



Home of the Tualatin River National Wildlife Refuge

**City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
October 11, 2011- 7PM**

Business Meeting – 7:00

- 1. Call to Order/Roll Call**
- 2. Agenda Review**
- 3. Consent Agenda : Minutes – June 14, 2011 and July 12, 2011**
- 4. Council Liaison Announcements (Krisanna Clark)**
- 5. Staff Announcements**
- 6. Community Comments**
- 7. Old Business: None**
- 8. New Business**
 - a. Public Hearing - Attrell's Parking Lot (SP 11-05)**

The applicant proposes to construct a parking area with seven parking spaces, a one way drive and landscaping to serve the Attrell's Funeral Chapel located in Old Town. The applicant proposes to reduce the width of perimeter landscaping by 2 ft. or by 20 % and requests a Class B Variance.
- 9. Adjourn**

Next Meeting: October 25, 2011

City of Sherwood, Oregon
Draft Planning Commission Minutes
June 14, 2011

Commission Members Present:

Chair Allen
Commissioner Clifford
Commissioner Albert
Commissioner Cary
Commissioner Griffin
Commissioner Walker
Commissioner Copfer

Staff:

Julia Hajduk, Planning Manager
Michelle Miller, Associate Planner
Zoe Monahan, Assistant Planner
Heather Austin, Senior Planner

Commission Members Absent:

Council Liaison – None Present

1. **Call to Order/Roll Call** – Chair Allen called the meeting to order.
2. **Agenda Review** – the agenda consisted of the consent agenda and a public hearing on Parks and Open Space Code Clean-up.
3. **Consent Agenda** – the consent agenda consisted of minutes from April 12th and April 26th. Chair Allen asked for any comments, clarifications. Commissioner Walker commented that she would question the decision on the 26th to elect a Vice Chair with 2 of the long term Commissioners not present. No other comments were made. Commissioner Albert made a motion to approve the minutes as written. All were in favor, the motion carried. The minutes from April 12th and April 26 were approved.
4. **City Council Comments** – Councilor Luman was not present
5. **Staff Announcements** – Julia provided the following announcements:
 - Heather Austin the City's Senior Planner had submitted her letter of resignation. Her last day with City will be July 20th.
 - The Community Center was approved for 2.5 million in funding for renovations. Since it is in Old Town, it will be coming before the Commission for review in the future. The City is in the process of applying for Grants for the Cedar Creek Trail construction. If any of those are awarded you will be seeing construction of that trail. As a reminder, there will be a Public Hearing for a Change of Use for a property in Old Town that will be held at the July 12 Planning Commission meeting.
6. **Community Comments** – none given

7. **New Business** – PA 11-02 Parks and Open Space Code Clean-up, Chair Allen opened the meeting and described that the purpose of the hearing is to provide the public an opportunity to submit testimony concerning parks and open space.

Heather presented the Staff Report. She explained that language has been developed over several work sessions with the Commission and Parks Board as well as two listening sessions with the public. The changes proposed meet all regional, state and local standards. She explained what is being proposed are changes: to the definition section including items like townhomes vs. multi-family standards. Clarifying the definition of density and not requiring that these parks be removed from the density calculation. Additional changes include requiring open space for all Townhomes and removing the 2 acre minimum as well as a review of the Preliminary plat standards which refers to the subdivision portion of the code and open space requirements.

Chair Allen opened the hearing up for public testimony. There was no one in attendance to speak on the issue. Chair Allen closed the public testimony portion of the hearing and asked the Commissioners if they had any questions or concerns that needed to be discussed about the proposed language.

Commissioner Clifford asked about manufactured home parks. Heather explained that they have not been looked at by the Parks Board at this time, but can be in the future and can be addressed in the final phase of the code clean-up.

Commissioner Walker asked about attachment A4 and whether or not it should include “tot-lots”. A conversation continued about whether or not the term “tot lots” should be left in the language since tot lots are not something that wants to be encouraged or at least that ownership by the City is not encouraged. It was determined to strike the reference to “tot lots” from the wording.

Commissioner Griffin made a motion to recommend approval to City Council of PA 11-02 based on agency comments, public testimony, staff recommendations, findings of fact, applicant comments and conditions as revised.

The motion was seconded by Commissioner Copfer. A vote was taken and all present were in favor. The motion to recommend approval passed.

Chair Allen adjourned the meeting and moved onto the Work Session.

End of minutes.

City of Sherwood, Oregon
Draft Planning Commission Minutes
July 12, 2011

Commission Members Present:

Chair Allen
Commissioner Clifford
Commissioner Copfer
Commissioner Cary
Commissioner Walker

Staff:

Julia Hajduk, Planning Manager
Michelle Miller, Associate Planner
Zoe Monahan, Assistant Planner
Heather Austin, Senior Planner

Commission Members Absent:

Commissioner Albert
Commissioner Griffin

Council Liaison – None Present

1. **Call to Order/Roll Call** – Chair Allen called the meeting to order.
2. **Agenda Review** – the agenda consisted of the Head Old Town Change of Use public hearing.
3. **Consent Agenda** – none
4. **City Council Comments** – No Council member present
5. **Staff Announcements** – Julia provided staff announcements including the notice that the City was awarded the TGM Grant for the Town Center Plan and work should begin by the end of the year.

