



*Home of the Tualatin River National Wildlife Refuge*

# **Planning Commission Meeting Packet**

**FOR**

**July 12, 2016**

**Planning Commission Meeting**

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



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

## **6:30 Public Work Session Agenda**

### **1. Federal Emergency Management Association (FEMA) Floodplain Updates**

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

## **7:30 Regular Meeting**

### **1. Call to Order**

### **2. Consent Agenda**

None

### **3. Council Liaison Announcements**

### **4. Staff Announcements (Brad Kilby)**

### **5. Community Comments**

### **6. Old Business**

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

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

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

### **7. Planning Commissioner Announcements**

### **8. Adjourn**



COVER MEMO  
**SP 16-04**  
**Sherwood Plaza Apartments**

Home of the Tualatin River National Wildlife Refuge

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

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

**Mayor**  
Krisanna Clark

**Council President**  
Jennifer Harris

**Councilors**  
Renee Brouse  
Linda Henderson  
Dan King  
Jennifer Kuiper  
Sally Robinson

**City Manager**  
Joseph Gall, ICMA-CM

**Assistant City Manager**  
Tom Pessemier, P.E.

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

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

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

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

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

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

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

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

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

**Planning Commission Packet Materials**

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

**Exhibit K.** Applicant's Site Plan with Easements

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

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



CITY OF SHERWOOD  
Staff Report

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

**Sherwood Plaza Apartments**

---

TO: Planning Commission

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

From:



---

Michelle Miller, AICP  
Senior Planner

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

**I. BACKGROUND**

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

**Contact:** Brian Shahum 503-925-1850

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

**Contact:** AnneMarie Skinner, 503-746-8812

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

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

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

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

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

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

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

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

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

## II. PUBLIC COMMENTS

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

## III. AGENCY COMMENTS

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

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

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

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

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

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

#### IV. SITE PLAN REVIEW REQUIRED FINDINGS (SECTION 16.90)

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

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

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

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

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

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

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

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

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

5. **For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant shall provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate for impacts attributable to the project.**

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

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

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

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

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

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

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

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

6. **The proposed office, retail multi-family institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:**
  1. **Primary, front entrances shall be located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.**
  2. **Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.**

- 3. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.**

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

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

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

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

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

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

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

## V. APPLICABLE CODE PROVISIONS

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

### A. Division II– Land Use and Development

The applicable provisions of Division II include:

#### Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS

##### 16.22.010 – Purpose

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

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

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

##### 16.22.020 - Uses

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

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

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

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

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

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

**16.12.030. - Residential Land Use Development Standards**  
**C. Development Standard per Residential Zone (table)**

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

**1. Lot Dimensions**

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

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

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

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

**2. Setbacks**



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

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

### **16.68.030 - Building Design on Infill Lots**

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

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

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

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

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

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

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

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

**C. Height**

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

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

**16.58 Clear Vision and Fence Standards**

**16.58.010 Clear Vision Areas**

**The following requirements shall govern clear vision areas:**

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

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

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

**B. Division V- Community Design**

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

**16.92 Landscaping**

**16.92.010 - Landscaping Plan Required**

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

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

**16.92.020 - Landscaping Materials**

**A. Type of Landscaping**

Required landscaped areas shall include an appropriate combination of native evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of this Chapter. Plants may be selected from the City's "Suggested Plant Lists for Required Landscaping Manual" or suitable for the Pacific Northwest climate and verified by a landscape architect or certified landscape professional.

**1. Ground Cover Plants**

a. All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch is not a substitute for ground cover, but is allowed in addition to the ground cover plants.

b. Ground cover plants other than grasses must be at least the four-inch pot size and spaced at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three (3) years from the time of planting.

**2. Shrubs**

a. All shrubs must be of sufficient size and number to be at full growth within three (3) years of planting.

b. Shrubs must be at least the one-gallon container size at the time of planting.

**3. Trees**

a. Trees at the time of planting must be fully branched and must be a minimum of two (2) caliper inches and at least six (6) feet in height.

b. Existing trees may be used to meet the standards of this chapter, as described in Section 16.92.020.C.2.

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

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

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

**B. Plant Material Selection and Preparation**

**1. Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.**

**2. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection of the plants should include consideration of soil type, and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.**

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

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

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

### C. Existing Vegetation

**1. All developments subject to site plan review per Section 16.90.020 and required to submit landscaping plans per this section shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Review Authority, in addition to complying with the provisions of Section 16.142. (Parks, Trees and Open Space) and Chapter 16.144 (Wetland, Habitat, and Natural Resources).**

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

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

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

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

**2. Existing vegetation, except those plants on the Nuisance Plants list as identified in the "Suggested Plant Lists for Required Landscaping Manual" may be used to meet the landscape standards, if protected and maintained during the construction phase of the development.**

- a. If existing trees are used, each tree six (6) inches or less in diameter counts as one (1) medium tree.
- b. Each tree that is more than six (6) inches and up to nine (9) inches in diameter counts as two (2) medium trees.
- c. Each additional three (3) inch diameter increment above nine (9) inches counts as an additional medium tree.

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

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

### D. Non-Vegetative Features

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

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

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

#### 16.92.030 - Site Area Landscaping and Perimeter Screening Standards

##### A. Perimeter Screening and Buffering

##### 1. Perimeter Screening Separating Residential Zones:

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

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

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

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

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

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

## **2. Perimeter Landscaping Buffer**

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

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

## **3. Perimeter Landscape Buffer Reduction**

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

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

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

## **B. Parking Area Landscaping**

### **1. Purpose**

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

### **2. Definitions**

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

b. **Canopy Factor**

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

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

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

### **3. Required Landscaping**

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

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

### **4. Amount and Type of Required Parking Area Landscaping**

#### **a. Number of Trees required based on Canopy Factor**

**Small trees have a canopy factor of less than forty (40), medium trees have a canopy factor from forty (40) to ninety (90), and large trees have a canopy factor greater than ninety (90);**

- (1) **Any combination of the following is required:**

- (i) **One (1) large tree is required per four (4) parking spaces;**
- (ii) **One (1) medium tree is required per three (3) parking spaces; or**
- (iii) **One (1) small tree is required per two (2) parking spaces.**
- (iv) **At least five (5) percent of the required trees must be evergreen.**

- (2) **Street trees may be included in the calculation for the number of required trees in the parking area.**

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

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

#### **b. Shrubs:**

- (1) **Two (2) shrubs are required per each space.**

**(2) For spaces where the front two (2) feet of parking spaces have been landscaped instead of paved, the standard requires one (1) shrub per space. Shrubs may be evergreen or deciduous.**

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

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

**c. Ground cover plants:**

**(1) Any remainder in the parking area must be planted with ground cover plants.**

**(2) The plants selected must be spaced to cover the area within three (3) years. Mulch does not count as ground cover.**

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

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

**a. Individual landscaped areas (islands) shall be at least ninety (90) square feet in area and a minimum width of five (5) feet and shall be curbed to protect the landscaping.**

**b. Each landscape island shall be planted with at least one (1) tree.**

**c. Landscape islands shall be evenly spaced throughout the parking area.**

**d. Landscape islands shall be distributed according to the following:**

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

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

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

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

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

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



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

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

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

#### **D. Visual Corridors**

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

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

#### **16.92.040 Installation and Maintenance Standards**

##### **A. Installation**

All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Clean Water Services storm water management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.

##### **B. Maintenance and Mitigation of Landscaped Areas**

1. Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.

2. All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan.

3. Any required landscaping trees removed must be replanted consistent with the approved landscaping plan and comply with § 16.142, (Parks, Trees and Open Space).

##### **C. Irrigation**

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

1. Option 1: A permanent built-in irrigation system with an automatic controller installed.

**2. Option 2: An irrigation system designed and certified by a licensed landscape architect or other qualified professional as part of the landscape plan, which provides sufficient water to ensure that the plants become established. The system does not have to be permanent if the plants chosen can survive independently once established.**

**3. Option 3: Irrigation by hand. If the applicant chooses this option, an inspection will be required one (1) year after final inspection to ensure that the landscaping has become established.**

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

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

### **16.94 Off Street Parking and Loading**

#### **16.94.010 - General Requirements**

##### **E. Location**

###### **1. Residential off-street parking spaces:**

- a. Shall be located on the same lot or development as the residential use.
- b. Shall not include garages or enclosed buildings with the exception of a parking structure in multifamily developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).

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

##### **F. Marking**

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

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

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

##### **G. Surface and Drainage**

1. All parking and loading areas shall be improved with a permanent hard surface such as asphalt, concrete or a durable pervious surface. Use of pervious paving material is encouraged and preferred where appropriate considering soils, location, anticipated vehicle usage and other pertinent factors.

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

## H. Repairs

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

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

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

## I. Parking and Loading Plan

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

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

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

### 16.94.020 - Off-Street Parking Standards

#### A. Generally

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

Table 1: Minimum and Maximum Parking Standards

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

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

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

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

## B. Dimensional and General Configuration Standards

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

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

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

## 2. Layout

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

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

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

### 3. Wheel Stops

a. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high, located three (3) feet back from the front of the parking stall as shown in the above diagram.

b. Wheel stops adjacent to landscaping, bio-swales or water quality facilities shall be designed to allow storm water runoff.

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

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

### C. Bicycle Parking Facilities

#### 1. General Provisions

a. **Applicability.** Bicycle parking spaces shall be provided for new development, changes of use, and major renovations, defined as construction valued at twenty-five (25) percent or more of the assessed value of the existing structure.

b. **Types of Spaces.** Bicycle parking facilities shall be provided in terms of short-term bicycle parking and long-term bicycle parking. Short-term bicycle parking is intended to encourage customers and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for at least several hours a weather-protected place to park bicycles.

c. **Minimum Number of Spaces.** The required total minimum number of bicycle parking spaces for each use category is shown in Table 4, Minimum Required Bicycle Parking Spaces.

d. **Minimum Number of Long-term Spaces.** If a development is required to provide eight (8) or more required bicycle parking spaces in Table 4, at least twenty-five (25) percent shall be provided as long-term bicycle with a minimum of one (1) long-term bicycle parking space.

e. **Multiple Uses.** When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.

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

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

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

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

## 2. Location and Design.

### a. General Provisions

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

### b. Short-term Bicycle Parking

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

### c. Long-term Bicycle Parking

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

### d. Covered Parking (Weather Protection)

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

#### **Table 4: Minimum Required Bicycle Parking Spaces Residential Categories**

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

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

**16.96 Onsite Circulation**

**16.96.010 - On-Site Pedestrian and Bicycle Circulation**

**A. Purpose**

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

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

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

**16.96.020 Minimum - Residential standards**

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

**A. Driveways**

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

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

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

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

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

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

## **B. Sidewalks and Curbs**

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

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

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

### **16.98.020 - Solid Waste Storage**

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

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

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

## **C. Division VI - Public Improvements**

### **16.108– Streets**

#### **16.108.030.01 – Required Improvements**

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

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



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

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

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

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

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

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

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

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

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

**16.108.040.03 - Underground Utilities**

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

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

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

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

**16.108.050.11-Transit Facilities**

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

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

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

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

**16.110 - Sanitary Sewers**

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

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

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

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

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

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

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

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

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

#### 16.112– Water Supply

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

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

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

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

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

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

#### 16.114 - Storm Water

**Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage system consistent with the Comprehensive Plan, the requirements of the Clean Water Services water quality regulations and section 16.114.**

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

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

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

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

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

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

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

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

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

#### 16.116.010 - Fire Protection

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

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

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

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

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

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

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

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

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

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

#### **16.118.020 – Public and Private Utilities Standard**

- A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.**
- B. Public utility easements shall be a minimum of eight feet in width unless a reduced width is specifically exempted by the City Engineer.**
- C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property (ies).**
- D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.**
- E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.**

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

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

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

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

#### **D. Division VIII. Environmental Resources**

##### **Chapter 16.142 - PARKS, TREES AND OPEN SPACES**

##### **16.142.020 - Multi-Family Developments**

##### **A. Standards**

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

##### **1. Open Space**

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

##### **2. Recreation Facilities**

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

##### **3. Minimum Standards**

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

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

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

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

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

**16.142.040 - Visual Corridors**

**A. Corridors Required**

**New developments located outside of the Old Town Overlay with frontage on Highway 99W, or arterial or collector streets designated on Figure 8-1 of the Transportation System Plan shall be required to establish a landscaped visual corridor according to the following standards:**

	<b>Street</b>	<b>Minimum Corridor</b>
<b>3.</b>	<b>Collector</b>	<b>10 feet</b>

**B. Landscape Materials**

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

**3. Establishment and Maintenance**

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

#### 4. Required Yard

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

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

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

#### **16.142.050 Trees Along Public Streets or on Other Public Property**

##### **16.142.050. Street Trees**

**A. Trees are required to be planted to the following specifications along public streets abutting or within any new development or redevelopment. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.**

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

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

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

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

##### **B. Applicability**

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



**C. Inventory**

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

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

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

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

**3. Required Tree Canopy - Non-Residential and Multi-family Developments**

**Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation  $\pi r^2$  to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.**

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

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

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

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

#### 16.146.020 - Noise Sensitive Uses

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

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

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

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

#### 16.148.010 - Vibrations

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

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

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

#### 16.150.010 – Air Quality

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

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

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

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

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

**16.152.010 - Odors**

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

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

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

**16.154.010 – Heat and Glare**

**Except for exterior lighting, all otherwise permitted commercial, industrial, and institutional uses shall conduct any operations producing excessive heat or glare entirely within enclosed buildings. Exterior lighting shall be directed away from adjoining properties, and the use shall not cause such glare or lights to shine off site in excess of one-half (0.5) foot candle when adjoining properties are zoned for residential uses.**

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

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

**RECOMMENDATION**

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

**VI. CONDITIONS OF APPROVAL**

**A. General Conditions**

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. This land use approval shall substantially comply with the submitted preliminary site plans dated March, 2016 prepared by Emerio Engineering except as indicated in the following conditions of the Notice of Decision. Additional

development or change of use may require a new development application and approval.

