occupancy for any buildings, the proposed development shall supply domestic, irrigation and fire water to each parcel of the development as needed meeting Sherwood Engineering standards.

Condition: Prior to a □rant of Occupancy for each building, domestic water service for each building shall have a backflow device or reduced pressure backflow assembly installed meeting the approval of the Sherwood Public Works Department.

Condition: Prior to issuance of a Building Permit for each building, water flows calculations (domestic, irrigation and fire) for the building seeking a permit shall be provided by the developer to the Building Department. Approval of the water flows calculations by Sherwood Public Works is re□uired prior to issuance of a Building Permit.

Condition: Prior to a □rant of Occupancy for each building, if on-site fire protection is re□uired, backflow protection meeting Sherwood Engineering Department standards shall be installed by developer, and inspected and approved by Public Works

Condition: Private water service laterals shall be installed in compliance with the current Oregon Plumbing Specialty Code.

Condition: Prior to issuance of a Compliance Agreement for any phase of development, the Sherwood Engineering Department shall provide review and approval of the related public water improvement plans. The public water infrastructure plans shall meet City of Sherwood standards.

Condition: Prior to Sherwood Engineering Department final acceptance of the constructed public improvements, any public water line to be located on private property shall have a recorded public water line easement encompassing the related public water improvements meeting Sherwood Engineering standards.

Storm Water Plan System Analysis

The nearest public storm water systems available to the site are an 18-inch main line within Century Drive, and a 36-inch main line running north to south along the eastern edge of the site. The existing regional storm water treatment facility was designed and constructed to incorporate the impervious surface area runoff from the proposed site develop. Conditions for the regional storm water treatment facility were specified under Langer Farms Planned Unit Development improvements (Case File No. □LP 16-02). For the purposes of this site development, the regional storm water treatment facility will provide the treatment capacity and, if necessary, detention capacity for the site's storm water discharge.

Condition: Prior to □rant of Occupancy for any building(s), the developer shall provide water □uality treatment for all new□redeveloped impervious area constructed unless otherwise approved by the City Engineer and Clean Water Services.

Condition: Prior to □rant of Occupancy, any private storm sewer services shall be installed in compliance with the current Oregon Plumbing Specialty Code.

Condition: Prior to issuance of a Compliance Agreement for any phase of development, the Sherwood Engineering Department shall provide review and approval of the related public storm sewer improvement plans. The public storm sewer infrastructure plans shall meet City of Sherwood standards.

Condition: Prior to Sherwood Engineering Department final acceptance of the constructed public improvements, any public storm sewer to be located on private property shall have a recorded public storm sewer easement encompassing the related public storm sewer improvements meeting Sherwood Engineering standards.

Transportation System Plan Analysis

Kittelson prepared a T□S dated □uly 18, 2017. As described in the T□S and plans the proposed site development includes public street frontage improvements along Century Drive, excluding Lot 1. These public improvements consist of sidewalks, street lights, planter strip and street trees, and site driveway accesses. A third site driveway access is proposed on Langer Farms Parkway.

The proposed driveway accesses spacing distance on Langer Farms Parkway measures out to approximately 2□0-feet, which exceeds the City □unicipal Code standard for a collector street of 100-feet. □owever, since the main access drive also corresponds to with the intersection of Whetstone Way, the service entry access drive will need to meet the spacing standards based on □ueuing distance in accordance with AAS□TO for a collector road with a speed limit of 25 mph. The T□S indicates an available □ueue length of 100-feet for a re□uired □ueue length of 75-feet.

The T□S presented □TE Code 4□5 (□ecreational Community Center) for the proposed development activities. Upon re□uest, the applicant provided data from three facilities currently under operation within the region that are similar in services provided, si□e, and operation. These sites included: 1) John's Incredible Pizza Company; 2) Family Fun Center □ Bullwinkles □estaurant□and 3) Park Lanes Family Entertainment Center.

The resulting analysis confirmed that the application of □ecreational Community Center use listing was conservative and acceptable for the T□S analysis.

Discussion of the applicable v□c ration assignation for □wy □□W intersections located within the Sherwood Town Center, the City Engineer has made a determination that the v□c ratio of 1.10 being applied based on □etro designations of developments within the Town Center impacting □wy □□W intersections that also reside within the Town Center designation limits, does not apply to developments located outside the Town Center limits which impact intersections within the Town Center limits. The v□c ratio in this case will be v□c □ 0.□□.

The impacts of this determination can be mitigated through proportionate share cost payment to Washington County for the Tualatin-Sherwood □oad pro□ect improvements.

Within the T□S analysis findings, mitigation recommendations included:

1) □aintaining sight distance standards as part of the landscaping re□uirements

2) Providing pedestrian connectivity between the proposed site development and existing commercial and residential developments.

Since the main site access driveway off Langer Farms Parkway is located at the existing intersection of Langer Farms Parkway and Whetstone Way, for the purposes of pedestrian crossing safety, a □ectangular □apid Flashing Beacon (□□FB) will be installed on the south side of this intersection on Langer Farms Parkway.

□n a letter dated October 1□th, 2017, ODOT re□uested inclusion of the Sherwood Boulevard (Edy □oad) □□ighway □□W intersection in the T□A analysis. The original scoping for intersection analysis did not extend this far to include this intersection, and hence impacts to the intersection were not included in the T□A analysis. □owever, in the trip assessment analysis (Figure 6 of the T□A analysis), it is shown that 56 A□ and 6□ P□ peak hour additional trips would proceed west along Century Drive. □n an email dated October 10, 2017 from Brian Dunn (Kittelson) discussing this item, he states that the assumption is made that most of those trips would end within local residential and shopping sites along Century Drive. Dunn concludes that since the number of end trips along Century Drive is so small, impacts to the Sherwood Boulevard (Edy □oad) □ □ighway □□W intersection does not warrant further analysis as no impacts would be reali□ed.

Condition: Prior to issuance of a Compliance Agreement the Applicant shall be held responsible for the following:

a) The Applicant's fee in-lieu-of construction financial contribution shall be based on the ratio of the development's trip generation increase to the Tualatin-Sherwood □oad □□wy □□W intersection and the Sherwood Boulevard (Edy □oad) □ □ighway □□W compared to the non-developed level.
b) The Applicant's financial contribution shall be limited to proportionate share funding of the physical capacity improvement needs for the Tualatin-Sherwood □oad□□wy □□W intersection, as defined by the Washington County □ST□P pro□ect scope.
c) The Applicant shall not be responsible for financial contributions related to the remaining roadway improvements along the Tualatin-Sherwood □oad corridor, or the infrastructure improvements related to the Willamette □iver Water Supply pro□ect which is being made part of the Washington County □ST□P pro□ect.
d) The Applicant shall be entitled to receive TDT credits for any re□uired roadway improvements along Tualatin-Sherwood □oad that are above their proportionate share mitigation costs.

Condition: Prior to □rant of Occupancy for any buildings constructed under this site development plan, a □ectangular □apid Flashing Beacon (□□FB) pedestrian crossing

system shall be installed on Langer Farms Parkway on the south side of the Langer Farms Parkway and Whetstone Way intersection, and be fully operational.