Previously, the Planning Commission had recommended approval to the City Council of the Open Space Standards updates. That will be heard by City Council at the hearing the week of August 4th.

As announced at an earlier meeting, Senior Planner, Heather Austin has submitted her resignation and this meeting will be her last Planning Commission meeting. Interviews are being conducted and a new Planner should be selected soon.

6. **Community Comments** – none given
7. **New Business** – Chair Allen opened the public hearing for SP 11-03 Head Old Town Change of Use.

Zoe presented the staff report by explaining that the proposal is for an existing use. The applicant's house which is located on the corner of 3rd Street and Main Street started out as their Home Occupation. Over time as the business has grown the space has been remodeled and can no longer qualify as a home occupation because of the addition of employees and customers. The purpose of the Change of Use is to bring the property into compliance.

The size of the property would typically require a type II land use review, however since the property is located in Old Town, it requires a type IV land use review. Type IV land use applications require a "neighborhood meeting." It was discovered that the neighborhood meeting had not occurred prior to being deemed complete. Staff asked the City's legal counsel and got direction on how to proceed and received several options. The homeowners chose to proceed with the hearing, understanding that a neighborhood meeting may still be required. The purpose of the neighborhood meeting is to give people in the area a chance to comment on any proposed changes prior to the developer submitting their applications. This application does not include any further interior or exterior changes, and there have been no public comments received.

Chair Allen asked the City Engineer Bob Galati where the new sidewalk will end. Bob responded by saying the sidewalk will extend from the ADA ramp at the corner of Main and Third and extend up Main Street, stopping just short of a planter area that contains a Willow tree. This will give ADA access from the roadway to the front door of the business as required by the Building Code.

Applicant testimony: Jacqueline Head, 22344 SW Main Street, Sherwood OR 97140, Gene Head, 8501 SW Iroquois Drive, Tualatin OR 97062. Jacqueline commented that while this process is going to be a bit expensive for them; they have been very happy with the way the City has handled the process. The City staff has been very cooperative and has been good about explaining everything along the way. She stated that if the Planning Commission approves the Change of Use as it is written they will be happy.

With no public testimony given, Chair Allen closed the public meeting.

Commissioner Walker asked about the actual number of street trees required. Zoe clarified that the project was reviewed by the standard that were in place March 9th, which was their submittal day. When they applied they were subject to the old street tree code, which requires 8 trees, but then if they wanted they could go through the street tree removal process asking to be exempt from replanting to be in compliance with today's code.

Chair Allen asked if the trees are being placed in such a way that if that if in the future the site is developed those trees are being placed in areas that will not impede the sidewalk.

Zoe agreed and added that it will be reviewed with the tree plan to ensure future development.

Discussion continued about sign size and utility easements.

Seeing no further issues, Commissioner Walker made a motion to approve SP11-03, the Head Old Town Change of Use, based on the adoption of the staff report, findings of fact, public testimony, staff recommendations, agency comments, applicant comments and conditions as

revised. Commissioner Albert seconded the motion. A vote was taken. All were in favor, the motion passed.

Chair Allen adjourned the meeting and moved onto the Work Session.

End of minutes.

**EXHIBIT A,
APPLICANT'S MATERIALS CAN BE
FOUND IN THE FILE (SP 11-05, VAR 11-02)
FOR REVIEW**



22560 SW Pine Street
Sherwood, Oregon 97140
Ph: 503-625-5522
Fax: 503-625-5524
WebSite: www.sherwoodoregon.gov

Memorandum

Date: September 16, 2011

Project: Parking Lot Attrell's Funeral Chapel

To: Michelle Miller, AICP

From: Jason Waters, PE

Topic: Request for Comments, Engineering Department Comments

Dear Michelle:

Attached is a summary of initial comments on the parking lot proposed for the site adjacent to Attrell's Funeral Chapel as they relate to sanitary, storm, and street public improvements. I highly recommend that the developer's design engineer submit a request for records to the Engineering Department specifically related to the Downtown Streetscapes Improvements Phase A (2006); contact Engineering Department for associated fees.

Storm

- Storm lateral – the Downtown Streetscapes plans indicate that a storm lateral was stubbed to the property, at the back of sidewalk 6' deep, about 5' southwest of the streetlight. This should be confirmed by the developer prior to connection. TV inspection may be in Streetscapes project records. Confirm connection fees with Building Department.
- Water Quality – the Streetscapes swale, located northwest of Park & 2nd Street was intended to treat all impervious services located in the Old Town basin north of Railroad Street. A significant amount of "banking" capacity is available in that swale. Old Town Lofts, McCormick Building and the American Legion Parking lot all treat storm runoff in this swale. Pre-treatment is required, either via sumped inlet/catch basin, pollution control structure or planted swale. City encourages the use of the existing sub-regional facility and should discuss potential "fee in lieu of" costs with developer as to not exceed costs associated with a proprietary on-site system, bonding and maintenance costs. If sub-regional treatment swale is utilized, developer shall inspect downstream system and swale prior to connection.
- Water Quantity – there are no known downstream deficiencies.
- CWS – see CWS comments. Storm Connection permit required.