3. The developer/owner/applicant is responsible for all costs associated with private/public facility improvements.
4. **This approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. An on-going condition of the approval is that the site be maintained in accordance with the approved site plan. In the event that landscaping is not maintained, in spite of the assurances provided, this would become a code compliance issue.
6. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
7. A temporary use permit must be obtained from the Planning Department prior to placing a construction trailer on-site.
8. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.

**B. Prior to issuance of grading or erosion control permits from the Building Department:**

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

**C. Prior to Final Site Plan Approval:**

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

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

**D. Prior to Engineering Plan Approval.**

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

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

**E. Prior to Issuance of a Building Permit:**

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

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

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

1. Provide an 8 foot public utility easements for the water meter and the FDC vault and assembly in conformance with City standards.
2. All public improvements shall be competed, inspected and approved, as applicable, by the City, CWS, TVF & R, TVWD and other applicable agencies.
3. All agreements required as conditions of this approval must be signed and recorded.
4. All site improvements including but not limited to landscaping, parking and site lighting shall be installed per the approved final site plan and inspected and approved by the Planning Department.
5. All other appropriate department and agency conditions have been met.
6. Ensure that the parking and loading areas are in good repair, wheel stops are in good condition and the painted parking space boundaries and directional symbols are readable.
7. Install wheel stops where they abut sidewalks or interior landscaping.
8. Install the private sanitary sewer in compliance with the current Oregon Plumbing Specialty Code.
9. All public sanitary sewer infrastructure shall be designed to meet the City of

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

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

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

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

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

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

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

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

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

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

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

**G On-going Conditions:**

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



## VII. EXHIBITS

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



ARCHITECTURE  
INCORPORATED

222 COMMERCIAL ST. NE  
SALEM, OR 97301-3410  
P: 503-390-6500  
www.studio3architecture.com

IN THE EVENT CONFLICTS ARE DISCOVERED  
BETWEEN THE ORIGINAL SIGNED AND SEALED  
DOCUMENTS PREPARED BY THE ARCHITECTS  
AND/OR THE COMMISSIONER, AND ANY COPY OR  
REPRODUCTION OF THE DOCUMENTS TRANSMITTED BY MAIL, FAX,  
ELECTRONIC MAIL OR OTHERWISE, THE ORIGINAL  
SIGNED AND SEALED DOCUMENTS SHALL GOVERN.

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

REVISIONS



1 PERSPECTIVE VIEW FROM SW LANGER DR

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

SHEET:

**3D**

Exhibit J





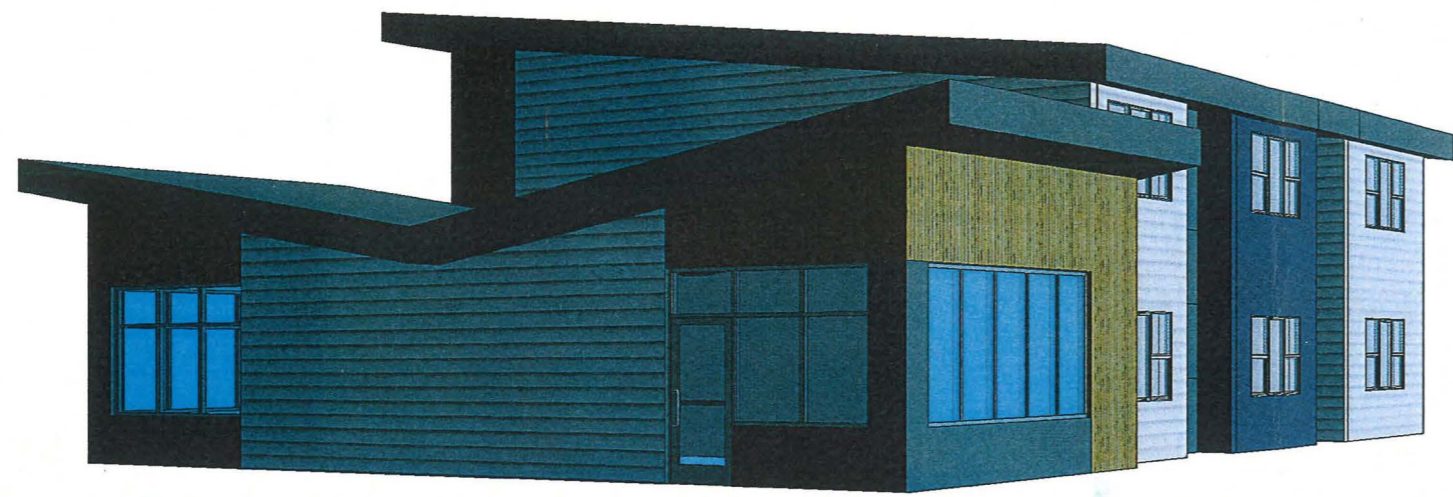
ARCHITECTURE  
INCORPORATED

222 COMMERCIAL ST. NE  
SALEM, OR 97301-3410  
P: 503.390.6500  
www.studio3architecture.com

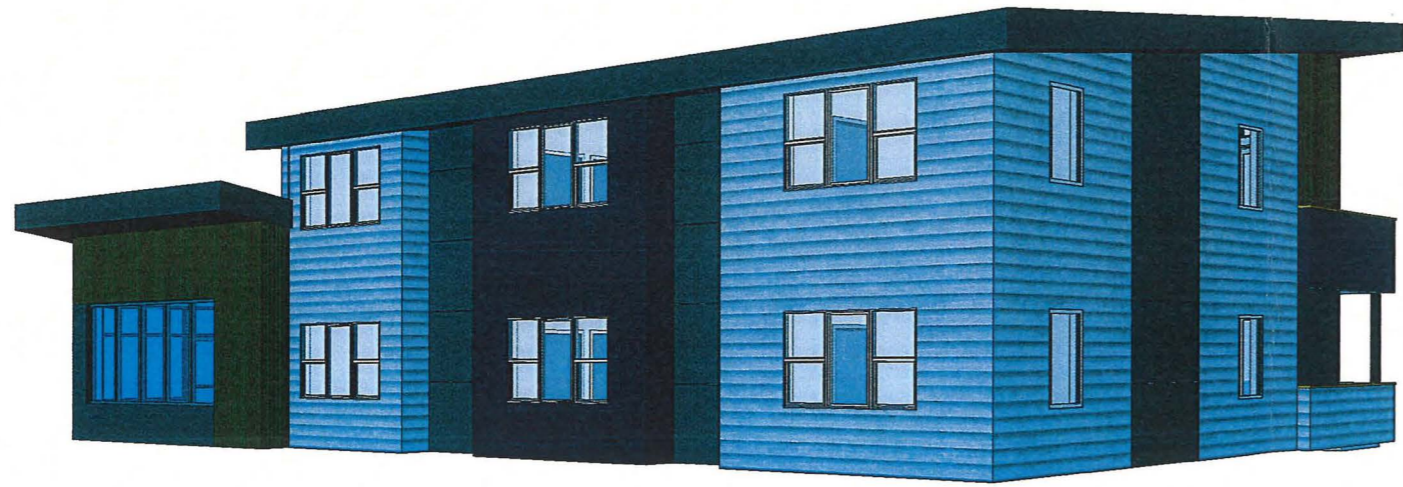
IN THE EVENT CONFLICTS ARE DISCOVERED  
BETWEEN THE ORIGINAL SIGNED AND SEALED  
DOCUMENTS PREPARED BY THE ARCHITECT  
AND/OR THE CONSULTANT, THE ORIGINAL COPY OF  
THE DOCUMENT TRANSMITTED BY MAIL, FAX,  
ELECTRONICALLY OR OTHERWISE, THE ORIGINAL  
SIGNED AND SEALED DOCUMENT SHALL PREVAIL.

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

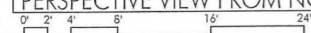
REVISIONS



1 PERSPECTIVE VIEW FROM NORTHEAST



2 PERSPECTIVE VIEW FROM NORTHWEST



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

SHEET:  
**A2.09**





1 PERSPECTIVE VIEW FROM NORTHWEST

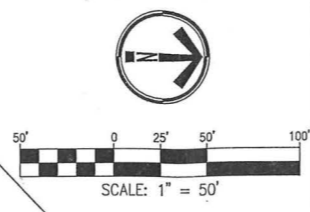
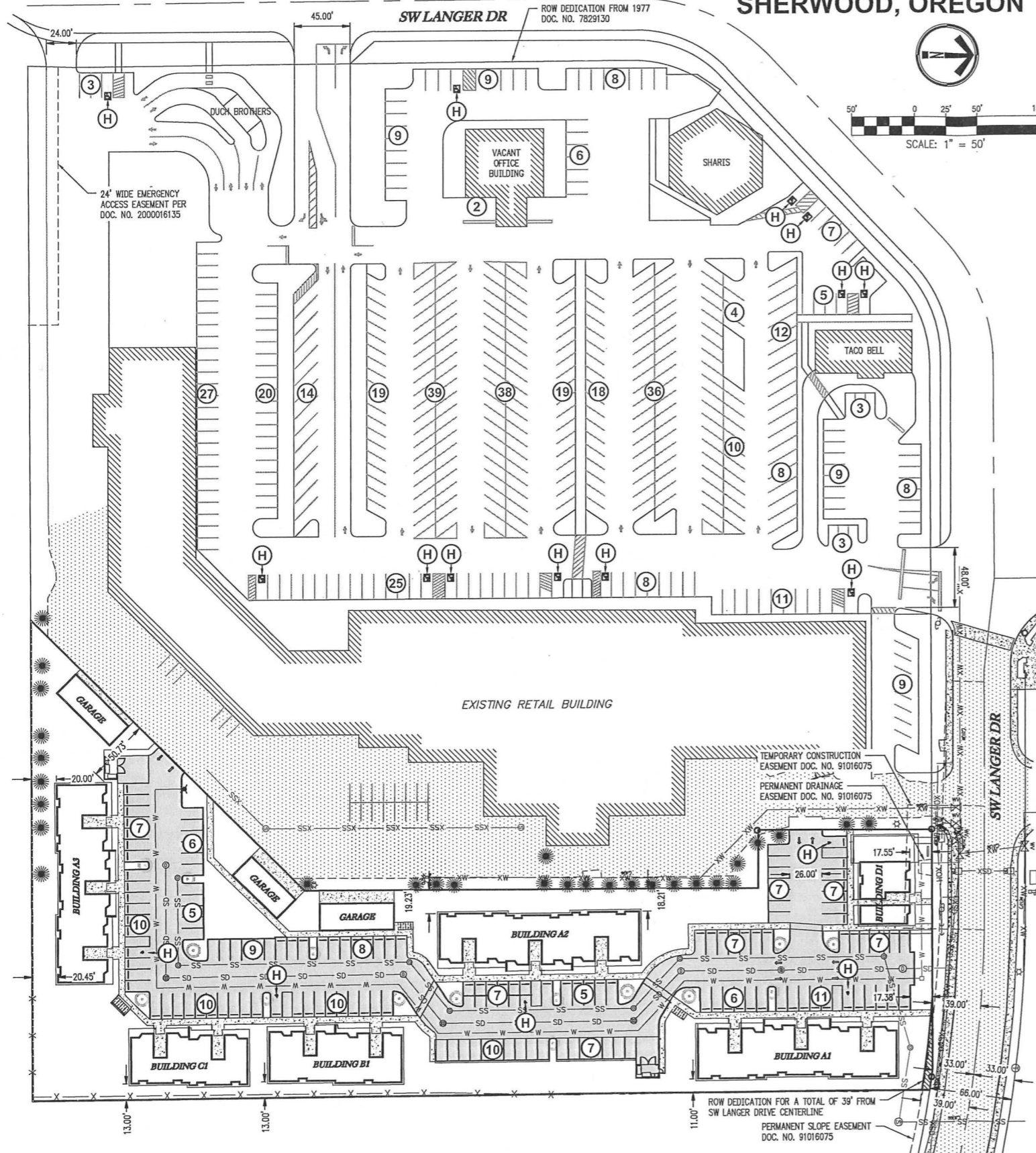
**NEW MULTI-FAMILY HOUSING  
SHERWOOD APARTMENTS**  
16390 SW LANGER DR. SHERWOOD, OREGON 97140

SHEET:

**A2.03**

# SHERWOOD PARK APARTMENTS

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



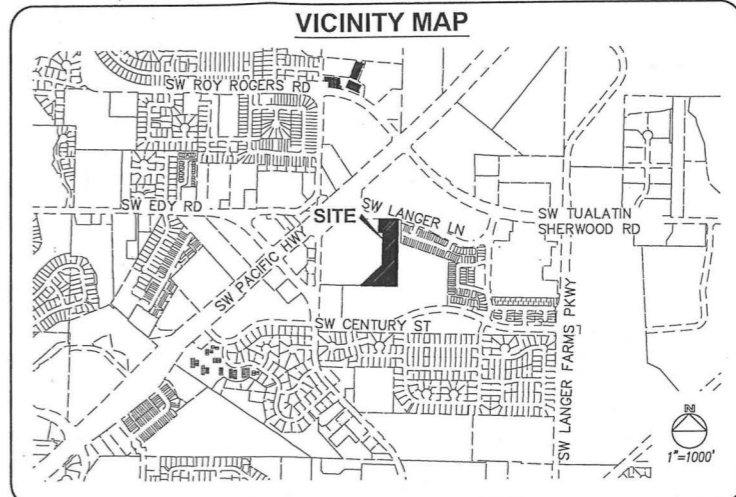
**PROJECT CONTACTS**

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

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

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

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



**SITE DATA**

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

**DRAWING INDEX**

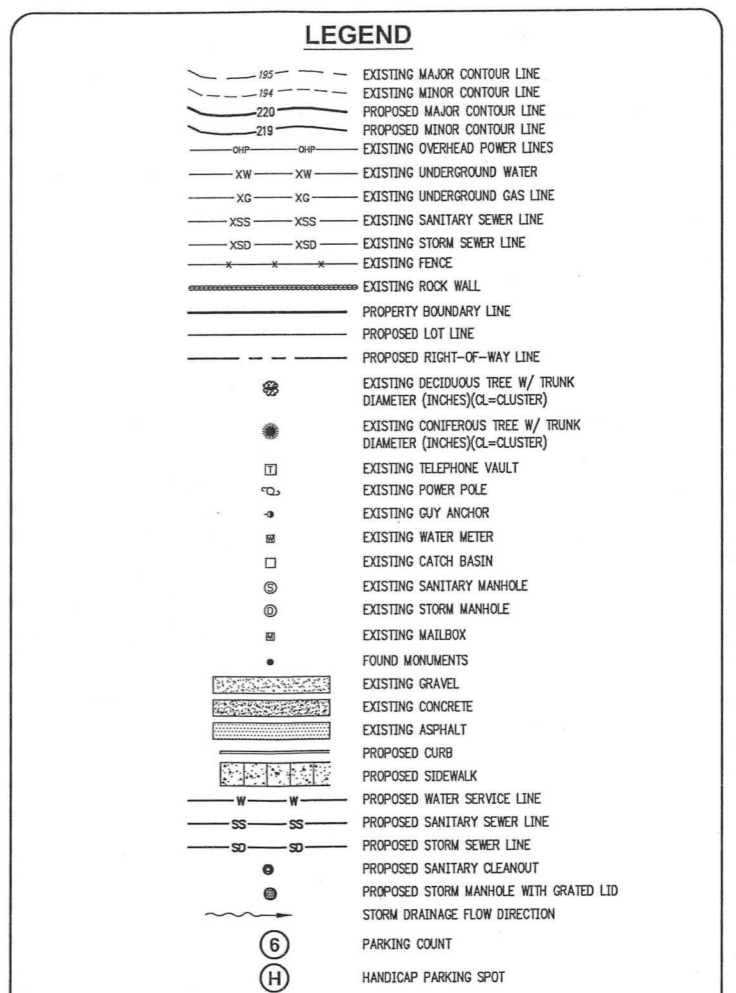
Sheet Number	Sheet Title
1	OVERALL SITE PLAN
2	EXISTING CONDITIONS - RESIDENTIAL AREA
3	PRELIMINARY GRADING AND EROSION CONTROL PLAN
4	PRELIMINARY UTILITY AND STORMWATER PLAN
5	AERIAL OVERLAY MAP

**NOTES:**

- THE SITE DOES NOT CONTAIN ANY FLOODPLAINS OR WETLANDS

**EASEMENT NOTES:**

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



**ENGINEER'S NOTE TO CONTRACTOR**

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

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

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

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

OVERALL SITE PLAN

NO.	DATE	DESCRIPTION

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

SHEET 1 OF 5

Exhibit K



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

EXISTING  
CONDITIONS -  
RESIDENTIAL AREA

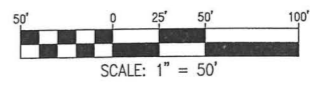
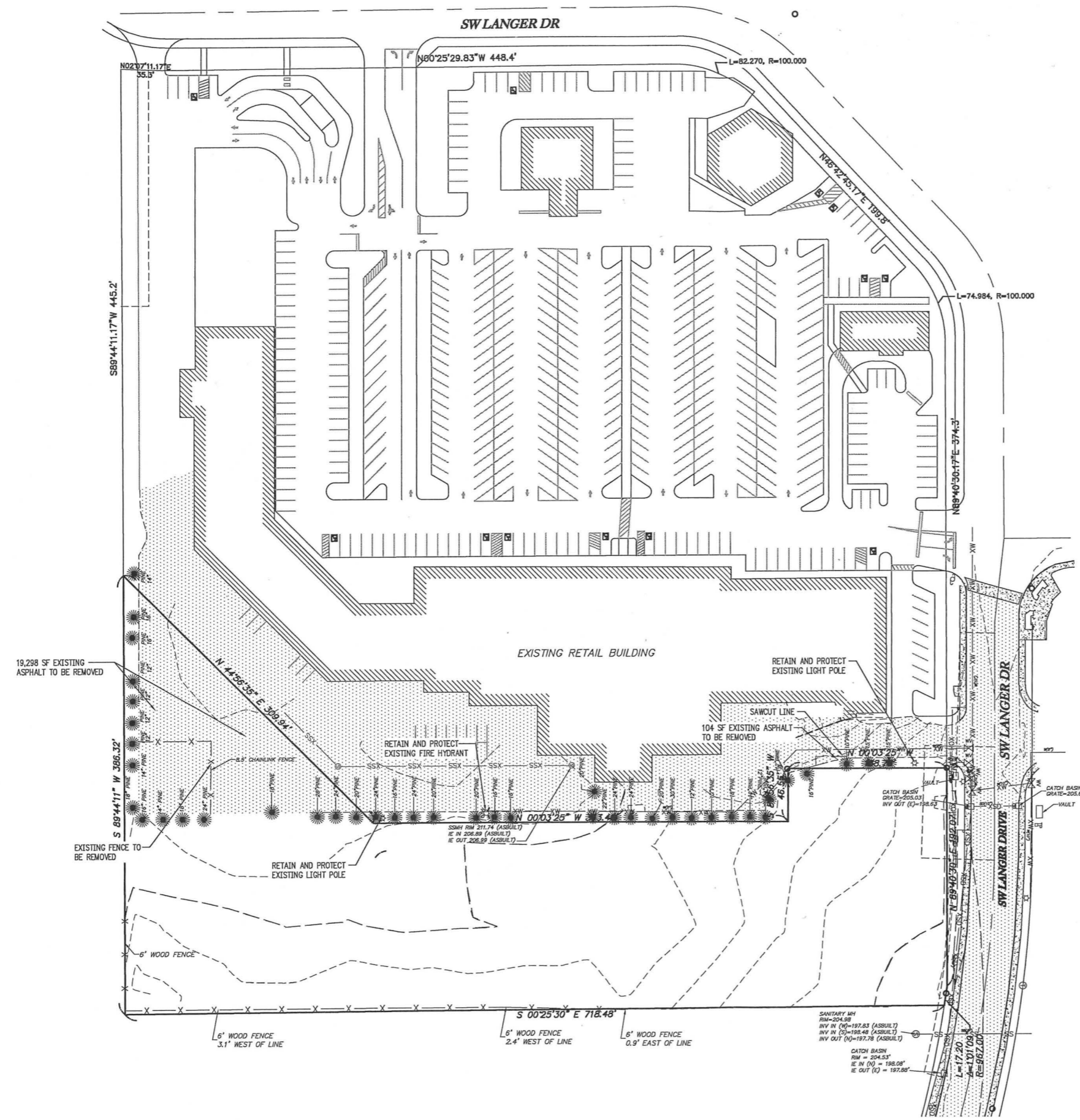
REVISIONS  
NO. DATE DESCRIPTION

**EMERIO**  
*Design*

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

SHEET  
**2**  
OF  
**5**

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



**LEGEND**

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

**SURVEY NOTES:**

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

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

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

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

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

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



July 1, 2016

Brian Shahum  
Mercury Development  
Senior Director

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

Dear City of Sherwood Commissioners,

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

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

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



**MERCURY**

DEVELOPMENT

*Creating Value For Our Clients Since 1953*

*Plannning Commission Meeting*

*July 12, 2016*

COMMERCIAL REAL ESTATE

LEASING • MANAGEMENT • ACQUISITIONS


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

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

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

Respectfully,

Brian Shahum

 7/11/16



Sherwood Planning Commission Meeting

Date: July 12, 2016

Meeting Packet

Approved Minutes

Date Approved: September 13, 2016

Request to Speak Forms

Documents submitted at meeting:

WS - Exhibit 1 - FIRM Maps 539, 601, 602, 606

See also [www.oregon.gov/LCD/pages/NFIP\\_Biop.aspx](http://www.oregon.gov/LCD/pages/NFIP_Biop.aspx)

Regular Session:

Gen. Sherwood Plaza Apartments SP 1605 - Exh 2

**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: 7-12-16 Agenda Item: \_\_\_\_\_ (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 YOUR POSITION/INTEREST ON THE AGENDA ITEM**

Applicant: \_\_\_\_\_ Proponent: \_\_\_\_\_ Opponent: \_\_\_\_\_ Other: X

**3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.**

Name: Tom Bevel

Address: 17036 SW Lynx

City/State/Zip: Sherwood OR

Email Address: Rugbybevel@AOL.com

I represent: **Myself** X **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: 7.12.2016 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 YOUR POSITION/INTEREST ON THE AGENDA ITEM**

Applicant: \_\_\_\_\_ Proponent: \_\_\_\_\_ Opponent: \_\_\_\_\_ Other: X

**3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.**

Name: Nancy Taylor  
Address: \_\_\_\_\_  
City/State/Zip: Sherwood, OR city limits  
Email Address: on file

I represent: **Myself** X **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: July 12th - 2016 Agenda Item: 6 a (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 YOUR 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: R. J. CLAY  
Address: \_\_\_\_\_  
City/State/Zip: Sherwood  
Email Address: \_\_\_\_\_

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: 7-12-16 Agenda Item: Sherwood Plaza Apts (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 YOUR 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: Anne Marie Skinner

Address: 2255 SW Nimbus Ave #180

City/State/Zip: Beaverton, OR 97008

Email Address: amemarie@emeriodesign.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: 7-12-16 Agenda Item: SHERWOOD PLAZA APARTMENTS (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 YOUR 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: JIM TOPOREK

Address: 222 COMMERCIAL ST NE

City/State/Zip: SALEM, OR 97301

Email Address: JIM@STUDIO3ARCHITECTURE.COM

I represent: **Myself** \_\_\_\_\_ **Other** MERCURY 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: 7/12/16 Agenda Item: Sherwood Apartments (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 YOUR 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: BRIAN SHAHUN

Address: 16390 SW Sequoia Pkwy, Suite 170, Portland, OR

City/State/Zip: \_\_\_\_\_

Email Address: BSHAHUN@MERCURYDEV.COM

I represent: **Myself** X **Other** \_\_\_\_\_

**4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.**







**NOTES TO USERS**

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources or small creeks. The emergency map preparatory should be provided for possible updates or additional flood hazard information.

To obtain more detailed information in areas where Base Flood Elevations (BFEs) and/or Floodways have been determined, users are encouraged to review the Flood Profiles and Floodway Data Annex Summary of Floodwater Elevations and Profiles within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded, whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be obtained in consultation with the FIRM for purposes of construction and/or floodplain management.

Certain Base Flood Elevations shown on this map apply only landward of 0' North American Vertical Datum (NAVD83). Users of this FIRM should be aware that certain flood elevations are also provided in the Summary of Floodwater Elevations and Profiles in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Floodwater Elevations table should be used for operation and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the Floodways were computed at cross sections and interpolated between cross sections. The Floodway data was based on hydraulic computations with regard to topography of the National Flood Insurance Program. Floodway walls and other permanent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2-A "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures in this jurisdiction.

The projection used in the preparation of this map was Universal Transverse Mercator zone 10. The horizontal datum was NAD 83. GRS 80 spheroid. Distances in meters, spherical projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1988 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

NGS Information Service  
 NOAA NGS12  
 National Geodetic Survey  
 SSMC3 95022  
 1315 East-West Highway  
 Silver Spring, MD 20910-3282

To obtain current elevation, description, and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3243, or visit its website at <http://www.ngs.noaa.gov>.