Condition: Prior to issuance of a Compliance Agreement the Sherwood Engineering Department shall provide review and approval of the related public transportation improvement plans. The public transportation infrastructure plans shall meet City of Sherwood standards.

Condition: Prior to □rant of Occupancy for any building(s) constructed under this site development plan, frontage improvements along the entirety of Century Drive shall be installed. This includes the undeveloped Lot 1.

Grading and Erosion Control Plan Analysis

City policy re□uires that prior to grading, a permit is obtained from the Building Department for grading on the private portion of the site associated with the phase of development being performed.

The Engineering Department re□uires a grading permit for all areas graded as part of the public improvements. The Engineering permit for grading of the public improvements is reviewed, approved and released as part of the public improvement plans.

The proposed development will disturb in excess of 5 acres.

Condition: Prior to Sherwood Engineering Department approval of any phase of the public improvement plans and issuance of a Compliance Agreement, the developer shall obtain a DE□ NPDES 1200C permit.

Other Engineering Identified Issues

A Clean Water Services Service Provider Letter has been obtained by the developer.

Condition: The developer shall adhere to the conditions of the Clean Water Services Service Provider Letter (CWS File Number 16-001228) dated □arch 30, 2016.

Condition: Prior to the commencement of the design of any public improvements, the developer shall attend a predesign meeting with the Sherwood Engineering Department.

Condition: Prior to Sherwood Engineering Department approval of the public improvement plans, a Storm Water Connection Permit Authori□ation shall be obtained from CWS through the City.

Condition: Prior to issuing any building permits, the developer shall execute an Engineering Compliance Agreement for the construction of the public improvements, unless otherwise approved by the City Engineer.

Condition: Prior to obtaining □rant of Occupancy for any building(s), final acceptance of the constructed public improvements shall be obtained from the City of Sherwood Engineering Department.

Condition: Prior to Sherwood Engineering final acceptance of the constructed public improvements the developer shall dedicate and record a minimum 8-foot wide PUE for

areas along all street frontages where the existing PUE is less than 8-feet unless otherwise approved by the City Engineer.

Condition: Prior to Sherwood Engineering Department final acceptance of the public improvements, the developer shall record any private access and utility easements associated with development. These easements shall encompass areas of the sub□ect development where use of facilities by multiple properties occurs or where one parcels service is obtained through another parcel.

Condition: Prior to □rant of Occupancy for any buildings, Sherwood Broadband utilities (vaults and conduits) shall be installed along the subject property's frontage per re□uirements set forth in City Ordinance 2005-017 and City □esolution 2005-074.

END OF COMMENTS.

Clean Water Services

MEMORANDUM

RECEIVED
OCT 23 2017
BY: .....

Date: September 28, 2017

To: Joy Chang, Associate Planner, City of Sherwood

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

Subject: Parkway Village South 5-Lot Commercial Subdivision, SP 17-01 and SUB 17-03, 2S129DC00900, 01000

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

PRIOR TO ANY WORK ON THE SITE AND 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. 17-5, (or current R&O in effect at time of Engineering plan submittal), and is to include:

a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.

b. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, project will require a 1200-CN Erosion Control Permit. If site area and any offsite improvements required for this development exceed five-acres of disturbance, project will require a 1200-C Erosion Control Permit.

c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.

d. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 17-5, Section 4.05. Access shall be provided for maintenance of facility per R&O 17-5, Section 4.02.4.

Exhibit C

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.

Tualatin Valley Fire & Rescue

September 13, 2017

Joy Chang
Associate Planner
City of Sherwood
22560 SW Pine Street
Sherwood, Oregon 97140

Re: Parkway Village South
Tax Lot I.D: 2S129DC100

Dear Joy,

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. These notes are provided in regards to the plans received September 13, 2017. 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.

FIRE APPARATUS ACCESS:

1. **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDINGS AND FACILITIES:** Access roads shall be 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. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1)

   This requirement is met.

2. **FIRE APPARATUS ACCESS ROAD EXCEPTION FOR AUTOMATIC SPRINKLER PROTECTION:** When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access may be modified as approved by the Fire Marshal. (OFC 503.1.1) ***Note: If fire sprinklers are installed and the system will be supported by a municipal water supply, please contact the local water purveyor for information surrounding water meter sizing.***

   This requirement is met.

3. **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)

   This requirement is met.

Exhibit D

4. **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)

   This requirement is met.

5. **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)

6. **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)

7. **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.

8. **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)

   See attached sheet P09 for locations of fire lanes.

9. **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)

10. **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)

11. **TURNING RADIUS:** The inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3)

    This requirement is met.

12. **ACCESS ROAD GRADE:** Fire apparatus access roadway grades shall not exceed 15%. Alternate methods and materials may be available at the discretion of the Fire Marshal (for grade exceeding 15%).

13. **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)

14. **ACCESS DURING CONSTRUCTION:** Approved fire apparatus access roadways shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. Temporary address signage shall also be provided during construction. (OFC 3309 and 3310.1)

15. **TRAFFIC CALMING DEVICES:** Shall be prohibited on fire access routes unless approved by the Fire Marshal. (OFC 503.4.1).

FIREFIGHTING WATER SUPPLIES:

16. **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

17. **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)

    Provide documentation of fire hydrant test.

18. **WATER SUPPLY DURING CONSTRUCTION:** Approved firefighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 3312.1)

FIRE HYDRANTS:

19. **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.

20. **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.

21. **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)

    Plans indicate private hydrants. Private hydrants shall be painted red in color.

22. **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)

23. **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)

24. **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6 & OFC 312)

25. **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)

26. **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.

    See attached sheet P09 for locations for FDC's.

BUILDING ACCESS AND FIRE SERVICE FEATURES

27. **EMERGENCY RESPONDER RADIO COVERAGE:** In new buildings where the design reduces the level of radio coverage for public safety communications systems below minimum performance levels, a distributed antenna system, signal booster, or other method approved by TVF&R and Washington County Consolidated Communications Agency shall be provided. (OSSC 915.1, OFC 510.1, and Appendix F)
    http://www.tvfr.com/DocumentCenter/View/1296.
    a. Emergency responder radio system testing and/or system installation is required for this building. Please contact me (using my contact info below) for further information including an alternate means of compliance that is available. If the alternate method is preferred, it must be requested from TVF&R prior to issuance of building permit.

    This requirement is for the fun center.

28. **KNOX BOX:** A Knox Box for building access may be required for structures and gates. See Appendix B for further information and detail on required installations. Order via www.tvfr.com or contact TVF&R for assistance and instructions regarding installation and placement. (OFC 506.1)

29. **FIRE PROTECTION EQUIPMENT IDENTIFICATION:** Rooms containing controls to fire suppression and detection equipment shall be identified as "Fire Control Room." Signage shall have letters with a minimum of 4 inches high with a minimum stroke width of 1/2 inch, and be plainly legible, and contrast with its background. (OFC 509.1)

30. **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)

If you have questions or need further clarification, please feel free to contact me at 503-259-1419.