Sanitary not applicable to the proposed development

Street

- Capacity Allocation Program – not applicable to development within Old Town Overlay District

Exhibit B

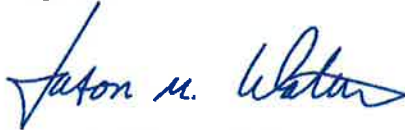
- Driveway – the plans indicated a one-way exit to 1st Street. This would require removing one parking space, upgrading the existing sidewalk, exposed aggregate and parking section to a driveway section similar to those constructed with the streetscapes project. Recommend a records request to obtain matching driveway section. If a new driveway section is installed, consider relocating tree well in front of lighting control cabinet if there are no utility conflicts.
- Alley – alleyway should be paved; impervious runoff should be discussed with Engineering Department if storm lateral on 1st Street is utilized as storm runoff from alley should not enter upon private property unless agreed to.
- Signs – consider relocating “no parking” sign to blue light pole, not a new anchor in exposed aggregate.

General

- Survey/Coordinate System – horizontal control shall be Oregon State Plane Coordinates, Oregon North Zone, NAD 83. Contact Engineering Department to ensure plans and as-built files are compiled and delivered with correct coordinate system.
- Parking – consider angled parking if one-way drive aisle through site.

Please let me know if you have any questions/concerns related to our comments.

Regards,

A handwritten signature in blue ink that reads "Jason M. Waters". The signature is written in a cursive, flowing style.

Jason M. Waters, P.E.
Engineering Department
City of Sherwood

MEMORANDUM

Date: September 12, 2011
To: Michelle Miller, Associate Planner, City of Sherwood
From: Jackie Sue Humphreys, Clean Water Services (the District)
Subject: Attrell's Funeral Chapel Parking Lot, SP 11-05 & VAR 11-01, 2S132BC02800

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

PRIOR TO ANY WORK ON THE SITE

A Clean Water Services (the District) Storm Water Connection Permit Authorization must be obtained. Application for the District's Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 07-20, (or current R&O in effect at time of Engineering plan submittal), and is to include:

- a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.2.b-1.
- b. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, project will require a 1200-CN Erosion Control Permit.
- c. Detailed plans showing the development having direct access by gravity to public storm and sanitary sewer.
- d. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 07-20, Section 4.05.5, Table 4-1. Access shall be provided for maintenance of facility per R&O 07-20, Section 4.02.4.
- e. If use of an existing, offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and, any additional improvements and/or upgrades that may be needed to utilize that facility.

Exhibit C

- f. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review and acceptance.
- g. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.
- h. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.

CONCLUSION

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

Attrell's Funeral Chapel Parking Lot

TO: Planning Commission

Pre-App. Meeting: June 28, 2010
App. Submitted: August 18, 2011
App. Complete: August 23, 2011
Hearing Date: October 11, 2011
120 Day Deadline: December 28, 2011

From:



Michelle Miller, AICP
Associate Planner

Proposal: The applicant proposes to convert a vacant graveled lot adjacent to Attrell's Funeral Chapel into a paved parking area with seven spaces. The applicant requests a Class B variance to reduce the amount of perimeter landscaping. The site is located in Old Town requiring a hearing by the Planning Commission. The applicant's submittal materials are attached to this report as Exhibit A.

I. BACKGROUND

A. Applicant: Columbia Community Bank
19415 NW Amberwood Drive
Beaverton OR 97006

Contact: Greg Oakes

Applicant's Representative: AKS Engineering and Forestry, LLC
13910 SW Galbreath
Sherwood OR 97140

Contact: Monty Hurley

Owner: Leonard Attrell
16195 SW 1st Street
Sherwood OR 97140

B. Location: Tax Lot 2800; Tax Map 2S 132 BC

C. Parcel Size: The subject property is a rectangular-shaped lot approximately 5,000 square feet in size.

- D. Existing Development and Site Characteristics: The site under consideration is vacant with a gravel area for parking.
- E. Site History: The vacant lot is located in Old Town and the history of the lot is unknown. Leonard Attrell owns the subject property along with the adjacent property where Attrell's Funeral Chapel is located. Attrell's Funeral Chapel has operated in that location since 1966 in Old Town Sherwood. Formerly known as Sherwood Chapel, the building was also used as a funeral business since 1958 according to the Attrell's business website.
- F. Zoning Classification and Comprehensive Plan Designation: The zone is Retail-Commercial (RC). Per section 16.28, the purpose of the RC zone provides for general retail and services uses that neither require large parcels of land, nor produce excessive environmental impacts. The site is also located within the Old Town Overlay zone, a designated historic district which seeks to preserve and enhance the area's commercial viability and historic character.
- G. Adjacent Zoning and Land Use: The subject site is vacant and the adjacent zoning is Retail Commercial. As discussed earlier, the site is within the historic Old Town District with a mix of historic homes, small businesses and a few vacant lots. Surrounding uses include other similar services and retail businesses. Directly east of the site is a multi-story mixed use residential, retail and office building. The rear lot line of the property abuts a public alley that is unpaved. The front of the property abuts SW 1st Street, a local public street.
- H. Review Type: The applicant proposes substantial changes to a site requiring a site plan. Due to its relatively small size, a Type II review would be warranted. However, because the site is located in Old Town, all land use decisions occurring in Old Town are made by the Planning Commission. An appeal would be heard by the City Council.
- I. Public Notice and Hearing: This application was processed consistent with the standards in effect at the time it was submitted. A neighborhood meeting was held on July 28, 2011. The property owner attended the neighborhood meeting.