Base Map information shown on this FIRM was derived from multiple sources. Base map files were provided in digital format by the Metro Data Resources Center. This information was compiled from many local sources and includes transportation features, water features, political boundaries, and Public Land Survey System features.

This map reflects more detailed and up-to-date stream channel configurations than were shown on the previous FIRM for this jurisdiction. The Floodways and Floodways Data Annex Summary of Floodwater Elevations and Profiles that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data Annex may reflect stream channel distances that differ from what is shown on this map.

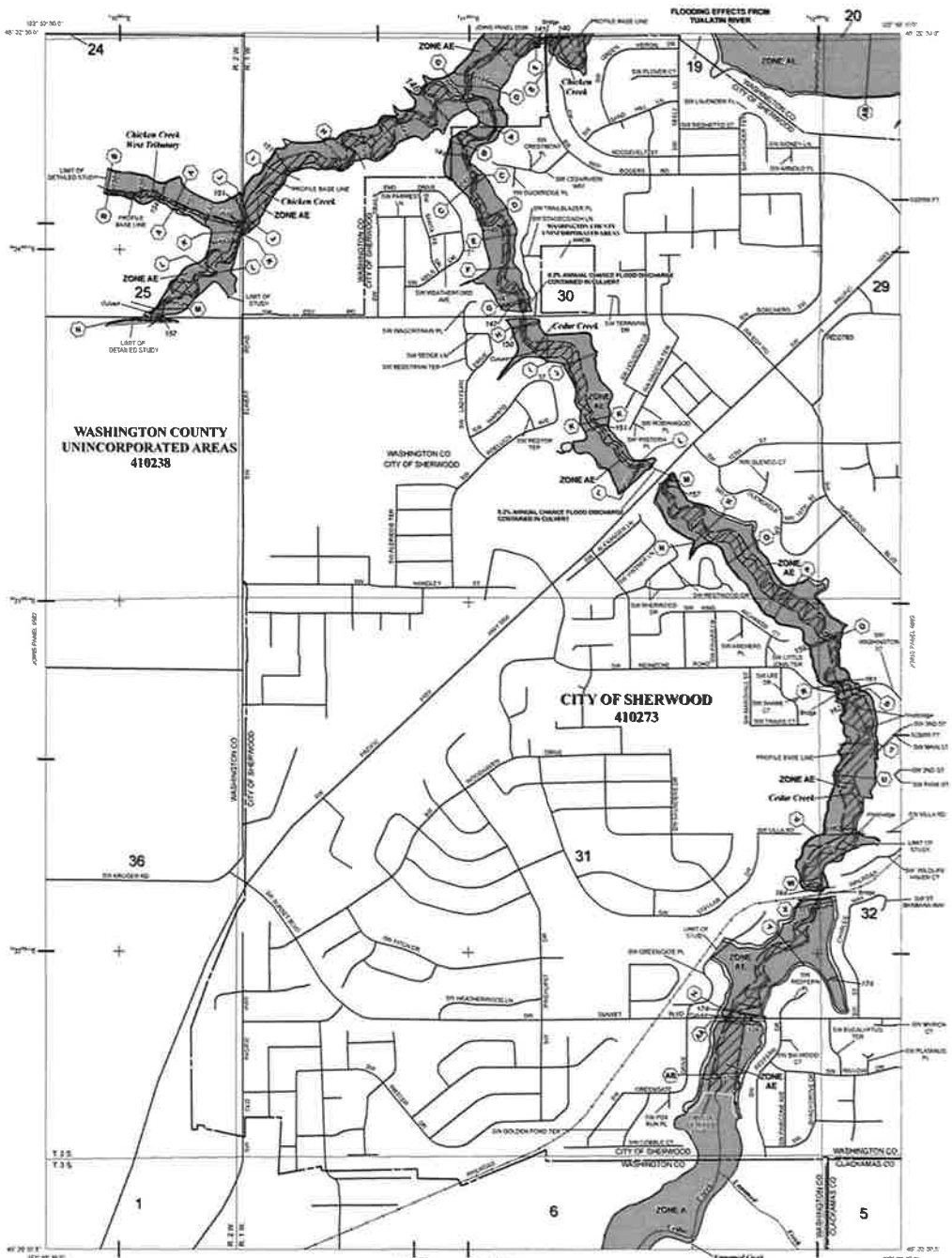
Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or re-annexations may have occurred after the map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed Map Index for an overview map of the county showing the location of map panels, community map preparatory addresses, and a Listing of Communities table containing National Flood Insurance Program details for each community as well as a listing of the panels on which each community is located.

The profile base lines detailed on this map represent the hydraulic modeling base lines that match the flood profiles in the FIS report. As a result of improved topographic data, the profile base lines in some areas may deviate significantly from the elevated topography or lower contours of the FEMA.

For information on available products associated with this FIRM visit the FEMA Flood Map Service Center (FMSC) website at [www.fema.gov](http://www.fema.gov). Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the FMSC website.

If you have questions about this map, how to order products or the National Flood Insurance Program in general, please call the FEMA Map Information Exchange (FMIE) at 1-877-FEMA-MAP (1-877-326-2627) or visit the FEMA website at <http://www.fema.gov>.



**LEGEND**

**SPECIAL FLOOD HAZARD AREAS (SPECIAL FLOOD PROTECTION BY THE NATIONAL FLOOD INSURANCE PROGRAM)**

- ZONE AE: 1% Annual Chance Flood (Floodway Flood) - Areas within the base flood, in the floodway, are the 1% annual chance flood elevation in the floodway. The Special Flood Hazard Area in the base flood is determined by the 1% annual chance flood, areas of Special Flood Hazard Areas (AE, A, X, Y, Z, V1, V2, V3, and VE). The Base Flood Elevation in the base flood is determined in the 1% annual chance flood.
- ZONE A: 1% Annual Chance Flood (Floodway Flood) - Areas within the base flood, in the floodway, are the 1% annual chance flood elevation in the floodway. The Special Flood Hazard Area in the base flood is determined by the 1% annual chance flood, areas of Special Flood Hazard Areas (AE, A, X, Y, Z, V1, V2, V3, and VE). The Base Flood Elevation in the base flood is determined in the 1% annual chance flood.
- ZONE X: 1% Annual Chance Flood (Floodway Flood) - Areas within the base flood, in the floodway, are the 1% annual chance flood elevation in the floodway. The Special Flood Hazard Area in the base flood is determined by the 1% annual chance flood, areas of Special Flood Hazard Areas (AE, A, X, Y, Z, V1, V2, V3, and VE). The Base Flood Elevation in the base flood is determined in the 1% annual chance flood.
- ZONE V1: 1% Annual Chance Flood (Floodway Flood) - Areas within the base flood, in the floodway, are the 1% annual chance flood elevation in the floodway. The Special Flood Hazard Area in the base flood is determined by the 1% annual chance flood, areas of Special Flood Hazard Areas (AE, A, X, Y, Z, V1, V2, V3, and VE). The Base Flood Elevation in the base flood is determined in the 1% annual chance flood.
- ZONE V2: 1% Annual Chance Flood (Floodway Flood) - Areas within the base flood, in the floodway, are the 1% annual chance flood elevation in the floodway. The Special Flood Hazard Area in the base flood is determined by the 1% annual chance flood, areas of Special Flood Hazard Areas (AE, A, X, Y, Z, V1, V2, V3, and VE). The Base Flood Elevation in the base flood is determined in the 1% annual chance flood.
- ZONE V3: 1% Annual Chance Flood (Floodway Flood) - Areas within the base flood, in the floodway, are the 1% annual chance flood elevation in the floodway. The Special Flood Hazard Area in the base flood is determined by the 1% annual chance flood, areas of Special Flood Hazard Areas (AE, A, X, Y, Z, V1, V2, V3, and VE). The Base Flood Elevation in the base flood is determined in the 1% annual chance flood.
- ZONE VE: 1% Annual Chance Flood (Floodway Flood) - Areas within the base flood, in the floodway, are the 1% annual chance flood elevation in the floodway. The Special Flood Hazard Area in the base flood is determined by the 1% annual chance flood, areas of Special Flood Hazard Areas (AE, A, X, Y, Z, V1, V2, V3, and VE). The Base Flood Elevation in the base flood is determined in the 1% annual chance flood.

**FLOODWAY AREAS (ZONE AE)**

The Floodway is the channel of water that carries the excess floodwater from the base flood, in the floodway, are the 1% annual chance flood elevation in the floodway. The Special Flood Hazard Area in the base flood is determined by the 1% annual chance flood, areas of Special Flood Hazard Areas (AE, A, X, Y, Z, V1, V2, V3, and VE). The Base Flood Elevation in the base flood is determined in the 1% annual chance flood.

**OTHER FLOOD AREAS**

- ZONE X: Areas of 1% Annual Chance Flood (Floodway Flood) - Areas within the base flood, in the floodway, are the 1% annual chance flood elevation in the floodway. The Special Flood Hazard Area in the base flood is determined by the 1% annual chance flood, areas of Special Flood Hazard Areas (AE, A, X, Y, Z, V1, V2, V3, and VE). The Base Flood Elevation in the base flood is determined in the 1% annual chance flood.
- ZONE V1: Areas of 1% Annual Chance Flood (Floodway Flood) - Areas within the base flood, in the floodway, are the 1% annual chance flood elevation in the floodway. The Special Flood Hazard Area in the base flood is determined by the 1% annual chance flood, areas of Special Flood Hazard Areas (AE, A, X, Y, Z, V1, V2, V3, and VE). The Base Flood Elevation in the base flood is determined in the 1% annual chance flood.
- ZONE V2: Areas of 1% Annual Chance Flood (Floodway Flood) - Areas within the base flood, in the floodway, are the 1% annual chance flood elevation in the floodway. The Special Flood Hazard Area in the base flood is determined by the 1% annual chance flood, areas of Special Flood Hazard Areas (AE, A, X, Y, Z, V1, V2, V3, and VE). The Base Flood Elevation in the base flood is determined in the 1% annual chance flood.
- ZONE V3: Areas of 1% Annual Chance Flood (Floodway Flood) - Areas within the base flood, in the floodway, are the 1% annual chance flood elevation in the floodway. The Special Flood Hazard Area in the base flood is determined by the 1% annual chance flood, areas of Special Flood Hazard Areas (AE, A, X, Y, Z, V1, V2, V3, and VE). The Base Flood Elevation in the base flood is determined in the 1% annual chance flood.
- ZONE VE: Areas of 1% Annual Chance Flood (Floodway Flood) - Areas within the base flood, in the floodway, are the 1% annual chance flood elevation in the floodway. The Special Flood Hazard Area in the base flood is determined by the 1% annual chance flood, areas of Special Flood Hazard Areas (AE, A, X, Y, Z, V1, V2, V3, and VE). The Base Flood Elevation in the base flood is determined in the 1% annual chance flood.

**CONCRETE BARRIERS RESOURCES SYSTEM (CBRS)**

**OTHER AREAS PROTECTED AREAS (OPAs)**

- OPAs: Areas of 1% Annual Chance Flood (Floodway Flood) - Areas within the base flood, in the floodway, are the 1% annual chance flood elevation in the floodway. The Special Flood Hazard Area in the base flood is determined by the 1% annual chance flood, areas of Special Flood Hazard Areas (AE, A, X, Y, Z, V1, V2, V3, and VE). The Base Flood Elevation in the base flood is determined in the 1% annual chance flood.

**Map Scale 1" = 500'**

**Map Scale 1" = 1000'**

**NFIP**

**PANEL 601E**

**FIRM FLOOD INSURANCE RATE MAP WASHINGTON COUNTY, OREGON AND INCORPORATED AREAS**

**PANEL 601 OF 600**  
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

COMMUNITY: WASHINGTON COUNTY  
 FIRM NUMBER: 17023  
 EFFECTIVE DATE: NOVEMBER 4, 2016

**MAP NUMBER 410233E**  
**EFFECTIVE DATE NOVEMBER 4, 2016**

Federal Emergency Management Agency

**NOTES TO USERS**

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map regularly should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where Base Flood Elevations (BFEs) and/or Floodway Data were determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Elevation Data tables contained within the Flood Insurance Study (FIS) report that accompanies the FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodway management.

Coastal Base Flood Elevations shown on the map apply only to landward of 0' North American Vertical Datum (NAVD83). Users of the FIRM should be aware that coastal flood elevations are also provided in the Summary of Elevation Data tables in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Elevation Data tables should be used for construction and/or floodway management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the Floodways were computed at cross sections and interpolated between cross sections. The Floodways were based on hydraulic computations with regard to requirements of the National Flood Insurance Program. Floodway width and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures in this jurisdiction.

The projection used in the preparation of this map was Universal Transverse Mercator zone 10. The horizontal datum was NAD 83, (GRS 80 system). Differences in datum, spheroid, projection or UTM areas used in the preparation of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

NGS Information Service  
 NOAA/NMFS/12  
 National Geodetic Survey  
 SSMC-1 #0002  
 1315 East-West Highway  
 Silver Spring, MD 20910-3202

To obtain current elevation, description and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3342, or visit its website at <http://www.ngs.noaa.gov>.