Sincerely,

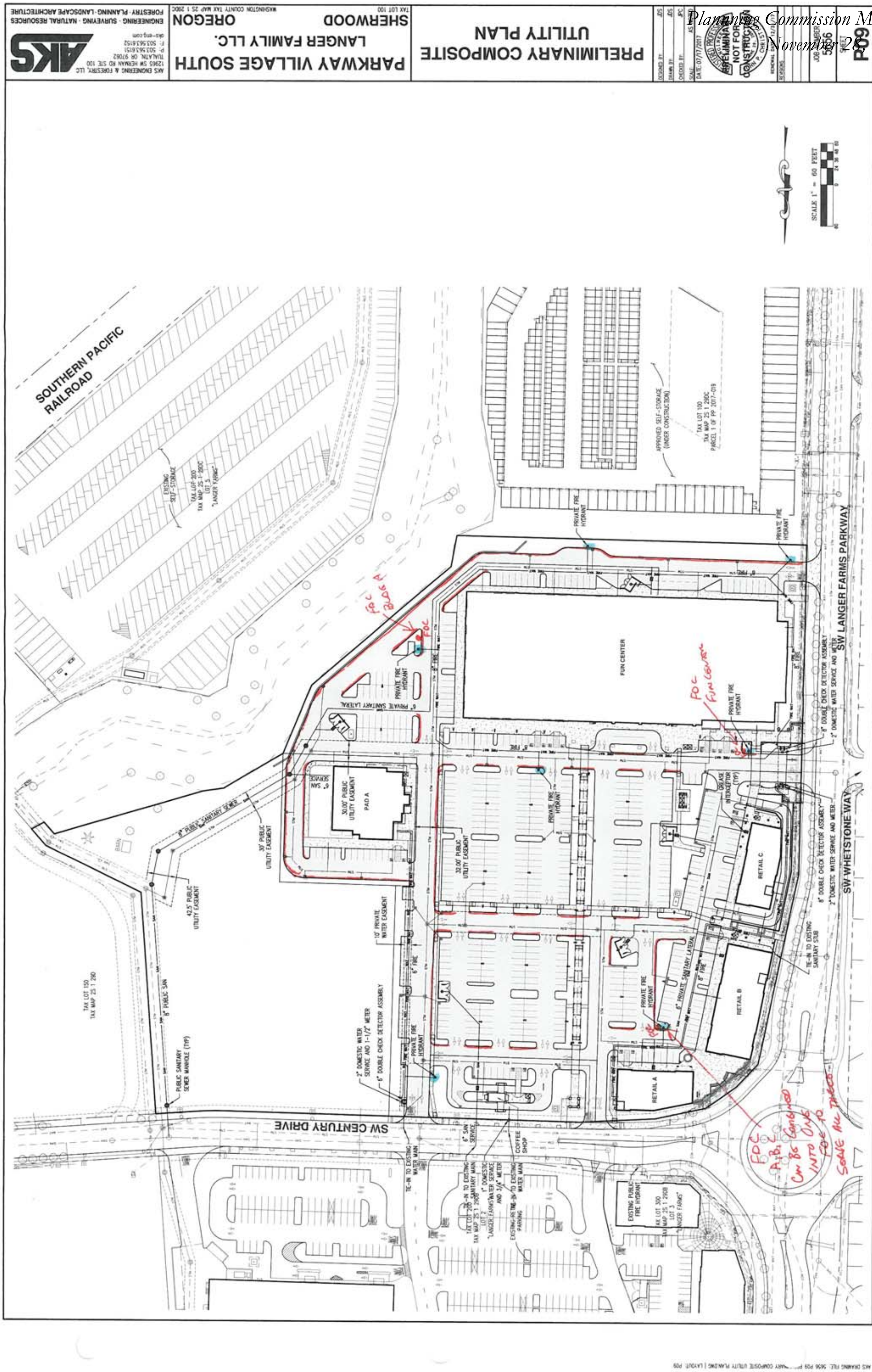
Tom Mooney

Tom Mooney
Deputy Fire Marshal II

Thomas.mooney@tvfr.com

Cc: File
City of Sherwood

http://www.tvfr.com/DocumentCenter/View/1296


PRELIMINARY COMPOSITE
UTILITY PLAN
PARKWAY VILLAGE SOUTH
LANGER FAMILY LLC.
SHERWOOD
OREGON
TAX LOT 100
WASHINGTON COUNTY TAX MAP 2S 1 29DC
AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD STE 100
TUALATIN, OR 97062
P: 503.563.6151
F: 503.563.6152
aks-eng.com
ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE
AKS
DESIGNED BY: JDS
DRAWN BY: JDS
CHECKED BY: JPC
SCALE: AS NOTED
DATE: 07/17/2017
PRELIMINARY
NOT FOR CONSTRUCTION
JOB NUMBER
5656
SHEET
P09
SCALE 1" = 60 FEET
SOUTHERN PACIFIC RAILROAD
EXISTING SELF-STORAGE
TAX LOT 200
TAX MAP 2S 1 29DC
LOT 5
"LANGER FARMS"
APPROVED SELF-STORAGE (UNDER CONSTRUCTION)
TAX LOT 100
TAX MAP 2S 1 29DC
PARCEL 1 OF PP 2017-019
PRIVATE FIRE HYDRANT
FUN CENTER
6" PRIVATE SANITARY LATERAL
8" DOUBLE CHECK DETECTOR ASSEMBLY
2" DOMESTIC WATER SERVICE AND METER
SW LANGER FARMS PARKWAY
PAD A
30.00' PUBLIC UTILITY EASEMENT
6" SAN SERVICE
8" PUBLIC SANITARY SEWER
30' PUBLIC UTILITY EASEMENT
42.5' PUBLIC UTILITY EASEMENT
32.00' PUBLIC UTILITY EASEMENT
GREASE INTERCEPTOR (TYP)
RETAIL C
SW WHETSTONE WAY
10' PRIVATE WATER EASEMENT
6" FIRE
8" FIRE
TIE-IN TO EXISTING SANITARY STUB
6" PRIVATE SANITARY LATERAL
RETAIL B
RETAIL A
TAX LOT 150
TAX MAP 2S 1 29D
8" PUBLIC SAN
PUBLIC SANITARY SEWER MANHOLE (TYP)
2" DOMESTIC WATER SERVICE AND 1-1/2" METER
6" DOUBLE CHECK DETECTOR ASSEMBLY
SW CENTURY DRIVE
TIE-IN TO EXISTING WATER MAIN
6" SAN SERVICE
COFFEE SHOP
TIE-IN TO EXISTING SANITARY MAIN
1" DOMESTIC WATER SERVICE AND 3/4" METER
TAX LOT 200
TAX MAP 2S 1 29DB
LOT 2
"LANGER FARMS"
EXISTING PUBLIC FIRE HYDRANT
TAX LOT 300
TAX MAP 2S 1 29DB
LOT 3
"LANGER FARMS"
FDC BLDG A
FDC
FDC FUN CENTER
FDC A, B, C Can be combined into one FDC to serve all three

P★R★I★D★E
DISPOSAL COMPANY
P.O. Box 820 Sherwood, OR 97140
Phone: (503) 625-6177 Fax: (503) 625-6179

September 14, 2017

Joy Change, Associate Planner
City of Sherwood

Re: Parkway Village South, SW Langer Farms Pkwy

We have reviewed the site plan for the above-mentioned project. The site plan shows 5 enclosures on the property all meeting the required 10' deep by 20' wide, all allowing straight on access.