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 September 19, 2011 in accordance with Section 16.72.020 of the SZCDC. The notice was published in the Times (a paper of general circulation) on September 29, 2011 and in the Sherwood Gazette (a paper of local circulation) on October 1, 2011 in accordance with Section 16.72.020 of the SZCDC.

- J. Review Criteria: Sherwood Zoning and Community Development Code, 16.28 (Retail Commercial-RC), 16.58.010 (Clear Vision), 16.58.030 (Fences, Walls and Hedges), 16.90 (Site Planning), 16.92 (Landscaping), 16.94 (Off-Street Parking), 16.96 (On-Site Circulation), Division VI 16.104-16.118 (Public Improvements), 16.126 (Design Standards), 16.142 (Parks and Open Space), and 16.162 (Old Town Overlay District)

II. PUBLIC COMMENTS

Public notice was mailed, posted on the property and in five locations throughout the City on September 19, 2011. Staff received no comments as of the date of this report. However, comments will be accepted prior to, or at the Planning Commission hearing.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on September 2, 2011. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: Jason Waters, P.E. Engineer Associate II submitted comments on September 16, 2011 regarding this land use application. These comments will be discussed further within this report and decision. The Engineering comments are attached as Exhibit B.

Clean Water Services: Jackie Sue Humphrey's submitted comments dated September 12, 2011. She indicated that applicant will be required to submit a storm connection permit to Clean Water Services. (Exhibit C)

Tualatin Valley Fire and Rescue: d that the Department had no objection to the proposal based on the preliminary design.

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

IV. SITE PLAN REVIEW REQUIRED FINDINGS (SECTION 16.90)

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

The proposal is located in the retail commercial zone. A funeral chapel and accessory uses such as parking are permitted uses within this zone. The site design standards will be discussed below and Divisions V, VI, VIII and Division IX.

FINDING: Based on the above discussion the applicant meets this criterion or will be conditioned further within this report.

B. 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.

The site will not require access to water, electric utility or sanitary services because it is a parking area. The applicant is proposing a new impervious surface with the construction of the parking area and thus will be required to provide storm water treatment for the parking area. The Engineering Department has evaluated the application and has recommended this and additional conditions further within this report. No other community services are necessary for a parking area.

FINDING: This standard is met as discussed above.

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

The property is currently owned by Leonard Attrell and has been vacant for a number of years serving as a graveled parking area. The applicant has operated the adjacent business in Sherwood for forty-five years and this length of time provides the appropriate assurances that the parking area used for this business will be adequately maintained by the owner in order to attract business to his location.

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

- D. 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 does not have any significant natural features and therefore this criterion is not applicable.

- E. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.080 Highway 99W Capacity Allocation Program, unless excluded herein.**

FINDING: The site is located within Old Town and thus exempt from this requirement and regardless improving the parking area would not increase trips to the site.

- F. 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. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.**

FINDING: The applicant does not generate over 400 average daily trips and the City Engineer has not required a traffic study and thus this criterion is not applicable.

- G. 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.

FINDING: The applicant is not proposing a building. Thus, this criterion is not applicable.

V. APPLICABLE CODE PROVISIONS

The applicable zoning district standards are identified in Chapter 16.28 below.

A. Division II– Land Use and Development

The applicable provisions of Division II include:

16.28 Retail-Commercial

16.28 .020 Permitted Uses-The following uses and their accessory uses are permitted outright.

- A. Professional services, including but not limited to financial, medical and dental, social services, real estate, legal, artistic and similar uses.

FINDING: The applicant proposes a parking area to serve the funeral chapel, a professional service and as such, is a permitted use within the RC zone thus meeting this criterion.

16.28.040 Dimensional Standards

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

A. Lot Dimensions

Except as otherwise provided, required minimum lot areas and dimensions shall be:

1.	Lot area:	5,000 sq ft
2.	Lot width at front property line:	40feet
3.	Lot width at building line:	40 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1.	Front yard:	None, unless abutting residential zone (20 ft.)
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2.	Side yard:	None, unless abutting residential zone (10 ft.)
3.	Rear yard:	None, unless abutting residential zone (10 ft.)

FINDING: The lot is existing and not being altered. The applicant is not proposing any buildings or development where a setback would be required and thus this criterion is not applicable.

C. Height

Except as otherwise provided, the maximum height of structures shall be fifty (50) feet, except that structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area. Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Chapter 16.82.

FINDING: As shown on the plans, the applicant proposes no buildings and thus this criterion is not applicable.

16.58 Supplementary Standards

16.58.010 Clear Vision Areas

A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway. (Ord. 96-1014 § 1; 86-851)

B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides. (Ord. 86-851 § 3)

C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2-1/2) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground. (Ord. 86-851 § 3)

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.

The development must meet the required fifteen (15) foot clear vision area within the driveway on SW First Street and ten feet at the alley. The applicant has not verified in the plans that the vision clearance requirements will be met. The preliminary drawings show the area unobstructed so it is feasible that this standard could be met.