Base Map information shown on this FIRM was derived from multiple sources. Base map files were provided in digital format by the Metro Data Resources Center. This information was compiled from many local sources and includes transportation features, water features, political boundaries, and Public Land Survey System features.

This map reflects more detailed and up-to-date stream channel configurations than those shown on the previous FIRM for this jurisdiction. The floodway and floodway data that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables may reflect stream channel data that differ from what is shown on this map.

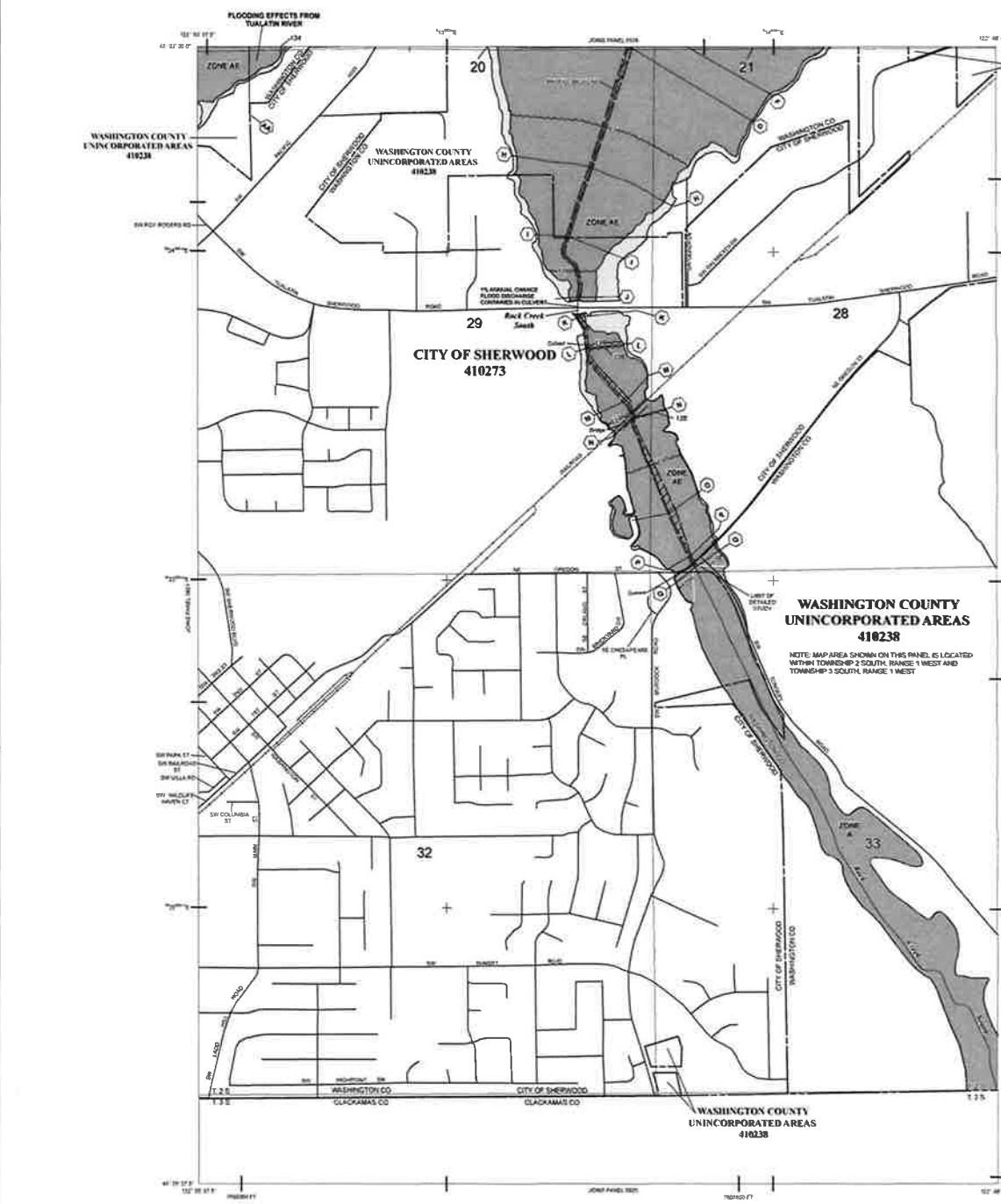
Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or disannexations may have occurred after this map was published, map users should consult appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed Map Index for an overview map of the study showing the layout of map panels, community map repository addresses, and a listing of Communities with National Flood Insurance Program data for each community as well as a listing of the panels on which each community is located.

The profile base lines depicted on this map represent the hydraulic modeling base lines that match the flood profiles in the FIS report. As a result of improved topographic data, the profile base line in some cases may deviate significantly from the original centerline or appear outside the DFPA.

For information on available products associated with this FIRM visit the FEMA Flood Map Service Center (FMSC) website at [www.fema.gov](http://www.fema.gov). Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the FMSC website.

If you have questions about this map, how to order products or the National Flood Insurance Program, in general, please call the FEMA Map Information Exchange (FMIEX) at 1-877-FEMA-MAP (1-877-355-2677), or visit the FEMA website at <http://www.fema.gov/businessinfo>.



**LEGEND**

**SPECIAL FLOOD HAZARD AREAS (SUBJECT TO REGULATION BY THE NATIONAL FLOOD INSURANCE PROGRAM)**

**ZONE AE** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE A** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE AH** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE AO** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE A1** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE V** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE VE** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**FLOODWAY AREAS IN ZONE AE**

**OTHER FLOOD AREAS**

**ZONE X** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**OTHER AREAS**

**ZONE D** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D1** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D2** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D3** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D4** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D5** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D6** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D7** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D8** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D9** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D10** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D11** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D12** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D13** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D14** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D15** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D16** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D17** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D18** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D19** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D20** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D21** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D22** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D23** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D24** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D25** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D26** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D27** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D28** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D29** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D30** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D31** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D32** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D33** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D34** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D35** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D36** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D37** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D38** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D39** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D40** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D41** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D42** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D43** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D44** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D45** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D46** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D47** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D48** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D49** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D50** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D51** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D52** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D53** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D54** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D55** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D56** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D57** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D58** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D59** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D60** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D61** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D62** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D63** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D64** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D65** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D66** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D67** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D68** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D69** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D70** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D71** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D72** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D73** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D74** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D75** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D76** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D77** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D78** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D79** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D80** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D81** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D82** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D83** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D84** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D85** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D86** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D87** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D88** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D89** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D90** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D91** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D92** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D93** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D94** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D95** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D96** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D97** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D98** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D99** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**ZONE D100** Special Flood Hazard Area (SFHA) - 1% Annual Chance Flood Elevation Contour

**NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 603E**

**FIRM FLOOD INSURANCE RATE MAP WASHINGTON COUNTY, OREGON AND INCORPORATED AREAS**

**PANEL 602 OF 630**

USE MAP INDEX FOR FIRM PANEL LAYOUT

COMMUNITY	SHEET NO.	SHEET TOTAL
SHERWOOD, CITY OF	41023	602
WASHINGTON COUNTY UNINCORPORATED AREAS	41023	602

DATE: 11/04/2016 11:04:00 AM

**MAP NUMBER 41023E03E**

**EFFECTIVE DATE NOVEMBER 4, 2016**

Federal Emergency Management Agency

**NOTES TO USERS**

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community must regularly consult the community for possible updated or additional flood hazard information.

To obtain more detailed information in areas where Base Flood Elevations (BFEs) and/or floodways have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Individual Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies the FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Appropriate flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only to areas of 0.0 North American Vertical Datum (NAVD88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic computations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on local control structures in this jurisdiction.

The projection used in the preparation of this map was North Transverse Mercator zone 10. The horizontal datum was NAD 83. GRS 80 spheroid. Elevations in datum spherical projection or UTM are used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geographic Survey website at <http://www.ngs.noaa.gov> or contact the National Geographic Survey at the following address:

NOS Information Services  
 NOAA NAD83 12  
 National Geodetic Survey  
 SSMC-3 #0202  
 1215 East-West Highway  
 Silver Spring, MD 20910-1282

To obtain current elevation, description and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 715-3242 or visit its website at <http://www.ngs.noaa.gov>.

Base Map information shown on this FIRM was derived from multiple sources. Base map files were provided in digital format by the Storm Data Resources Center. This information was compiled from many local sources and includes transportation features, water features, political boundaries, and Public Land Survey System features.

The map reflects more detailed and up-to-date stream channel configurations than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables may reflect stream channel displacement data from what is shown on this map.

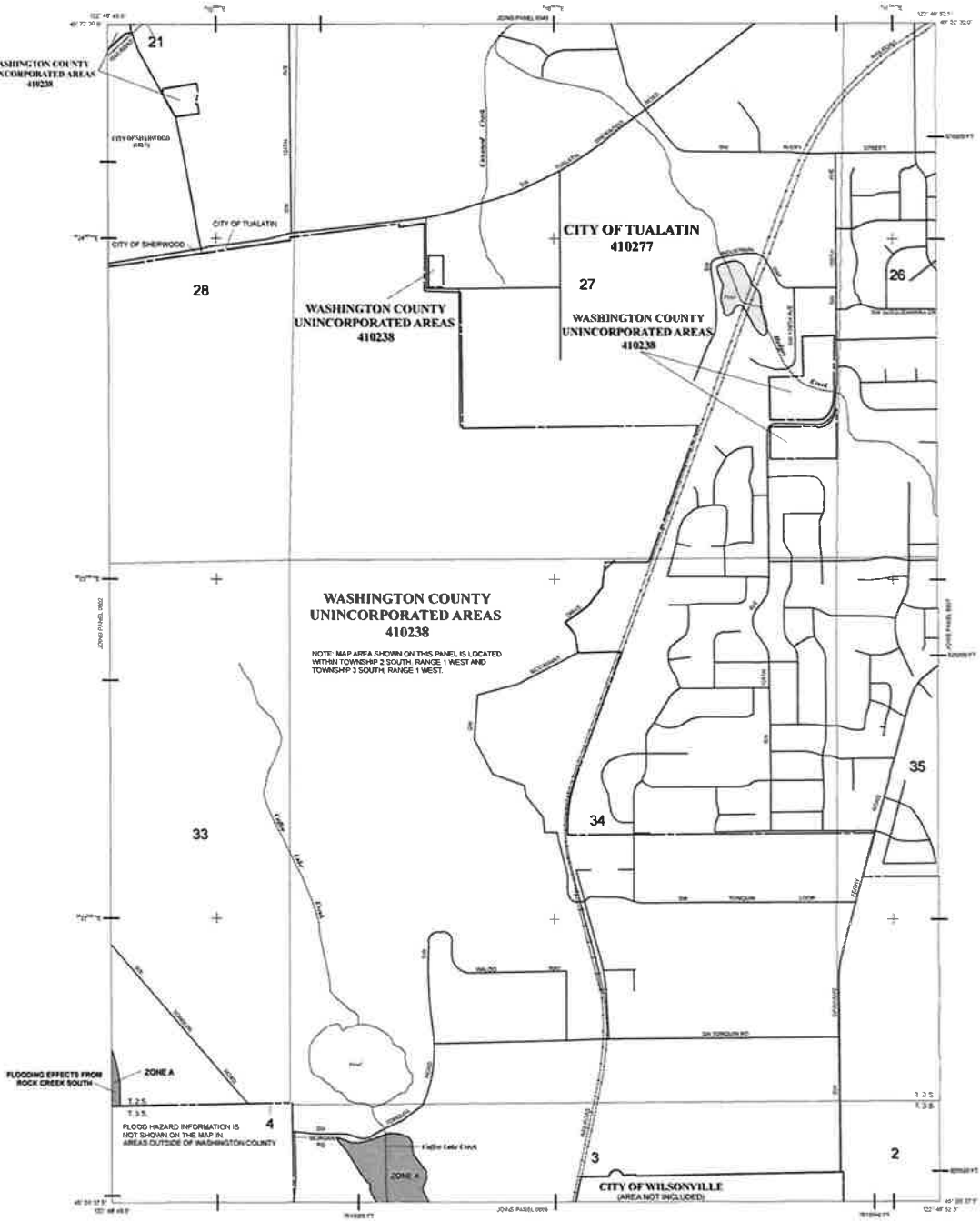
Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or disannexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate and locations.

Please refer to the separately printed Map Index for an overview map of the county showing the layout of map sheets, community map repository addresses, and a listing of Communique letters containing National Flood Insurance Program data for each community as well as a listing of the areas on which each community is located.

The profile base lines depicted on this map represent the hydraulic modeling base lines that match the flood profiles in the FIS report. As a result of improved topographic data, the profile base lines, in some cases may deviate significantly from the channel centerline or appear outside the SFHA.

For information on available products associated with this FIRM visit the FEMA Flood Map Service Center (FMSC) website at <http://www.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the FMSC website.

If you have questions about this map, how to order products or the National Flood Insurance Program in general, please call the FEMA Map Information eXchange (FMIX) at 1-877-FEMA-MAP (1-877-325-2627) or visit the FEMA website at <http://www.fema.gov/basemapinfo>.