Per the email that I received from John Christiansen with AKS Engineering dated 9/12/17, they will be changing the gates to be two 10' swinging gates on all enclosures and all enclosures will have the required 20' enclosure opening and 75' of straight on access.

The other details on the site plan are not shown. These requirements will need to be met to ensure our access:

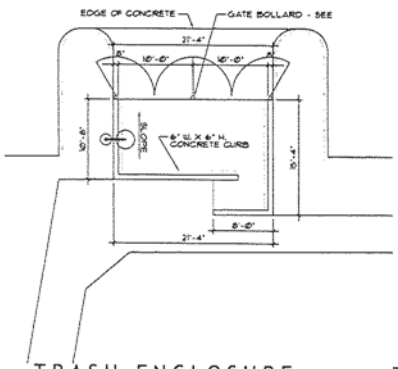
- The gates need to be hinged in front of the enclosure walls to allow for the full 20' width. This will also allow for the 120 degree opening angle that is required.
- No center post at the gate access point.
- The gates need cane bolts and holes put in place for the gates to be locked in the open and closed position. The holes for the gates to be held open need to be at the full 120 degree opening angle.
- There must be 25' of overhead clearance.

If you have any questions, feel free to contact me.

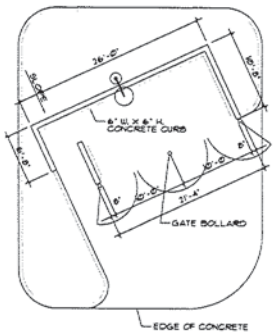
Sincerely,

Kristen Tabscott
Pride Disposal Co.
(503) 625-6177

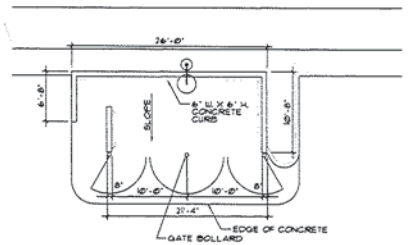
Exhibit E



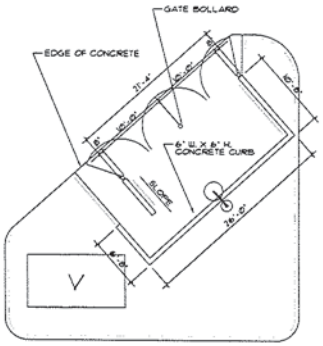
TRASH ENCLOSURE 'A' PLAN
1/8" = 1'-0"
NORTH



TRASH ENCLOSURE 'B' PLAN
1/8" = 1'-0"
NORTH



TRASH ENCLOSURE 'C' PLAN
1/8" = 1'-0"
NORTH



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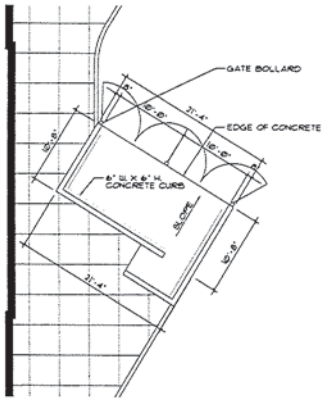
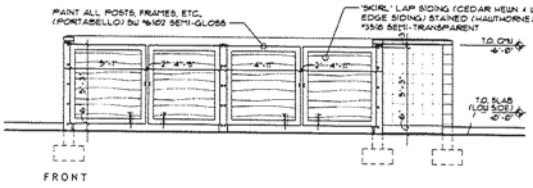
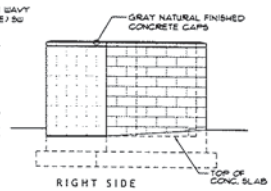
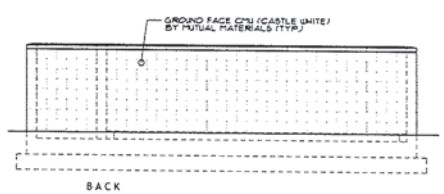
NORTH

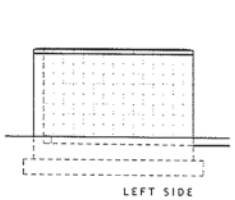


TRASH ENCLOSURE FUN CENTER PLAN
1/8" = 1'-0"
NORTH

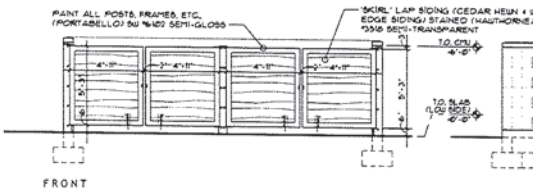


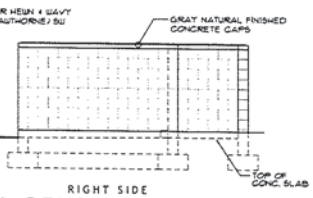


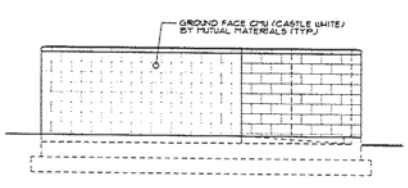


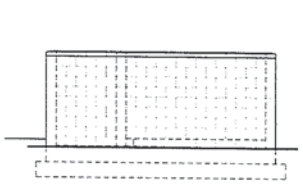


TRASH ENCLOSURE 'B,' 'C', AND 'D' ELEVATIONS
1/4" = 1'-0"

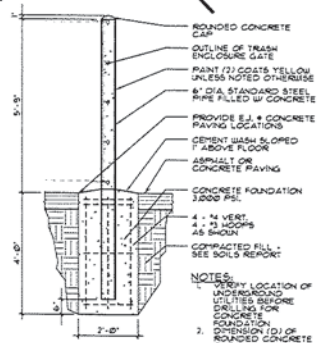




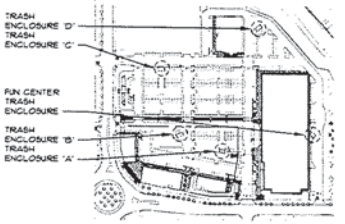




TRASH ENCLOSURE 'A' AND FUN CENTER ELEVATIONS
1/4" = 1'-0"



GATE BOLLARD DETAIL
1/2" = 1'-0"