FINDING: The applicant does not illustrate the vision clearance areas on the plans. The following condition should satisfy this criterion.

RECOMMENDED CONDITION: Prior to final site plan approval, submit revised plans that show that the vision clearance requirements can be met at all intersections, including the alley.

B. DIVISION IV. PLANNING PROCEDURES

**16.84 VARIANCES
Class B Variances**

1. Generally

e. A 20% or less reduction in other Code standards or dimensions not otherwise specifically identified in this section.

The applicant is proposing a twenty percent reduction in the perimeter landscaping provisions where the property abuts the east property line. The requirement is ten feet in width. The proposal includes an eight foot perimeter landscape strip, which is allowable per this standard. This is the only variance proposed for this lot of record and the proposed use is permitted within this zone.

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

2. Approval Process: Class B variances shall be reviewed using a Type II procedure. In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.

FINDING: The applicant is proposing this variance along with the site plan application and thus meets this criterion.

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

- a. The variance requested is required due to the lot configuration, or other conditions of the site;**
- b. The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;**
- c. The variance will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate variance request.**
- d. An application for a Class B variance is limited to three or fewer lots per application.**
- e. The variance will have minimal impact to the adjacent properties.**
- f. The variance is the minimum needed to achieve the desired result and the applicant has considered alternatives.**

The variance request is due to the limited width of the lot and the proximity of the two adjacent buildings to this one lot. The property to the east has been built to the three foot setback of the Building Code. To accommodate the one row of parking and a one way drive, the applicant needs to adjust the landscaping a minor amount, (2 feet). Due

to the nature of the funeral business, the owner needs to have the ability for cars to have easy access to and from the parking area for the funeral procession making it an important component of the layout design and is a priority for the site.

No trees are to be removed in order to grant this variance. This variance will not result in any violations in other provisions of the Code or other ordinances. This is the only lot affected by the variance request and the adjacent properties will be minimally impacted.

The applicant may have considered the alternatives for a variance to the dimensions of the parking stalls or drive, which also have minimal length and width standards. These standards are established for safety reasons rather than the aesthetic and design considerations of the perimeter landscaping. Since the site is currently an unimproved parking area, the landscaping and pavement will greatly improve the overall appearance of the site. Additionally, the effect of the landscaping will have nearly the same result of screening even though it is reduced by a small amount. For example, the trees or screening shrubs will be able to grow in a similar manner within the eight foot perimeter buffer.

The commercial use on the ground floor of the adjacent building, Old Town Lofts, and the residential uses are located on the higher floors and therefore the reduction in perimeter landscaping will not negatively impact the adjacent site. Also, there are no windows on the ground floor that would face onto the parking area and screening will help break up the façade.

FINDING: Based on the above discussion, the applicant meets the criteria for a Class B Variance and can do so with the following condition.

RECOMMENDED CONDITION: Prior to final site plan approval, submit verification from a certified arborist that all of the plantings proposed in the landscape plan will be able to grow in the reduced landscaped area.

C. Division V- Community Design

The applicable provisions of Chapter 5 include: 16.90 (Site Planning), 16.92 (Landscaping), 16.94 (Off-street parking and Loading), and 16.96 (On-site Circulation). 16.98

Compliance with the standards in these sections is discussed below:

16.92 Landscaping

16.92.010 Landscape Plan

All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan which 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. Maintenance of existing not-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.

The site is undeveloped with no landscaping. The applicant proposes to landscape where there are not structures, paved roadways, parking areas and walkways. The applicant submitted a landscape plan indicating the placement and type of landscaping proposed.

FINDING: Based on the above discussion, the applicant meets the criterion for submitting a general landscaping plan.

16.92.020 Landscaping Materials

A. Varieties - Required landscaped areas shall include an appropriate combination of 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.

The site has no landscaping currently. The applicant proposes a mix of shrubs, ground cover and lawn. The applicant proposes no trees with the exception of the street tree to be replaced. The applicant has not identified the variety of landscaping nor has the applicant proposed any trees in addition to the replacement street tree or provided.

FINDING: The applicant has not met this criterion, but can do so with the following condition.

RECOMMENDED CONDITION: Prior to final site plan approval, submit a landscape plan that provides for a combination of trees, shrubs, evergreen ground cover and perennial plantings.

B. Establishment of Healthy Growth and Size - 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.

The applicant has not provided a plan describing how the landscaping will be maintained in a healthy condition or the preparation of the soil for planting.

FINDING: The applicant has not met this criterion, but can do so with the following condition.

RECOMMENDED CONDITION: Prior to final site plan approval, submit additional information on the proposed planting and maintenance plan to ensure that the landscaping will be appropriately maintained.

C. Non-Vegetative Features

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. Impervious paving shall not be counted as landscaping. Artificial plants are prohibited in any required landscaped area.

FINDING: The applicant does not propose any non-vegetative features and thus this criterion is not applicable.

D. Existing Vegetation - All developments subject to site plan review as per Section 16.90.020 and required to submit landscaping plans as per Section 16.92.020 shall

preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Commission, in addition to complying with the provisions of Section 16.142.060.