**LEGEND**

**SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD**

The 1% annual chance flood (100-year flood) also known as the base flood is the flood that has a 1% chance of occurring or exceeding any given year. The Special Flood Hazard Areas in the areas subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, A1-A3, X, X1-X3, and V. The Base Flood Elevation is the water surface elevation of the 1% annual chance flood.

- ZONE A:** No Base Flood Elevation Determined.
- ZONE AE:** Real Estate of 1 to 3 feet (usually based on grading); Base Flood Elevation Determined.
- ZONE AH:** Flood depths of 1 to 3 feet (usually based on topography); Average depth, average; for areas of elevated or unimproved and ground level, not determined.
- ZONE AO:** Area of special hazard/average depth from the 1% annual chance flood depth is a flood control structure was substantially unimproved. Zone AO indicates that the higher flood control structure used, required or provided exceeds the 1% annual chance of exceed this depth.
- ZONE A1-A3:** Area of special hazard/flood depth from the 1% annual chance flood depth is a flood control structure was substantially unimproved. No Base Flood Elevation Determined.
- ZONE V:** Coastal flood areas with varying hazard (wave action); Base Flood Elevation Determined.
- ZONE VE:** Coastal flood areas with varying hazard (wave action); Base Flood Elevation Determined.

**FLOODWAY AREAS (FLZOM) A2**

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment to ensure the maximum flood discharge without overtopping the levee or flood plain.

**OTHER FLOOD AREAS:**

- ZONE X:** Areas of 1 to 2 ft annual chance flood depth of 1% annual chance flood with average depth of 1 to 2 ft; areas of 1 to 2 ft average depth from the 1% annual chance flood.

**OTHER AREAS:**

- ZONE B:** Areas determined to be subject to the 1% annual chance flood.
- ZONE C:** Areas in which flood hazard is undetermined. Not applicable.

**CONCRETE BARRIERS/PROTECTIVE STRUCTURES (CBAS) AREAS**

**OTHERWISE PROTECTED AREAS (OPAs)**

**OPAs may include:**

- Channel cross-floodway boundary
- 1% annual chance floodway boundary
- Floodway boundary
- Zone of boundary
- Zone of protection
- Structure existing Special Flood Hazard Zone, and
- Structure existing Special Flood Hazard Zone of 1% annual chance flood

**Other Flood Elevation Information:**

- Still Water Elevation
- Base Flood Elevation
- 100-Year Flood Elevation
- 1% Annual Chance Flood Elevation
- 500-Year Flood Elevation
- 200-Year Flood Elevation
- 50-Year Flood Elevation
- 10-Year Flood Elevation
- 1% Annual Chance Flood Elevation
- 500-Year Flood Elevation
- 200-Year Flood Elevation
- 50-Year Flood Elevation
- 10-Year Flood Elevation

**Map Scale:** 1" = 400'

**Map Number:** 410277

**Effective Date:** November 4, 2016

**Federal Emergency Management Agency**

**NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 088E**

**FIRM FLOOD INSURANCE RATE MAP WASHINGTON COUNTY, OREGON AND INCORPORATED AREAS**

**PANEL 088 OF 658**

**100% MAP INDEX FOR FIRM PANEL LAYOUT:**

COMMUNITY	MAP NUMBER	PANEL	STATUS
WASHINGTON COUNTY	410277	088E	A
CITY OF TUALATIN	410277	088E	A
CITY OF WILSONVILLE	410277	088E	A
CITY OF SHERWOOD	410277	088E	A

**MAP NUMBER:** 410277

**EFFECTIVE DATE:** NOVEMBER 4, 2016

**Federal Emergency Management Agency**



# SHERWOOD PLAZA APARTMENTS SP 16-05

Planning Commission

Public Hearing-Continued

July 12, 2016

7-12-16  
Date

PC  
Gov. Body

6a  
Agenda Item

2  
Exhibit #

# **Sherwood Plaza Apts.- Continued Hearing**

- **Staff Recap of June 28, 2016 hearing**
- **Applicant Testimony**
- **Public Testimony**
- **Planning Commission  
Deliberations and Discussion**

# Unresolved Issues from June 28<sup>th</sup> Hearing

- Building 2 elevation facing SW Langer
- Pedestrian pathway connection on the eastern side of the development
- Proportionate share of money toward signal change on SW 12th
- Right of Way Dedication





# Sherwood Plaza Apartments Proposal



99W

Proposed Sherwood Plaza Apartments Site

Sunfield Lakes Apartments

## Vicinity Map

Sherwood Plaza on SW Langer Drive



# Sherwood Plaza Site



Imagery ©2016 Google, Map data ©2016 Google

Average Altitude: Sherwood 100 ft



© Google Maps

Arbor Terrace

Sunfield Apartments

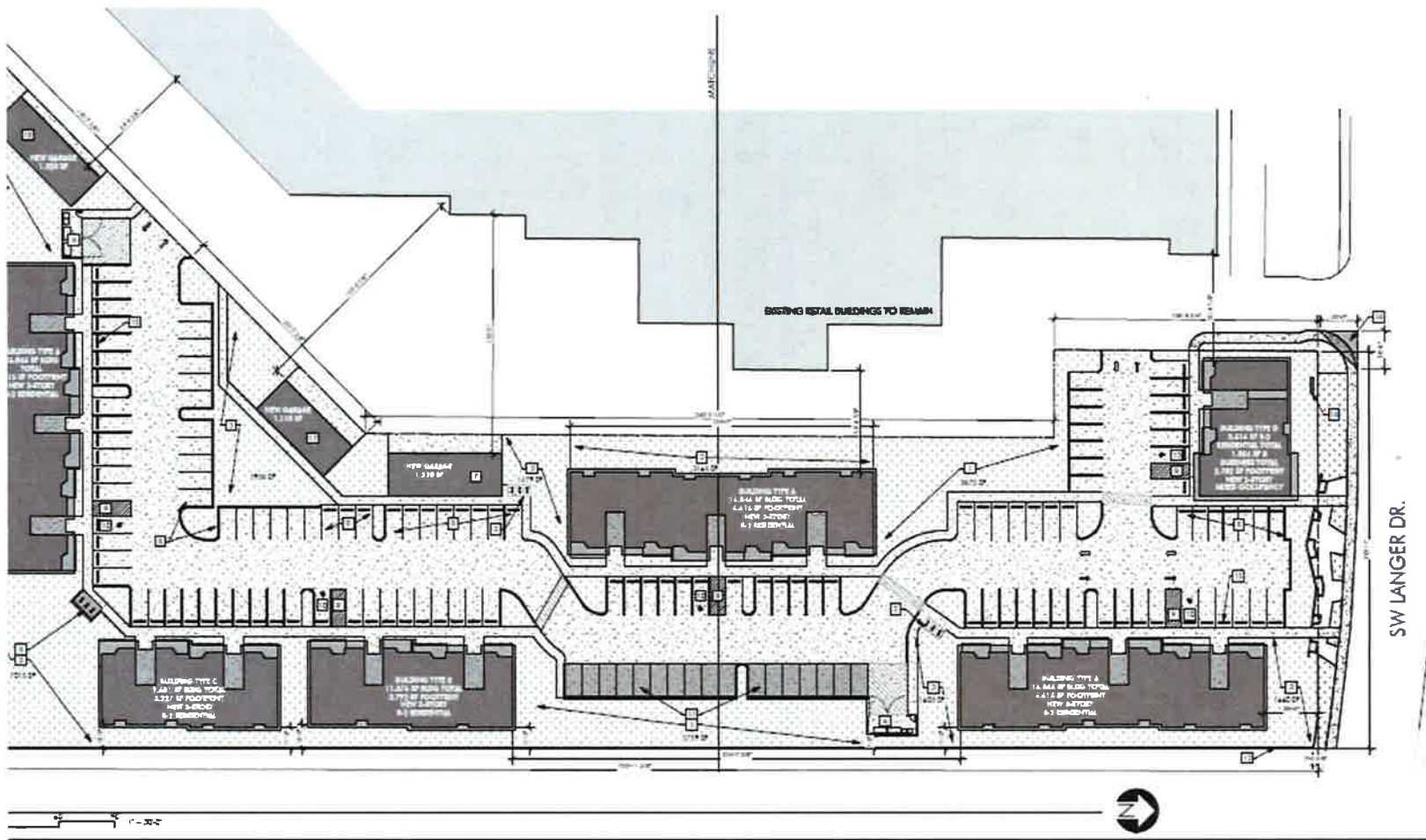


# Sherwood Plaza Site

# Sherwood Plaza Apt. Site Plan Proposal

- Construct an 82-unit apartment complex behind the Sherwood Plaza site
- 139 parking spaces
- Access on SW Langer Drive at the easternmost entrance





# Revised Site Plan



# Multi-family Design Standards



**Revised Building 1 Elevation facing SW  
Langer**





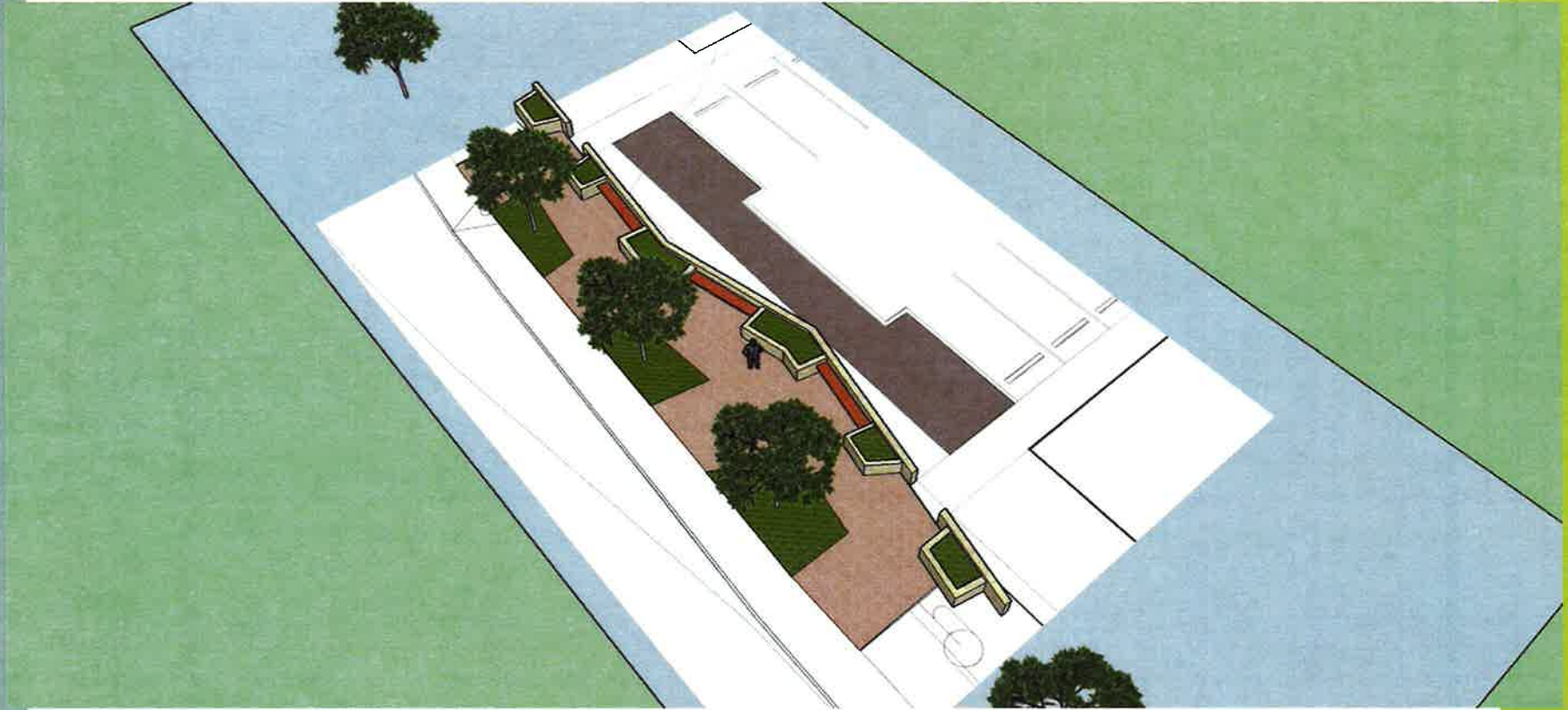
VIEW FROM NORTHWEST

## Street Facing Elevation of Building 2



**Sherwood Apartments  
Pedestrian Plaza on SW  
Langer**





**Sherwood Apartments  
Pedestrian Plaza on SW  
Langer-Aerial**



## Street Facing Elevation of Buildings



# Site Improvements



# Pedestrian connection through neighborhoods





# Pedestrian Connectivity





# Pedestrian Connectivity to Surrounding Destinations

## MLP 95-5 and SP 95-6 Sunfield Apts. Conditions

- 30' public ingress-egress easement on the nw corner of the property at Langer Drive
- **“Provide direct and continuous connections between pedestrian destinations, *provide appropriate links to the property line of vacant parcels or easements to allow for future connections,* ensure that pedestrian linkages provide the most direct route possible to minimize travel distances, and avoid routes with out of direction travel”**

# Other Staff Recommended Public Improvements

- Widen sidewalks to 8 feet
- Demonstrate or Dedicate a right of way width to 36 foot half street width along the frontage of SW Langer –Revise condition D.7
- Reconstruct the sidewalk ramp on east side of existing driveway to ADA standards
- ~~Contribute \$7,423 for the SW Langer/  
SW Sherwood intersection change-~~  
Remove condition D.5.