SITE KEY PLAN
N.T.S.
NORTH

TILAND / SCHMIDT
ARCHITECTS, P.C.
3611 SW WOOD AVE.
SUITE 200
PORTLAND, OR 97239
(503) 220-8517
FAX (503) 220-8518

TRASH ENCLOSURES

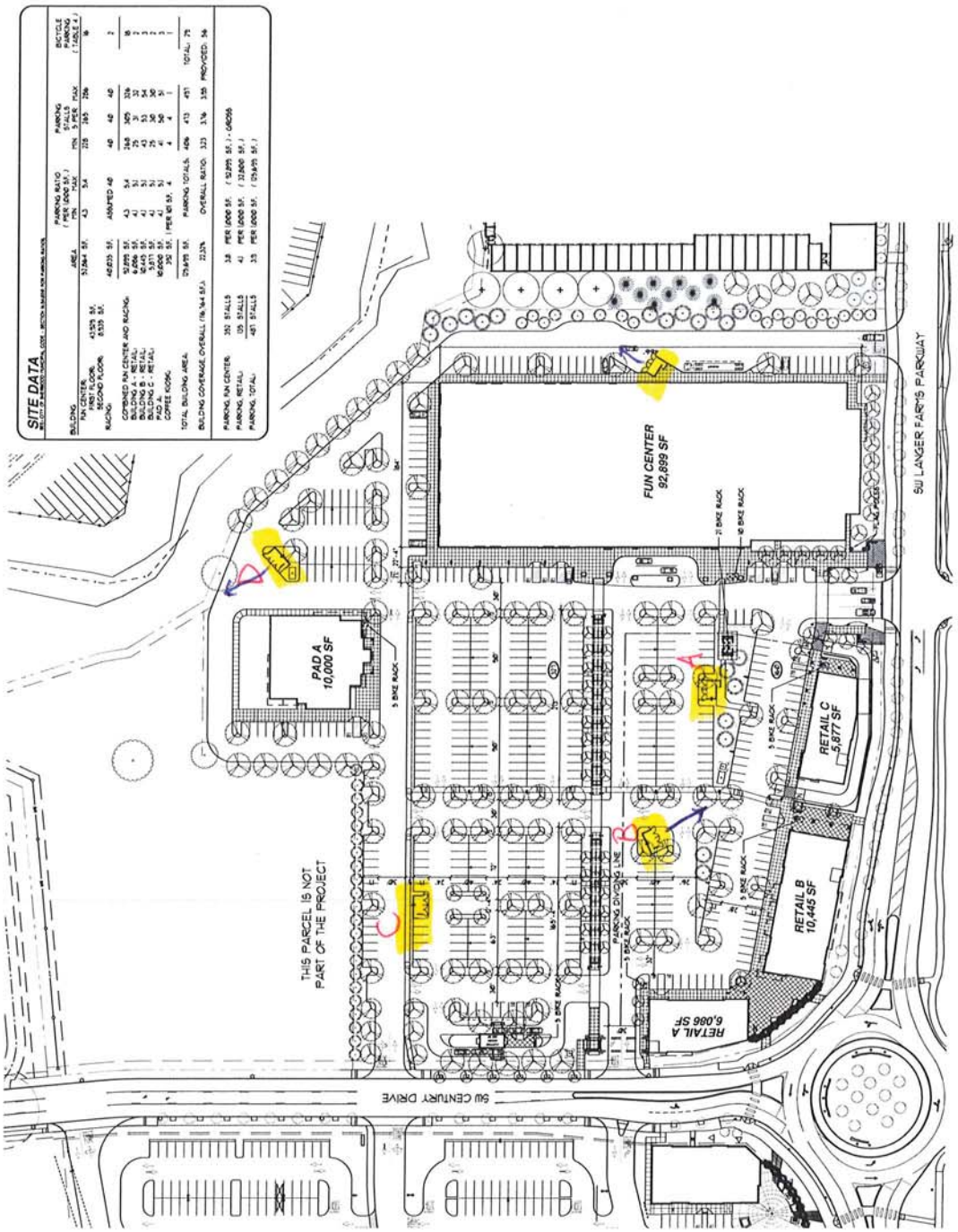
07-14-2017

PARKWAY VILLAGE SOUTH

LANGER FAMILY LLC

TE 1.1

SP 1.1



PARKWAY VILLAGE SOUTH

LANGER FAMILY LLC

SITE PLAN

07-14-2017 1" = 60'-0"

TILAND / SCHMIDT
ARCHITECTS, P.C.
3611 SW HOOD AVE.
SUITE 360
PORTLAND, OR 97239
(503) 220-8571
FAX (503) 220-8918

Oregon
Kate Brown, Governor

Department of Transportation
Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

October 19th, 2017 ODOT #7935

ODOT Response

Project Name: Parkway Village South	**Applicant:** AKS Engineering
Jurisdiction: City of Sherwood	**Jurisdiction Case #:** SUB 17-03
Site Address: SW Langer Farms Pkwy (Adams) @ SW Tual-Shrwd, Sherwood, OR 97140	**Legal Description:** 02S 01W 29D **Tax Lot(s):** 00100
State Highway: OR 99W	

The site of this proposed land use action is in the vicinity of the 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 traffic impact analysis (TIA) prepared by Kittelson and Associates dated July 18, 2017 and the supplemental analysis prepared by Kittelson and Associates dated October 10, 2017. The July 2017 TIA did not include the intersection of OR 99W and Edy Rd in the analysis. Recent analysis of the intersection indicates that it is over capacity. It would be preferable that the applicant update the TIA to include the OR 99W/Edy Rd intersection. As indicated in the TIA, the development will generate a number of trips to/from the intersection. Although it is not critical that the TIA be updated to include the OR 99W/Edy Rd intersection, ODOT recommend that the applicant be conditioned to contribute towards TSP project D16 at the intersection. TSP project D16 is defined as, "At the Highway 99W/Edy Road intersection, restripe the east approach to have exclusive left, through, and right turn lanes, and change the eastbound left and westbound left turn phasing to protective-permissive phasing."

The analysis assumes the v/c ratio mobility target for OR 99W at Tualatin Sherwood Rd to be 1.1 because the intersection is within the city's town center boundary. Only properties located within the town center can apply the 1.1 v/c ratio mobility target for the OR 99W/Tualatin Sherwood Rd intersection. Therefore, the correct Oregon Highway Plan mobility target for the intersection is .99 v/c.

According to the TIA the v/c ratio for the OR 99W/Tualatin Sherwood Rd 2019 Background Conditions is 1.07. Since the background condition at the intersection already exceeds the .99 v/c mobility target, the standard is not to make it worse. The v/c ratio for the intersection 2019 Total Traffic Conditions (with development) is 1.09. The intersection is also a 2015 top 10% SPIS site. Therefore, mitigation measures should be proposed. Alternatively, since Washington County has a funded project to improve the OR 99W/Tualatin Sherwood Rd intersection in the near term, the applicant could be required to contribute towards this project.