FINDING: The proposed plans will not be impacting essential woodlands or vegetation as the site is a graveled area. This standard is met.

16.92.030 Landscaping Standards

A. Perimeter Screening and Buffering - A minimum six (6) 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 or industrial uses. In addition, plants and other landscaping features may be required by the Commission in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses.

The eastern portion of the site is adjacent to a developed mixed use area, Old Town Lofts, zoned Retail-Commercial with residential units on the upper stories. The applicant proposes screening with landscaping and not a wall or fence.

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

B. Parking and Loading Areas

1. Total Landscaped Area

A minimum of ten percent (10%) of the lot area used for the display or parking of vehicles shall be landscaped in accordance with Section 16.92. In addition, all areas not covered by buildings, required parking, and/or circulation drives shall be landscaped with plants native to the Pacific Northwest in accordance with Section 16.92.020.

The site will have perimeter landscaping which is at least 800 square feet, well above the 10% requirement. The applicant meets this standard and the parking area is landscaped adequately for the site. Because the applicant has not provided the specific planting plan, staff is not able to verify whether the plants are native to the Pacific Northwest.

FINDING: Based on the above discussion, the applicant meets the criterion with respect to landscaped area. The applicant has not met the criterion with respect to the native landscaping. The applicant is able to meet this criterion with the following condition.

RECOMMENDED CONDITION: Prior to final site plan approval, submit a detailed landscape plan along with certification that the plants are native and/or are the most appropriate plants given the location and soils or modify the plant list to provide the required native plants.

2. Adjacent to Public Rights-of-Way

A landscaped strip at least ten (10) feet in width shall be provided between rights-of-way and any abutting off street parking, loading, or vehicle use areas. Landscaping shall include any combination of evergreen hedges, dense

vegetation, earth berm, grade, and change in grade, wall or fence, forming a permanent year-round screen, excepting clear vision areas as per Section 16.58.030.

The applicant proposed landscaping near the alley in the rear of the parking area that is at least 10 feet and in the front of the parking area and near the sidewalk to further buffer and break up the view of the parking lot.

FINDING: This standard is met as discussed above.

3. Perimeter Landscaping

A ten (10) foot wide landscaped strip shall be provided between off-street parking, loading, or vehicular use areas on separate abutting properties or developments. A minimum six (6) foot high sight-obscuring fence or plantings shall also be provided, except where equivalent screening is provided by intervening buildings or structures.

As discussed above the applicant proposes perimeter landscaping to separate the parking area with the building to the east, Old Town Lofts with the additional landscaping. The applicant has requested a Class B variance to reduce the perimeter landscaping strip by two feet to eight feet in total. This has been discussed earlier in this report. The applicant has been conditioned earlier in this report to better describe the type of landscaping that will provide adequate screening between the developments.

FINDING: As discussed above, this standard has been met or conditioned earlier within this report.

4. Interior Landscaping

A minimum of fifty percent (50%) of required parking area landscaping shall be placed in the interior of the parking area. Landscaped areas shall be distributed so as to divide large expanses of pavement, improve site appearance, improve safety, and delineate pedestrian walkways and traffic lanes. Individual landscaped areas shall be no less than sixty-four (64) square feet in area and shall be provided after every fifteen (15) parking stalls in a row. Storm water bio-swales may be used in lieu of the interior landscaping standard.

Since the property is located in Old Town, there are no required parking areas that require landscaping. However the landscaped areas proposed at the ends of the parking row are shown to be more than sixty-four square feet in area. There are only seven spaces in the parking area so no landscaped areas are needed to separate the parking spaces.

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

5. Landscaping at Points of Access

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

The entrance is landscaped with shrubs and grass. As discussed above, the applicant proposes grass or low lying shrubs so that the minimum site distance will likely be preserved.

FINDING: This standard is met as discussed above.

16.94. Off-Street Parking and Loading (relevant sections)

16.94.10.

16.94.010 Generally

A. Off-Street Parking Required.

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

C. Joint Use

Two (2) or more uses or, structures on multiple parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap, provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.

D. Multiple/Mixed Uses

When several uses occupy a single structure or parcel of land, the total requirements for off-street parking and loading shall be the sum of the requirements of the several uses computed separately, with a reduction of up to 25% to account for cross-patronage of adjacent businesses or services. If the applicant can demonstrate that the peak parking demands for the combined uses are less than 25% (i.e., the uses operate on different days or at different times of the day), the total requirements may be reduced accordingly.

FINDING: The applicant has not proposed joint or multi-use; this criterion is not applicable.

F. Location

2. For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within 500 feet of the use. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.

G. 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.

J. 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.**

The applicant has prepared a site plan that includes a parking and loading plan with markings, location, dimensions and the circulation plan with access to the streets. The applicant has not provided a location for the bike parking on the site plan, but will be discussed further within this report.

FINDING: Based on the above discussion, the applicant meets the location, markings and parking and loading plan criteria or will be conditioned further within this report.

16.94.020 Off-street parking standards

16.94.020.02 – Minimum parking spaces

16.94.020.02 provides the required minimum and maximum parking spaces for uses permitted by the SZCDC.

FINDING: The site is located within Old Town and there are no minimum parking requirements. Therefore this criterion is not applicable.