Apartment Site

Enhanced Pedestrian Crossing

# Staff Report Recommendations

- **Recommend approval with the conditions discussed in the staff report**
- **Hold a public hearing**
- **Answer questions**

# **APPROVED MINUTES**



---

---

**City of Sherwood, Oregon**  
**Planning Commission Meeting**  
**July 12, 2016**

---

---

**Planning Commissioners Present:**

Chair Jean Simson  
Vice Chair Russell Griffin  
Commissioner Michael Meyer  
Commissioner Alan Pearson  
Commissioner Rob Rettig

**Staff Present:**

Julia Hajduk, Community Development Director  
Josh Soper, City Attorney  
Bob Galati, City Engineer  
Brad Kilby, Planning Manager  
Michelle Miller, Senior Planner  
Kirsten Allen, Planning Dept. Program Coordinator

**Planning Commission Members Absent:**

Commissioner Chris Flores  
Commissioner Lisa Walker

**Council Members Present:**

None

**Work Session**

**1. Federal Emergency Management Association (FEMA) Floodplain Updates**

Chair Simson began the meeting at 6:35 pm.

Brad Kilby, Planning Manager described a letter of map amendment received by Mayor Clark on May 4, 2016 from the Federal Emergency Management Association (FEMA) regarding the floodplain in Sherwood. He explained that the City had until November 4, 2016 to amend the maps and the Sherwood Zoning and Community Development Code accordingly to be able to qualify for federal grants and to protect Sherwood homeowners. He noted that changes to the maps could not be negotiated and said an opinion from the National Marine Fishery Service stated the new maps may adversely affect certain species of wildlife. The public was afforded time to review the maps and a handout with a link to the opinion (see record, Exhibit 1).

The Planning Commission called recess at 6:48 pm to convene to the regular meeting.

**Regular Meeting**

**1. Call to Order/Roll Call**

Chair Jean Simson convened the meeting at 7:30 pm. With no Consent Agenda or Council Liaison Announcements, she asked for Staff Announcements.

**2. Consent Agenda**

None

**3. Council Liaison Announcements**

None.

#### 4. Staff Announcements

Brad Kilby, Planning Manager, announced an open house on July 13, 2016 regarding the Tannery Site Assessment and said staff would be at Music on the Green with information about Marijuana Facilities in Sherwood and the Cedar Creek Trail project. He announced that staff was reviewing applications for the Senior Planner position to update the Comprehensive Plan and that David Bantz, Associate Planner hired until the end of the budget year would be leaving on Friday.

#### 5. Community Comments

None

#### 6. Old Business

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

Chair Simson read the public hearing statement and asked for any ex parte contact, bias or conflict of interest. None were received.

Michelle Miller, Senior Planner gave a presentation of the staff report (see record, Exhibit 2) and explained that it was a continued hearing from June 28, 2016. She noted some unresolved issues:

- Elevation of Building 2 facing SW Langer
- Pedestrian pathway connection on the eastern side of the development
- Proportionate share toward signal change on SW 12th
- Right of Way Dedication

Ms. Miller showed the Sherwood Plaza commercial site containing an undeveloped portion and said it was about 13 acres, zoned Retail Commercial (RC). She said the undeveloped portion east of the Plaza had an application to develop the land with apartments. In the Retail Commercial zone, apartments were a permitted use as long as they are secondary to the main use. She said the application was compliant with the purpose and intent of the Retail Commercial zone.

Ms. Miller noted that Langer Drive bordered the site on the north and west side and the site was surrounded by Sunfield Apartments and Arbor Terrace subdivision all zoned High Density Residential (HDR), fitting in with the existing neighborhood. Ms. Miller said the applicant proposed to gain access to the site on the existing driveway on the northeast side of the property and established that there would be eighty-two apartments in six buildings with 139 parking spaces (ten spaces over the required). The applicant proposed to add garages that are not counted towards parking.

Ms. Miller showed modified elevations submitted by the applicant of Building 1 and 2 (see planning record, Exhibit J). She reminded that the Planning Commission found Building 1 met the criteria, but wanted to see more elevations of Building 2 to ensure that it was pedestrian friendly and met the design criteria for multi-family development. She pointed out that the issues were inadequate fenestration and modulation of the side elevation of Building 2 and the revised side elevation had decks wrapping the front of the building, added windows and wall modulation. Ms. Miller showed the proposed pedestrian plaza on SW Langer Drive with trees, benches and a different sidewalk material to denote the area in front. She pointed out that the pedestrian plaza was in addition to the required eight foot sidewalk and street trees along the entire frontage and was placed in front of the buildings near the parking areas of Building 1 and 2.

Ms. Miller stated the criterion and the conditions of approval asked for a pedestrian connection through on the east side of the property between the garages of the Sunfield Lakes Apartments. She said there

were several locations in the development code where connections between neighborhoods were important: 16.92 says any required screening should have breaks where appropriate to connect the different neighborhoods, 16.96, included onsite circulation and the importance of having different connections between the developments. Ms. Miller showed locations of four bicycle and pedestrian connections required for the Sunfield Lakes development in 1996 and stated connectivity had been an important component of development in Sherwood for over twenty years. She said the connections were shown on the plat and one of the condition in the Notice of the Decision was to “provide direct and continuous connection” and “appropriate links to the property line of vacant parcels or easements to allow for future connections, to ensure that pedestrian linkages provide the most direct route possible to minimize travel distances.”

Ms. Miller said other public improvements recommended by staff included widening the sidewalks to eight feet, to demonstrate or dedicate a right of way width to thirty six feet half street width along the frontage of SW Langer Drive, and to reconstruct the sidewalk ramp to the east side of the existing driveway to ADA standards where the pedestrian crossing will be improved. Staff requested the removal of Condition D.5 to contribute \$7423 for the intersection signal change and said it would be assessed as part of the System Development Charges (SDC) because SDC charges take the impact of development into consideration.

Bob Galati, City Engineer discussed the pedestrian crossing improvements. He said the requirement was for enhanced high visibility signage. He noted that the Commission was indicating preference for a signalized crossing such as a rectangular rapid flashing beacon (RRFB) like the one on Pine Street in front of City Hall or a lighted stop sign similar to the one on Sunset Blvd. He explained that the signal in front of City Hall was a standardized crossing for railroads. Mr. Galati said staff reviewed what was required and spent a lot of time with DKS Associates, the City’s traffic consultant, and Kittleson, the applicant’s traffic consultant, going through the analysis. He recounted that the Planning Commission had questioned why a pedestrian crossing was not provided closer to the development and the location was most appropriate for the pedestrian crossing. He explained the location was determined by where pedestrian traffic was coming from and going to; a bus stop located at the corner, the crossing from one shopping center to the other shopping center and control of where pedestrians cross. Mr. Galati said the enhanced signage was expected to increase the area identified as a pedestrian crossing and instead of the normal two parallel lines there would be a striping pattern. More signage would be placed prior to the crossing to notify drivers of the crossing ahead. He pointed out that a signalized crossing was not technically required, nor warranted, because it did not meet the limits, but the Planning Commission could choose to require the signalized crossing. If so, the applicant could accept it and become eligible for transportation SDC credits, because they were providing a public infrastructure above what was required, or if challenged by the developer, would go to City Council who may find that it was not warranted, but decide to require it for safety reasons. He said it would be a policy decision by Council. He wanted the Commission to understand that the cost of the signal would be offset by transportation SDCs.

Mr. Galati communicated that the removal of the \$7423 fee in Condition D.5 was because the Transportation Master Plan identified that signal change as a project so it was part of the baseline calculation for SDC fees. When a development comes through the SDC fees the impact of the development would be taken into account and paid into the fund. He noted that it would not have been the same if it had been an impact to Highway 99W, because SDC calculations do not take into account the impacts to the highway. That was part of the Capacity Allocation Program (CAP) program and generally if there is an impact to the highway they either pay a fee in lieu to the county or state or do the improvements.

Staff recommended approval with the conditions as discussed in the staff report and as amended.

Commissioner Rob Retting commented that outside of Commission he was a land surveyor and he did a lot of All American Land Title Association surveys that were apartment complexes or shopping malls. One of the big concerns were access points where people could access the site. He felt strongly against putting in a pedestrian opening, because it created a cloud on the property and even though the City had the connectivity requirement an opening could create title issues. He added that being a surveyor, he was aware that many do not like strangers on their property and sometimes fences were a good thing. He agreed with the applicants' request not to have the opening.

Commissioner Pearson commented that there would be a vegetative barrier and asked for the purpose of the fence with a hole in it. Ms. Miller responded that the fence was not necessary as the applicant was putting in landscaping for the required perimeter screening. She said there was an existing fence, because of the required buffering between commercial and residential zones and added that the Sunfield Lakes Apartment complex provided a sidewalk that connected to the development where she had indicated.

Chair Simson called for applicant testimony.

**Annemarie Skinner**, Jim Toporek and Brian Shahum came forward. Ms. Skinner, the applicants' representative, said the applicant agreed with the staff report and the conditions presented as modified, including the right of way dedication that was changed from 39 feet to 36 feet. The applicant supported the assessment and requirements for the crosswalk as written and if the Commission chose to require the upgrade for the crosswalk they would take the SDC credits in exchange. The applicant appreciated staff's research on the easements and connections to adjacent properties and would meet the condition for the pedestrian connection. She said the applicant would also be in support of deleting the condition requiring the break in the fence. If the commission chose to require the opening they asked to change the word "central" to "northerly" as spot marked by staff was located where the proposed garages would go and moving it north was a better location and in line with the thirty foot public easement already in place.

**Brian Shahum**, from Mercury Development acknowledged that they would abide by the Commission's decision regarding the fence and stated he agreed with Commissioner Rettig's comment. He said the open fence would not create improved connectivity for the nearby townhomes and apartments and stressed safety concerns. He said he did not think the connection would have the desired effect and would not bring the two neighborhoods together. He emphasized the decision to put the fence was based on neighborhood meeting comments for more security and sound barriers and noted the requirement in 16.92.030 to have a minimum six foot high site obscuring wooden fence or evergreen screening; they chose a combination of the fence and screening. He thanked staff for the assistance.

**Jim Toporek**, *Studio 3 Architecture* began his testimony by describing the purpose of Building 1 and said it was the face of the project on Langer Drive so windows and color were added based on the comments of the Commissioners at the prior hearing. He noted the undulation, wrapped balconies, and two additional sets of windows added to the north side of Building 2 and stated that with the pedestrian plaza it created a more inviting threshold into the project for pedestrians and vehicle traffic along Langer Drive.

Chair Simson thanked the applicant and stated that having pedestrian scale along Langer Drive was in the code. She asked for questions from the Commission for the applicant. None were received. The applicant had twenty two minutes remaining for rebuttal. She asked for public testimony.

**Robert James Claus**, Sherwood resident came forward and stated it was ultra-vires; beyond the scope of authority of the City Engineer to be able to tell the Commission the amount of the SDCs for this project. He said he did not want to hear evidence that SDCs had to (or not) be paid from someone who was a percipient witness. Mr. Claus asked staff to display the site and commented that the site was two

parcels with Avamere adjacent to the site. He said it was an illegal site because of the way Avamere happened. Since the Langers owned both parcels he understood there was a friendly easement. Mr. Claus asked if the Commission had an application signed by the Langer family, because Dave Zimel was a lessee unless he had bought the site. He commented on the Sherwood Plaza public hearings and said the Langer group indicated it was their property; if it was their property and a separate parcel, Avamere had to be cleaned up with an easement across Sherwood Plaza, because if the land had changed hands it was an illegal use; Avamere was required to have two exits.

Mr. Claus suggested the Commission continue the hearing and said the site had a thirty year history that included granting easements to Avamere. He commented that there should be a condition not to sell the apartments, because the zoning was contingent on the use.

Mr. Claus advised going back to square one and finding out what the Commission was issuing. It was not a conditional use, staff was saying in effect those were the same parcel and the use comes over from the shopping center that may be illegal. He suggested counselling with the city attorney and asked what happened if the applicant said they were selling the parcel; making it illegal. He said it would be transferring a use to another use with separation of ownership and suggested the Commission find out what was happening, because there would not be another chance.

**Nancy Taylor**, Sherwood resident said that she read the information for both hearings and asked the Commission to question the traffic impacts of the application. She commented on moving the light down to Century Blvd. from the McDonalds intersection and asked when it would happen and where the \$900,000 would come from. She said the approval was contingent on the traffic light being moved, but that the money would not be there to move the signal. Ms. Taylor commented on the difficulty crossing Hwy 99W at the Y during traffic and said this would be the same. She said the report indicated that eighty-two units would generate fifty one cars in the high peak time and asked for additional review. She said eighty-two units each with two people with jobs and cars was a potential for 164 cars and commented that it was the same traffic engineers that did a study that resulted in a fatality involving an individual crossing between the Walmart and Target sites. She asked the Commission to look at the traffic numbers and question them. She said she did not think fifty one cars during peak traffic time was a rational number; maybe a book number, but books don't save lives, rational thinking and safety did.