Exhibit F

Please send a copy of the Notice of Decision including conditions of approval to:

Region1_DEVREV_Applications@odot.state.or.us

Development Review Planner: Marah Danielson	503.731.8258, marah.b.danielson@odot.state.or.us
Traffic Contact: Avi Tayar, PE	503.731.8221

Joy Chang

From: Leann Bennett <leannrbennett@gmail.com>
Sent: Monday, November 13, 2017 4:31 PM
To: Joy Chang
Subject: SP 17-01/Sub 17-03

To: Nov.13, 2017

Joy Chang

Associate Planner

Planning Dept

Sherwood City Hall

22560 SW Pine Street

Sherwood, OR 97140

From:

Leann Bennett

22281 SW Nottingham Ct

Sherwood, OR 97140

Re:Sp 17-01/Sub 17-03

I am in opposition to the subdivision in the LI-PUD zone. The code states:

"Light Industrial (LI) - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission."

The key to a successful city is to have high value jobs available to the local residents. Tualatin and Wilsonville have done an outstanding job of attracting manufacturing and high tech jobs in their City.

Sherwood has Allied Machinery, as it's biggest employer. Where are the other high tech and other manufacturing companies? This location could be attractive to high value employers but not in conjunction with a Fun Center. The Fun Center will hire mainly minimum wage

earners and the other retail spaces will do the same. The retail sector is changing drastically to an online model and big box stores are vacant and undesirable (Albertson's!). Do we really want more big box spaces of this nature in Sherwood?

A Fun Center would attract more commuter traffic from other suburban areas. Our roads are already at capacity and adding trips to spend under $20 without adding additional income paying jobs to our community is just wrong.

The primary goal of the LI district is NOT Retail, this is the definition of a Commercial Zone use, though I understand it's permitted uses.

Attract and create spaces for true Light Industrial friendly users and we will have a greater tax base and live/work City.

Sincerely,

Leann Bennett

Sherwood Planning Commission Meeting

Date: 11-28-17

☑ Meeting Packet

☑ Approved Minutes Date Approved: 12-12-17

☑ Request to Speak Forms

Documents submitted at meeting:

7a. Bowman House 4 LA17-01 Presentation - Exhibit 1

I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.

1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT

Date: 11/20/17 Agenda Item: SP 17-01 / SUB 17-03 Parkway Village South (From Agenda)

NOTE: If you want to speak to the Commission about more than one subject, *please submit a separate form for each item.*

2. PLEASE MARK YOU POSITION/INTEREST ON THE AGENDA ITEM

Applicant: X Proponent: ____ Opponent: ____ Other: ____

3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.

Name: Joey Shearer

Address: 12965 SW Herman Rd, Suite 100

City/State/Zip: Tualatin, OR 97062

Email Address: shearerj@aks-eng.com

I represent: **Myself** ____ **Other** X Applicant

4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.

I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.

1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT

Date: 11/14 Agenda Item: 7b - Parkway Village (From Agenda)

NOTE: If you want to speak to the Commission about more than one subject, *please submit a separate form for each item.*

2. PLEASE MARK YOU POSITION/INTEREST ON THE AGENDA ITEM

Applicant: ~~X~~ Proponent: _____ Opponent: _____ Other: X consultant

3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.

Name: BRIAN DUNN - KITTELSON & ASSOC.

Address: 610 SW ALDER, PDX, OR 97205

City/State/Zip: _____

Email Address: bdunn@kittelson.com

I represent: **Myself** _____ **Other** X client

4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.

I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.

1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT

Date: 11/28/17 Agenda Item: SP 17-01 / SUB 17-03 PARKWAY VILLAGE SOUTH (From Agenda)

NOTE: If you want to speak to the Commission about more than one subject, *please submit a separate form for each item.*

2. PLEASE MARK YOU POSITION/INTEREST ON THE AGENDA ITEM

Applicant: _____ Proponent: ✓ Opponent: _____ Other: _____

3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.

Name: MATT GRADY

Address: 14767 SW 72ND AVE, SUITE 100

City/State/Zip: TUALATIN, OR 97062

Email Address: matt@gramor.com

I represent: **Myself** _____ **Other** ✓ GRAMOR DEVELOPMENT

4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.

I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.

1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT

Date: 11/28/17 Agenda Item: SP 17-01 / SUB 17-03 PARKWAY VILLAGE SD (From Agenda)

NOTE: If you want to speak to the Commission about more than one subject, *please submit a separate form for each item.*

2. PLEASE MARK YOU POSITION/INTEREST ON THE AGENDA ITEM

Applicant: X Proponent: ____ Opponent: ____ Other: ____

3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.

Name: FRANK SCHMIDT

Address: 3611 SW HOOD

City/State/Zip: PORTLAND, OR 97239

Email Address: frankschmidt@tilandschmidt.com

I represent: **Myself** ____ **Other** X APPLICANT

4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.

I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.

1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT

Date: 11/28/17 Agenda Item: SP 17-01 / SUB 17-03 (From Agenda)

NOTE: If you want to speak to the Commission about more than one subject, *please submit a separate form for each item.*

2. PLEASE MARK YOU POSITION/INTEREST ON THE AGENDA ITEM

Applicant: X Proponent: ____ Opponent: ____ Other: ____
Rep

3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.

Name: John Christiansen

Address: 12965 SW Herman Rd. Ste 100

City/State/Zip: Tualatin, OR 97062

Email Address: johnc@aks-eng.com

I represent: **Myself** ____ **Other** X Owner

4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.

I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.

1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT

Date: 11/28/17 Agenda Item: 6A (From Agenda)

NOTE: If you want to speak to the Commission about more than one subject, *please submit a separate form for each item.*

2. PLEASE MARK YOU POSITION/INTEREST ON THE AGENDA ITEM

Applicant: ✓ Proponent: ____ Opponent: ____ Other: ____

3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.

Name: Brad Kilby

Address: 205 SE Spokane St.

City/State/Zip: Portland, OR 97202

Email Address: BradK@hhpr.com

I represent: **Myself** ____ **Other** ✓

4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.

I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.

1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT

Date: 11.28.17 Agenda Item: Public Hearing SP 17-01 SUB 17-03 (From Agenda)

NOTE: If you want to speak to the Commission about more than one subject, *please submit a separate form for each item.*

2. PLEASE MARK YOU POSITION/INTEREST ON THE AGENDA ITEM

Applicant: ____ Proponent: ____ Opponent: X Other: ____

3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.

Name: Theresa Easton

Address: 15522 SW Farmer WAY

City/State/Zip: Sherwood OR 97140

Email Address: teaston@lhs.org

I represent: **Myself** X **Other** ____

4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.