16.94.020.A – Dimensional Standards

For the purpose of Section 16.94, a "parking space" generally means a minimum stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five percent (25%) 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.

The applicant proposes seven parking spaces that are nine feet by twenty feet in length. No compact stalls are proposed.

FINDING: Based on the information provided, this standard is met with respect to the dimensions of the stalls.

16.94.020. B – Parking 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 that no backing movements or other maneuvering within a street, other than an alley, will be required. All parking areas shall meet the minimum standards shown in Appendix G.

The applicant proposes a seven lot parking area with a one way drive through the entire site, with the entrance to the site via the public alley way and exiting from the site onto SW 1st Street. After review by the Engineering Department, staff noted that angled stalls would be a better alternative. However, the layout is acceptable as proposed in the plans. The parking dimensions are in compliance and the aisle width is acceptable. The applicant proposes no compact spaces with this application.

FINDING: Based on the above discussion, the applicant meets this criterion or may modify the plan to reflect angled parking if desired.

16.94.020 C. Bicycle Parking Facilities

- 1. Location and Design.** Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). Bike parking may be located inside the main building or protected or otherwise covered near the main entrance. If the first two options are unavailable, a separate shelter provided on-site is appropriate as long as it is coordinated with other street furniture such as benches, street lights, planters and other pedestrian amenities. Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" design is appropriate. Alternative, creative designs are strongly encouraged.
- 2. Visibility and Security.** Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
- 3. Options for Storage.** Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
- 4. Lighting.** Bicycle parking shall be least as well lit as vehicle parking for security.
- 5. Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- 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.

The applicant indicates that the bicycle parking is available within the existing Attrell's Funeral Chapel. Because that business is existing and not the subject of this proposal this is acceptable.

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

16.96 On-Site Circulation

16.96.010 – On-site pedestrian and bicycle circulation 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 at least 6 feet wide.

There is an existing sidewalk that extends along the front of the site and connects with sidewalks on both sides of the property.

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

16.96.010.03 - Connection to Streets

A. Except for joint access as per 16.96.010, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.

B. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.

As discussed above, the sidewalk extends through the frontage of Attrell's Funeral Chapel and the proposed parking lot. There are some steps that provide access to the front door of the Chapel. There is also a side entrance with sidewalk that extends from that door to the public sidewalks underneath an awning.

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

16.96.010.05 - Access to Major Roadways

Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Appendix C of the Community Development Plan, Part II, shall be limited as follows: C. all site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.

The site takes access from the alley located in the rear of the site as well as SW 1st Street, a local street in Old Town. The applicant is not proposing to change the access to the site.

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

16.96.030.02. Sidewalks and Curbs

- 3. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick/masonry pavers, or other durable surface, at least 5 feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). At a minimum all crosswalks shall include paint striping.**

The site has sidewalks along SW 1st in conformance with the Downtown Streetscape standards. The applicant proposes to connect the ADA parking spaces to the front entrance of the funeral chapel. The applicant has proposed distinguishing markings to delineate this pathway.

FINDING: Based on the above discussion, the applicant's design appears to be in compliance with this criterion, and will be confirmed at the final inspection of the site once construction is complete.

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.

FINDING: Since the garbage receptacle location is on the adjacent site and the parking area will not negatively impact the location, this criterion is not applicable.

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.

The Engineering department has not required any additional right-of-way dedication as the roadway width is adequate. The applicant proposes to pave a half width of the alley along the rear of site and the Funeral Chapel site which the Engineering Department has confirmed to be acceptable. The applicant proposes to install a driveway apron onto SW First Street to exit the site. This will require removal of one on street parking space, upgrading the sidewalk, exposed aggregate and parking section to be compatible with the surrounding uses and Downtown Streetscape standards requiring Engineering permit approval.

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 Issuance of a Building Permit, receive Sherwood Engineering Department approval of engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets) including compliance with all conditions specified in “Prior to approval of public improvement plans.”

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.

FINDING: The parking area will not necessitate utility service and no additional utilities will need to be undergrounded. This standard is met.

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).

The parking area will be located in Old Town with direct access to transit services that pedestrians can access via the sidewalks located throughout Old Town.

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

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.

FINDING: The site will not require connection to the sanitary sewers; therefore this this standard is not applicable.

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.

FINDING: The site will not require connection to the water; therefore this this standard is not applicable.

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.

The Downtown Streetscapes plan indicates that a storm lateral was stubbed to the property at the back of the sidewalk, six feet deep, about five feet southwest of the streetlight. The Streetscapes swale, located northwest of SW Park and SW 2nd Street was intended to treat all impervious services within Old Town basin, north of SW Railroad Street. A significant amount of “banking” is available at that swale and many newly constructed buildings utilize that facility to treat storm runoff. Pretreatment will be required either via a sumped inlet/catch basin, pollution control structure or planted swale. The City encourages the use of the existing sub-regional facility and is will to discuss potential “fee in lieu of” rather than the design that the applicant proposes.

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 obtaining building permits, obtain approval from the Engineering Department for storm water treatment.

RECOMMENDED CONDITION: Prior to obtaining building permits, obtain a Storm Water Connection Permit from Clean Water Services.

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.