**Susan Claus**, Sherwood resident, commented that Avamere was supposed to have two exits and after the development was completed there was a curbing put in so that the second exit flowing into the Plaza could no longer be used. She said Avamere had over forty-nine units and required two exits, but the second exit had never been resolved. Ms. Claus commented about allowing the secondary residential use to the larger part zoned Retail Commercial and suggested if it could be divided that was giving away zoning. She said it had to remain part of the center and not parceled or sold.

Ms. Claus commented about the enhanced pedestrian access and thought that putting it at the corner between the two shopping centers was a false analysis. She said the pedestrians living in those units would go out the shared access [Trumpeter] and cross the street in the middle of the shopping center to the theater and the other uses in that center. She suggested the wrong crossing would be enhanced.

Ms. Claus commented that the intersection that at Langer Drive and the exit off of Hwy 99W was a troubled intersection at peak times and needed stop signs. She advocated that the impact of eighty-two units should fix the intersection that already had traffic problems. She commented on the accident on Langer Farms Parkway and said the traffic consultant had noted that it was unknowable that everybody would flow from the Walmart to the Target center. Ms. Claus commented that it was human nature and the kids living in the apartments were not going to go to the end of the property, but take the shortest route.



Ms. Claus commented that parking was always a problem and asked if there was additional parking in the back part of the Plaza. She said even though the applicant was above the minimum, the minimums are too low. She reiterated legal issues associated with residential zoning on the Retail Commercial zone.

**Tony Bevel**, Sherwood resident, said he did not like hearing that the minimum required was being done. He thought Sherwood was better than that and expressed concerns that eighty-two apartments would mean a lot of kids who would not pay attention and cross the street where they should not. He suggested a couple of highly visible enhanced signage in the area to slow down traffic and prevent further incidents. He acknowledged the Walmart/Target accident and said it happened where the person should not have crossed. He said it could happen near this development and suggested the Planning Commission really look at pedestrian safety. He said he would hate to have another incident just to save the developer money and the Planning Commission had a chance to minimize that by putting in a lot of pedestrian safety.

Chair Simson asked for applicant rebuttal.

Ms. Skinner responded that the parcel was one tax parcel and was not part of the Avamere tax parcel. The proposed apartments were on the same parcel with the Retail Commercial, as one lot. She read from the code: "the Retail Commercial zoning district provides areas for general retail and service uses that neither require larger parcels of land nor produce excessive environmental impact." The code said, "multi-family housing subject to the dimensional requirements of the High Density Residential zone when located on the upper floors, in the rear, or otherwise clearly secondary to commercial buildings are allowed." Ms. Skinner said the zoning for the parcel allowed it, whether the parcel was split in two or not the zoning remained the same and the apartments would remain "clearly secondary" to the existing commercial building that sits in front.

Ms. Skinner stated the professional traffic engineers and the City Engineer had more knowledge and expertise and had come up with the conditions. She said they used a nationally accepted traffic manual and that the traffic study showed 545 net trips; inferring that the 51 trips was correct. Ms. Skinner noted that staff and professional engineers studied traffic on a daily basis and the applicant was not opposed to conditions set. She said the applicant was doing more than required in providing more parking spaces and more screening.

Brian Shahum stated they were not aware of the loss by the Walmart and did not want that to happen again. He said the apartment complex would be high end apartments with good finishes and more parking, bicycle racks, open space, and trees than required. He said they were trying to do something that would be nice for Sherwood; that his family had been in Sherwood for a long time as they built the center in the 1970's. He hoped the community would understand all the hard work put into the project.

Chair Simson asked for questions for the applicant.

Vice Chair Griffin asked regarding overflow parking. Mr. Shahum replied that there would be addition spots behind the commercial building that were not counted and there was over four hundred spaces in the shopping center that were open to use in addition to the seventeen garages.

Vice Chair Griffin asked what kind of large delivery truck traffic delivered to the center. Mr. Shahum responded that two trucks came twice a week for the Dollar Tree and smaller delivery trucks either early in the morning or late in the evening so they would not be parked there continuously. He said they had looked at the back and the development would have more space.

Chair Simson clarified that the applicant was in agreement with all the existing conditions. She asked if the applicant was in agreement if the Commission moved toward safety enhancement for the crosswalk. Mr. Shahum confirmed.

Chair Simson allowed for staff rebuttal.

Michelle Miller referred to Exhibit K in the packet and pointed out the twenty four foot wide emergency access easement to Avamere and said it was the access Mr. Claus expressed concern about. Vice Chair Griffin noted that a Goodwill Truck was parked over the access easement. Mr. Shahum contended that the Goodwill truck was east of the exit and accessible.

Chair Simson received confirmation that staff had located the break in the fence on the back side of the cover parking and that was why the applicant requested to move the opening from a centrally location to the north.

Michelle explained that the signal removal on Sherwood Blvd to 12<sup>th</sup> Street was proposed as part of the TSP along with all of the improvements included in a feasibility study. Whether or not the signal move happened it was separate process from this development. She reiterated that if the properties were ever to be separated through a minor land partition staff would review if it was still conforming to the code and there would still be oversight by the Planning Department. Ms. Miller said the lease was long term and included the ability to develop the property; they would manage the apartment complex until their lease expires.

Mr. Shahum did not disclose the rent rates, but noted that they would be slightly below the Cannery Row Apartments. Commissioner Pearson commented that his concern was affordable housing, but he did not consider Cannery Row as affordable. He was concerned in particular for seniors who were being priced out of the market.

Chair Simson closed the public hearing and began deliberation.

Commissioner Pearson proposed to move the pedestrian access through the fence to the corner of the property near Langer Drive. Ms. Miller informed that any point along Trumpeter would support connection to public access, but if the opening was closer to Langer Drive the connection to the Sunfield development became less relevant.

Chair Simson stated she had looked at a lot of apartment complexes in Sherwood as a result of the application and many did not have fences, but the more she looked at the proposed, the more challenges she saw for an opening. She acknowledged Commissioner Rettig's comment of a burden on the title and said she was torn.

Vice Chair Griffin agreed and stated there should not be an opening. He said the distance was not great enough and it was unsafe to have an opening between two garages or near a dumpster where people could hide and wait.

**Motion: From Commissioner Alan Pearson not to have a break in the fence, Seconded by Commissioner Rob Rettig. Chair Simson, Vice Chair Griffin, Commissioners Pearson and Rettig voted in favor. Commissioner Meyer voted against. Motion passed.**

Condition C.4 was removed from the conditions of approval.

Chair Simson commented about the pedestrian crossing upgrades. She noted that advanced signage worked coming from the east, but not as well from the other direction, because of the sweeping corner where the TriMet buses parked. The sign and pedestrians would not be seen because of the congested

intersection. She said she did not understand what SDC credits would be available, but from experience she thought the crossing should be at least as safe as the pedestrian activated crossing in front of the Sherwood Library. She voiced that people exiting Hwy 99W were already trying to deal with the traffic from the shopping center and she did not think that pedestrians were visible. She stated now was to time to take the opportunity to improve the crossing with more than striping.

Commissioner Meyer stated he liked the idea of the high visibility crossing similar to outside the library as discussed and said it sounded like some of the costs could be offset by credits that could be earned. He agreed with Chair Simson's concerns and thought it was the correct location to encourage pedestrian traffic. He commented that education was a big part of safety.

Commissioner Pearson agreed and commented on a new pedestrian activated crosswalk on Murdock Road (near Willamette Street) and he did not care what the cost was if it saved a life. He said the first duty of government was to protect the citizens. He acknowledged that there would be jaywalkers and advocated trying to entice safe behavior with a well-lit, well-marked crosswalk.

Josh Soper, City Attorney recognized comments from the Commission and cautioned that in general it was not advisable to try to impose a requirement on the applicant beyond what the data and current regulations supported. That was how the City ensured that all applicants that come before the Commission were treated equally. He repeated that, in this case, the City had looked at the data and required what the data suggested.

Chair Simson said she would not want to be an applicant where the "goal posts were moved," but she appreciated the applicant acknowledging that in exchange for SDC credits, they would improve an intersection and make it safer for their residents.

Vice Chair Griffin commented that it was foolish to pretend that residents would use any of the crosswalks, and he thought it was unfair to force the applicant to pay for the intersection improvements. He said it did not matter how many flashing lights were placed there; the intersection could not be seen in time around the corner by the Taco Bell. He said signage needed to be further down and asked if the Sunfield Lakes or Arbor Terrace developments, with many more residents, had been required to put in a safety crossing. He asked why the applicant would be required to when no other development had to.

Commissioner Meyer stated people cannot be regulated and it did not matter how many crosswalks or signs were put in, people would do what they wanted, but the Commission could try to make the crossing as safe as possible. It was then up to the people to choose to use it. He agreed that some would cut across, but felt it was the best place to control the traffic.

Vice Chair Griffin noted the difficulty of the intersection and thought it was risky to add more pedestrian traffic to the location.

Chair Simson explained that the crosswalk was chosen by staff as the best location, because traffic was already controlled by the shopping center and the 99W exit. She said she understood the applicant could get SDC credits and it would be a net cost to them of zero. Ms. Hajduk clarified that the SDCs that they would not be paying, because they received credits, would be SDCs that would be unavailable for other transportation projects throughout the City. In essence, the pedestrian crossing improvements would supersede a planned project in the City's Capital Improvement Plan.

Commissioner Pearson said the Commission would be imposing a condition that was not mandated by law, but the applicant had agreed to do it and fortunately it was cost neutral. He said jaywalkers had a responsibility to walk the extra feet to a safe crossing.

Chair Simson asked staff to craft language for the condition to improve the pedestrian crossing as discussed. Mr. Kilby clarified that there was a difference between enhanced and signalized signage and what the Commission was asking the applicant to do was to signalize the intersection. He said if the applicant made the proposal to add the improvements, because they could receive SDC credits, it would need to be memorialized in the decision so when it was built the City would be allowed to give SDC credits. If they built it on their own, the City may not give those credits.

Chair Simson noted that the required condition was a crossing with a warning sign and striping and no lights. She said by adding verbiage to the requirement to be signalized would allow for SDC credits.

Mr. Galati, asked what level of signalization the Commission wanted. He said the stop sign on Sunset Blvd was not as expensive as the RRFB on Pine Street and what was being proposed for Langer Farms Parkway was almost \$90,000 just for the construction, exclusive of engineering services.

Chair Simson called for a recess at 9:13 pm and reconvened at 9:26 pm. She asked for a straw vote from the Commission. Commissioners Pearson and Meyer were in favor of a signalized crossing. Vice Chair Griffin said if the applicant was able to recuperate the expenditure he thought it might be good. Chair Simson indicated that the Commission was in favor of a signalized crossing for the safety of the intersection if the applicant was in agreement.

Ms. Miller responded that the applicant was willing to do the signalized intersection if it was required. The applicant could recoup a majority of the cost excluding the engineering and design cost.

Mr. Soper indicated that the Commission would have to require the signal because it was not what staff determined was required based on the current regulations and standards and data. (Chair Simson commented that the data was based on a closed grocery store location). Mr. Soper said the Planning Commission would be imposing the signal as a requirement and the applicant was not offering.

Commissioner Pearson commented that the Commission was requiring the signal because they were mandated by law to require it based on the applicant's willingness to do it. The only reason the Commission was requiring it was because of the legal requirement. The applicant could not recuperate the expense unless the Commission required it.

Mr. Soper explained that there was no legal requirement for a signalized intersection. If the applicant improved the crosswalk as an act of charity, they would not be able to recoup the expense.

Commission members took note that it was outside the Commission's purview.

Mr. Kilby interjected that the applicant was in support of what the traffic consultant had indicated was warranted. If the Commission required a signal, it would be over and above what was required and staff was prepared with a finding and a condition if the Commission chose to require it. He explained that by using that process the improvements would become required and SDC credits could be earned, but only a portion of the cost would be refunded; a small drop in the bucket compared to the cost of the actual improvement.

Based on that, Vice Chair Griffin advocated the Commission require what the code required and not beyond. He advocated that it was not fair and questioned what happened with the next developer.

Mr. Kilby asked if the Commission was comfortable with the condition as written.

Chair Simson said the city had a duty to do something to that intersection, but to put it on the applicant was not the right place.

The following motion was received.

**Motion: From Vice Chair Russell Griffin to approve the application for SP 16-04, Sherwood Plaza Apartments, which was continued from June 28, 2016, based on the applicant's testimony, public testimony received, and the analysis, findings and conditions in the current staff report with the modifications as so stated previously by Chair Simson. Seconded by Commissioner Alan Pearson. All present Planning Commissioners voted in favor.**

**7. Planning Commissioner Announcements**

Vice Chair Griffin recapped the success of the Voices for Performing Arts (VPA) play of *My Fair Lady* with over 1500 tickets sold over four nights.

**8. Adjourn**

Chair Simson adjourned the meeting at 9:35 pm.

Submitted by:

Kirsten Allen

Kirsten Allen, Planning Department Program Coordinator

Approval Date:

September 13, 2016