BOWMAN HOUSE 4

LA 17-01 Old Town Overlay Review
Planning Commission Hearing
November 28, 2017

Proposal : Construct a single family home in Old Town at 15804 SW 1st Street

11-28-17
Date

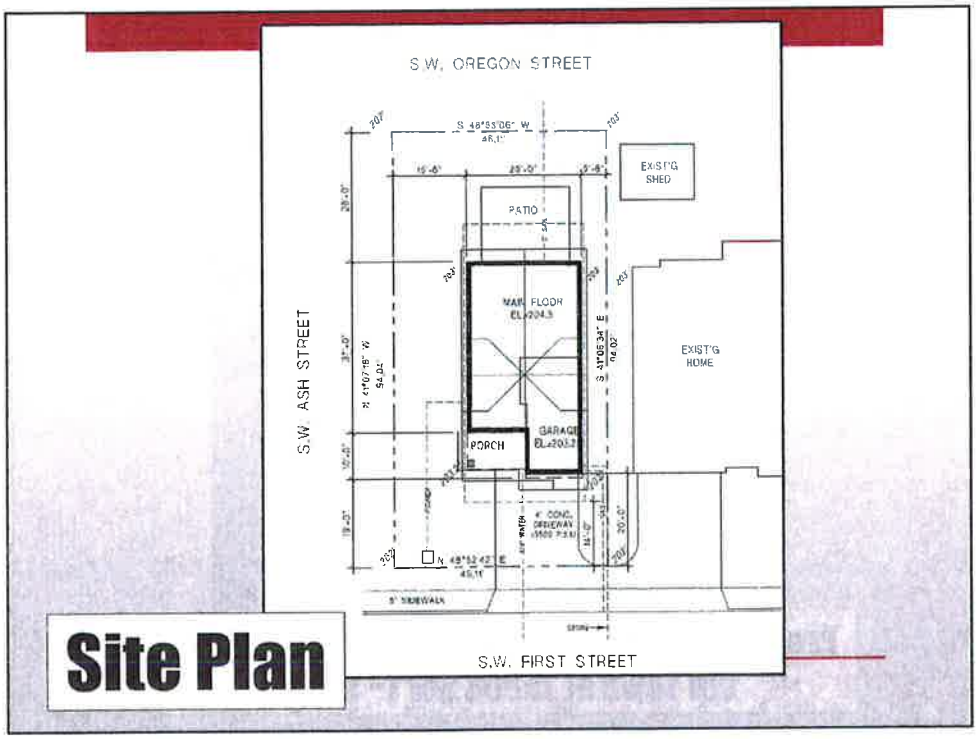
PC
Gov. Body

7a
Agenda Item

1
Exhibit #

Sherwood Zoning and Community Development Code Approval Criteria

1. SZCDC 16.12, Residential Use Districts, MDRL
2. SZCDC 16.162 (Old town Overlay District)
3. SZCDC 16.168 (Landmark Alteration) where applicable (procedures)

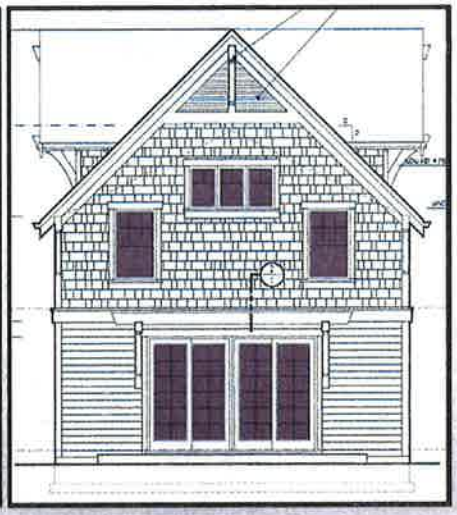


Site Plan

Old Town Smockville Residential Design Standards

1. Volume and Mass
2. Roof Forms
3. Siding and Exterior Cladding
4. Trim and Architectural Detailing
5. Openings (Windows and Doors)
6. Porches and Entrances
7. Landscape, Fencing and Perimeter Definition
8. Additions
9. Front Facing Presentations

Front Elevation-facing 1st



Rear Elevation


Left Side Elevation
Right side elevation


Color Rendering

Staff recommends approval of the proposed single family residence within the Old Town Overlay with Conditions as identified in the Staff Report.

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission
November 28, 2017

Planning Commissioners Present:	**Staff Present:**
Chair Jean Simson	Julia Hajduk, Community Development Director
Vice Chair Christopher Flores	Josh Soper, City Attorney
Commissioner Kara Repp	Bob Galati, City Engineer
Commissioner Rob Rettig	Erika Palmer, Planning Manager
	Kirsten Allen, Department Program Coordinator

Planning Commission Members Absent:	**Council Members Present:**
Commissioner Justin Kai	Council President Sean Garland
Commissioner Daniel Matzinger	

Work Session

The meeting began at 6:15 pm.

1. Annual Boards and Commission Report

Planning Commission members discussed accomplishments for the past year and goals for the upcoming year. Ideas included attendance at the Smart Growth Conference, new Planning Commission members and planning staff. Goals included continued training, the tannery site decisions, and the Comprehensive Plan Update including residential design standards.

2. Planning Commissioner Training

Josh Soper, City Attorney, spoke about rules relating to e-communications and concerns with bias, ex parte conversations, and conflicts of interest. The commission was reminded that and conversations whether in person or written were considered a public record and were advised how to retain the record according the Oregon State law. Legislative applications have different requirements for bias and ex parte. Commissioners required to disclose bias, ex parte contact and conflicts of interest at hearings.

The meeting adjourned at 7:00 pm.

Regular Meeting

1. Call to Order/Roll Call

Chair Jean Simson convened the meeting at 7:05 pm.

2. Consent Agenda

a. November 28, 2017 Planning Commission Meeting Minutes approval

Motion: From Commissioner Christopher Flores to approve the consent agenda, seconded by Commissioner Rob Rettig. All Present Commissioners voted in favor.

3. Council Liaison Announcements

Council President Sean Garland announced the November 30th opening of the Smockville Brewhouse on Pine Street. He said December 2, 2017 was the holiday parade starting at 4 pm followed by and tree lighting. The event being everything that made Sherwood great with singing, Santa, hot chocolate and more. Mr. Garland noted the deadline to apply for the vacant interim City Council positions with the City receiving four applications. Interviews would lead to appointing members to City Council until after the March 2018 election.

4. Staff Announcements

Erika Palmer, Planning Manager said request for proposals for a consultant to help with the community visioning process for the Comprehensive Plan Update had been sent out, closing at the end of January 2018. The next step in the Comprehensive Plan Update would be the Community Advisory Committee (CAC). Chair Simson and Councilor Garland met with staff to select members; about 20 applications were received. Ms. Palmer said Planning Commissioner interviews would take place on December 4th followed by an appointment to City Council to follow.

5. Community Comments

None were received.

6. Old Business

a. Public Hearing – PA 17-02 New Sherwood High School Text Amendment

Chair Simson received confirmation it was not necessary to read the public hearing statement, because the Commission would only be deliberating and turned the time over to staff.

Erika Palmer, Planning Manager went over the supplemental staff report and said planning staff worked with Washington County and the Oregon Department of Transportation (ODOT) to make the language in Condition 2 more clear to what was being adopted was the funding requirements from the TPR analysis. The applicant had proposed language to the Condition 1. City staff looked at the proposed language and came up with language that was more balanced between the applicant's proposed language and what staff would like to see.

Ms. Palmer noted some typographical errors listed in the supplemental staff report and stated the Commission had received the Metro hearing officer's final report as Exhibit I. A finding was also revised which dealt with Goal 1. Based on those changes, staff's recommendation remained unchanged.