John Wolff, Deputy Fire Marshall from Tualatin Valley Fire and Rescue (TVF&R) reviewed the plans and found the project to be compliant with the TVF &R requirements.

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

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.**

Public easements are required over all public utilities outside the public right-of-way. Easements dedicated to the City of Sherwood are exclusive easements unless otherwise authorized by the City Engineer.

An existing eight-foot wide public utility easement is shown adjacent to the right-of-way of all street frontages.

The Sherwood Broadband Manager indicated that conduit for broadband is located in the right-of-way adjacent to this property and, therefore, improvements or a fee-in-lieu are not required.

FINDING: Because the proposed plans show an eight (8) foot public utility easement along the SW First Street frontage, this standard has been met.

16.142.050 Trees Along Public streets or on Other Public Property

A. Trees Along Public Streets

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.

The applicant is proposing to remove and replace a street tree due to its proximity to the proposed location of the driveway. Due to the nature of the Downtown streetscape, there is no planter strip to locate the tree and thus the applicant proposes to replace the tree and place it in the adjoining landscape planting bed, near the front of the property. The applicant has not indicated the type of tree that will replace the street tree which is less than 5 inches in diameter.

FINDING: Based on the above discussion, the applicant meets the criterion with respect to the removal and location of the new tree. The applicant has not indicated the type of tree that will be replaced and therefore has not met the criterion. With the following condition, the applicant can meet this criterion.

RECOMMENDED CONDITION: Prior to final site plan approval, provide plans that show the type of replacement street tree from the recommended street tree list found in § 16.142.090 of the Sherwood Zoning and Development Code.

RECOMMENDED CONDITION: Prior to final inspection of the Building Official, plant the street tree in the location proposed in the final site plan.

16.142.060 - Trees on Property Subject to Certain Land Use Applications

All site developments subject to Section 16.92.020 shall be required to preserve trees or woodlands to the maximum extent feasible within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, as determined by the City. Review and mitigation shall be consistent with 16.142.060 A, B, C and D.

There are no trees on site with the exception of the street tree that will be removed and relocated to the site. The applicant has indicated that they will be replacing the street tree in compliance with these standards as discussed above.

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

16.162 – Old Town Overlay District

16.162.030.G Permitted Uses

Offices of architects, artists, attorneys, dentists, engineers, physicians, accountants, consultants and similar professional services are permitted outright in the Old Town Overlay, provided such uses meet the applicable environmental performance standards contained in Chapter 8.

FINDING: This standard is discussed earlier within this report and because the use is permitted, it satisfies this criterion.

16.162.070.C Community Design- Off-Street Parking

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

FINDING: As discussed previously in this report, this site is within the “Smockville Area” of the Old Town Overlay District and parking is not required. Therefore, this standard is met.

16.162.070.D Community Design- Off-Street Loading

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

FINDING: The applicant is not proposing off-street loading and because it is not required, this standard has been met.

16.162.070.G Community Design- Downtown Street Standards

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

FINDING: As discussed above under Chapter 6- Public Improvements, SW First Street meets the Downtown Streetscape Master Plan. The applicant has been conditioned further within this report to comply with those standards.

DECISION

Based upon review of the applicant’s submittal information, review of the code, agency comments and consideration of the applicant’s revised submittal, staff finds that the proposed site plan does not fully comply with the standards but can be conditioned to comply. Therefore, staff recommends **approves the proposal subject to the 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 August 29, 2011 prepared by AKS 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. The Erosion and Sediment Control Plan shall include a plan to implement and maintain wet weather measures within 14 days of the final grading and between the months of October 1st and April 30th.

C. Prior to Final Site Plan Approval:

1. Submit the required final site plan review fee along with a brief narrative and supporting documents demonstrating how each of the final site plan conditions are met.
2. Submit revised plans that show that the vision clearance requirements can be met at all intersections, including the alley.
3. Submit verification from a certified arborist that all of the plantings proposed in the landscape plan will be able to grow in the reduced landscaped area.
4. Submit a landscaped plan that provides for a combination of trees, shrubs, evergreen ground cover and perennial plantings.
5. Submit a detailed landscape plan along with certification that the plants are native and/or are the most appropriate plants given the location and soils or modify the plant list to provide the required native plants.
6. Submit additional information on the proposed planting and maintenance plan to ensure that the landscaping will be appropriately maintained.
7. Submit plans that show the type of replacement street tree from the recommended street tree list found in § 16.142.090 of the Sherwood Zoning and Development Code.

D. Prior to Issuance of a Building Permit:

1. Receive Sherwood Engineering Department approval of engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets).
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.

E. Prior to Final Inspection of the Building Official:

1. All public improvements shall be completed, inspected and approved, as applicable, by the City, CWS, TVF & R, TVWD and other applicable agencies.
2. All agreements required as conditions of this approval must be signed and recorded.
3. 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.
4. All other appropriate department and agency conditions have been met.
5. Plant the street tree in the location proposed in the final site plan.

F. 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.
2. Install all site improvements in accordance with the approved final site plan.

VII. Exhibits

- A. Applicant's submittal with narrative and supporting documents dated August 19, 2011
- B. Engineering Department comments dated September 19, 2011
- C. CWS comments dated September 12, 2011

End of Report