Chair Simson opened the deliberation and stated Metro's report contained the research the Sherwood School District had completed to meet the Metro guidelines for the Urban Growth Boundary expansion. The report helped her understand the District's decision for how that piece of property was decided upon. Her prospective was from the Sherwood West planning and the hearings officer's report helped her understand how the decision made sense. She asked if there was a motion.

Motion: From Commissioner Christopher Flores to forward a recommendation of approval to the City Council for PA 17-02 New Sherwood High School Text Amendment based on the applicant's testimony, public testimony received, and the analysis, findings and conditions in the staff report, seconded by Commissioner Rob Rettig. All Present Commissioners voted in favor.

7. New Business

a. Public Hearing – LA 17-01 Bowman House 4

Chair Simson read the public hearing statement and turned the time over to staff for a presentation.

Joy Chang, Associate Planner, gave a presentation of the staff report (see record, Exhibit 1) and said the project was an Old Town Overlay review for Bowman House 4, LA 17-01. The site was located between SW 1st and SW Oregon Street with frontages on SW 1st Street and SW Ash Street. The Property was zoned Medium Density Residential low with an Old Town Overlay and vacant with the exception of a shed being constructed by students from the Sherwood High School. The applicant proposed a single-family home, an allowed use in the zone. MDRL, requiring a 5,000 sq. ft. lot, minimum lot widths and building setbacks which the applicant proposed to meet. Setbacks would be reviewed during the plot plan review with the building permit.

Ms. Chang stated Old Town Overlay Community Design had sections for the Old Cannery Area and the Smockville Design Area. The site was within the Smockville Design Area and was required to meet the design standards for:

- Volume and Mass
- Roof Forms
- Siding and Exterior Cladding
- Trim and Architectural Detailing
- Openings (Windows and Doors)
- Porches and Entrances
- Landscape, Fencing and Perimeter Definition
- Additions
- Front Facing Presentations

Volume and mass was addressed through architectural features on the structure from the front with stone material, a porch and steep roof pitches. The building features complimented the home to the east and there were architectural projections with the roof lines as well as a pillar on the porch to add to the verticality. The height of the house was proposed to be 29'-8" feet meeting the overall height standard. The roof and plumbing vents will not be visible from the street.

There were no flat roofs visible from the street and the roof pitch from the front was 12/12. There are two different roof levels for complexity with asphalt shingles that will match the color of the siding and trim.

The front door would be metal with glazing on the top half and a glass panel adjacent to the door. These two features provided compliance with the approval criteria along with the clear sliding glass rear door. All windows met the width to height ratio of 1.5 to 2 with except the three windows on the second floor in the bathrooms. These three windows could not meet the height ratio due to the low plate height of the floor. All windows would be single hung and casement.

Four architectural features were identified to meet the trim and architectural detailing including corner boards, bargeboard with shake mold trim, decorative foundation treatment, and shingled decorative gable ends. All of these details added interest to the dwelling and satisfied the requirement.

As noted in the staff report, the Old Town Overlay Community Design standards required all exterior materials to be earth tone; the color palette submitted and reviewed by the hearing authority. The applicant proposed materials comprised of off-white, brick red, and harvest yellow tones that met the earth tones requirement (shown in the presentation).

Ms. Chang stated the required public notices were completed and no public comments were received. Staff recommended approval of the proposed single family residence within the Old Town Overlay with conditions as identified in the staff report.

Chair Simson asked for questions from the commission for staff. None were received. Chair Simson asked for applicant testimony.

Jon Dickover, Sherwood High School Construction Teacher, had no comments and agreed with the conditions of approval.

Commissioner Rettig noted the condition to have a shared driveway and said the driveway on the adjacent property seems to go to the property line. Bob Galati, City Engineer, responded the amount of approach on a collector status road needed to be compressed to keep it away from the intersection. The driveways would be shared and split as they came in. Commissioner Retting added the utility locates showed two storm line in that location. Mr. Galati confirmed that two storm lines were brought in from the street (side by side) and each house would have individual storm laterals as the city did not allow shared lateral connections. A public utility easement along the front of the lot addressed concerns about crossing property lines. Staff would confirm storm lateral locations at construction. The sanitary line would be off of the back of the property.

Chair Simson asked for public comments. No public comments were received. She asked for final comments from staff or questions from the Commission. There were none.

Motion: From Vice Chair Christopher Flores to approve the application for LA 17-01 Bowman House 4 based on applicant testimony, public testimony received and the analysis, findings and conditions in the staff report, seconded by Commissioner Rob Rettig. All Present Commissioners voted in favor.

Chair Simson called for a recess at 7:35 pm and reconvened at 7:58 pm

b. Public Hearing – SP 17-01/ SUB 17-03 Parkway Village South

Chair Simson said when the public hearing was opened one of the planning commissioners would be recusing himself, which meant the Commission would not have a quorum [needed to make a decision]. She asked the applicant to come forward.

Joey Shearer, AKS Engineering and planning consultant for the applicant came forward and said the applicant would be happy to continue the meeting to a date and time certain. The next scheduled Planning Commission meeting was scheduled for December 12, 2017. The applicant understood moving the hearing back a month was getting close to the 120 timeline (see ORS 227.178). The client was not present, but Mr. Shearer did not imagine it would be a problem to extend the time in order to ensure there was ample opportunity to have the application heard.

Chair Simson said there was a need for an official tolling of the 120 days so deadlines were maintained correctly. The decision by the Planning Commission should take place by December 2, 2017 to allow for the 14 day appeal period to the Land Use Board of Appeals (LUBA).

Josh Soper, City Attorney, added that if the hearing was continued to December 12, 2017 and if there was no tolling (extension) of the 120 day requirement, the deadline could not be met. He said the applicant needed to either toll the 120 days tonight and have the hearing December 12th or continue the hearing to Thursday night [November 30th]. Mr. Shearer gave a verbal approval to extend the 120 period an additional 30 days.

Chair Simson said anyone wishing to testify would have an opportunity on December 12, 2017 or could

provide written comments to staff.

The following motion was received.

Motion: From Vice Chair Christopher for the Sherwood Planning Commission to continue the public hearing on application SP 17-01/SUB 17-03 for the Parkway Village South until December 12, 2017, seconded by Commissioner Kara Repp. All Present Commissioners voted in favor.

Julia Hajduk, Community Development Director added that it was not normal for the Planning Commission to be without a quorum. The seven person planning commission had a vacancy, with one person out of town, one person unexpectedly ill and another who had to recuse himself [for conflict of interest]. It was just an unfortunate circumstance as there were usually plenty of commissioners to hear applications.

7. Planning Commissioner Announcements

Chair Simson announced Commissioner Repp would be the Planning Commission liaison for the Comprehensive Plan Update Community Advisory Committee and Chair Simson would act as the alternate.

8. Adjourn

Chair Simson adjourned the meeting at 8:05 pm.

Submitted by:

Kirsten Allen

Kirsten Allen, Planning Department Program Coordinator

Approval Date: December 12, 2017